

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

JANUARY 21, 2010

The Forest Hills Board of Commissioners (herein also the “Board”) held its regular meeting on January 21, 2010 at the City’s Offices, 4012 Hillsboro Road, Nashville, Tennessee, beginning at 5:00 p.m. Mayor Coke presided. Also present were Commissioner Douglas, Vice Mayor Lovell, Matt Foster, City Attorney 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. Approval of the Minutes: Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Tim Douglas, the Board unanimously voted to approve the minutes of the December 17, 2009 meeting.

2. Report from the City Manager, Al Deck:

a. Receive the Recommendation of the Planning Commission for the Comprehensive Plan: The Planning Commission met prior to the Board Commissioners, approved the revised Comprehensive Plan, and recommended the Commissioners adopt the New Comprehensive Plan. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Tim Douglas, the Board unanimously voted to approve Resolution 2010-1 and adopt the plan as presented. The Members discussed how they would amend various documents and implement the objectives of the Plan. The two primary options were the Office of Local Planning and the McBride Dale Clarion Group.

The Board will consider using both organizations, depending on availability and cost. The City Manager will begin with Local Planning.

b. Approval of the Financial Statements for December 2009: Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Tim Douglas, the Board unanimously voted to approve the Financial Statements for the month of December 2009.

c. Receive Bids for Hillsboro Pike Cherry Tree Project: The Manager reported that the city received five bids for planting Cherry Trees along Hillsboro Pike, per the plan developed by Hodgson & Douglas. The City received the following bids: Southern Gardens \$30,900; Turf Care \$25,582; The Parke Co. \$23,370; Precision Landscape \$22,012; and Bottoms Nursery \$12,474.

The City Manager informed the Members that Bottoms Nursery is located in Cookeville and he spoke with a representative twice, in an attempt to obtain references and a list of local customers. The company had not responded to the request for information as of 5:00 p.m. Mr. Deck referred to the City Code, Chapter 2, Section 5-203, purchases in excess of ten thousand dollars. The Code states in part, “. . . *let to the lowest responsive and responsible bidder.*” Since the low bidder is unknown to the City and unresponsive to the request for additional information, Mr. Deck suggested the bid be rejected. The two next bids were within 5.8% of each other. The higher of the two was submitted by The Parke Company, a local company, currently under contract to provide other services to the City, therefore he recommended the members accept The Parke Co. bid, based on previous history and performance. Upon motion by Commissioner Tim Douglas, which

was seconded by Vice Mayor Lovell, the Board unanimously voted to award the bid for the Cherry Tree project to The Parke Company.

d. Adoption of the Tennessee Consolidated Retirement System's rates for the two-year period beginning July 1, 2010 and ending June 30, 2012: The employer's contribution rate for the State Retirement Plan was reduced from the current level of 15.14% to 11.64%, effective July 1, 2010. The Manager recommended the members approve the rate for the two-year period. Upon motion by Commissioner Tim Douglas, which was seconded by Vice Mayor Lovell, the Board unanimously voted to approve the contribution rate of 11.64%, for the Tennessee Consolidated Retirement System for the period beginning July 1, 2010 and ending June 30, 2012.

e. Stormwater Meeting with T.D.E.C.: The Manager reported that he and the City Engineer met with Mr. Bill Duffel, of the Tennessee Department of Environment and Conservation, Tuesday, January 19th, regarding the City's Stormwater Permit. In 2005 Forest Hills and Oak Hill requested exemption from the Stormwater Act and cancellation of their permits. The State denied the request. Recently the Board of Commissioners met with representatives of Metro's Water & Sewer / Public Works Department and declined Metro's offer to include Forest Hills in the Metro Stormwater Permit and implement a Stormwater fee on all residents.

At this point, Forest Hills must adopt a Stormwater Ordinance and a Stormwater Management Plan, in order to become compliant with State and Federal Regulations. The City Engineer, City Attorney, and City Manager will create and deliver an Ordinance for the Board's consideration by March.

3. Report from the City Attorney, Matt Foster

a. Easements for Gateway Entrances: Mr. Foster reported the City has only acquired two easements. Mr. Joe Hodgson and Mr. Clay Jackson made the initial contact with each homeowner and followed up with phone calls. However, the work has reached the point where someone needs to meet with the each homeowner or their attorney. The members agreed and authorized the City Attorney to executed easements for each site and complete the transaction.

b. Contract for Construction for Gateways: Because the City has only acquired two easements, we are unable to enter into a contract for construction. The bid was for construction of all sites. A contract to construct any less than the total would adversely affect the contractor's mobilization and construction cost and result in the loss of any economies of scale. Therefore, the City Attorney suggested the construction contract and construction deadline be pushed back, until the city has all easements in hand.

c. Contract with Architect for City Hall: the City Attorney presented a contract for architectural services to design and oversee completion of a new city hall. He reviewed various sections of the contract and explained how the standard AIA contract had been modified. Following the review Mr. Foster submitted the document for Board approval. Upon motion by Commissioner Tim Douglas, which was seconded by Vice Mayor Lovell, the Board unanimously voted to approve the contact with Allard Ward Architects, for design and oversight of the City Hall.

d. Hillsboro Church of Christ: At the request of the Tennessee Department of Transportation, the City Engineer has approved and signed-off on the Church of Christ's design for a turn lane at the Hillsboro Pike entrance. The final step on the turn lane is

T.D.O.T. approval. Mr. Foster has scheduled a meeting with Mr. Sid Smith to review of the status of the project.

e. Memorandum Of Understanding with Metro: Mr. Foster presented an outline of various items, on which Forest Hills would like to obtain Metropolitan Government's mutual agreement. Mr. Foster will continue to work toward that end.

4. Public Comments: Mr. Steve Hall, requested the Members resume consideration of authorizing a small (post card size) sign for realtors, who want a home office. The State Association of Realtors will not approve a home office without some type of signage. The post card sign, posted on an exterior door, was implemented by Brentwood. Mr. Hall requested the Board's consideration of amending the Zoning Ordinance to allow the same.

Mr. David Johnson of Johnson Lawn & Landscape addressed the Members, concerning his services for snow removal in Forest Hills. He described his efforts on January 7, 8 and 9 to salt and clear city streets. He felt he had been unfairly criticized by the City Manager and he asked the Members for their assistance. The Members declined to intervene in the daily operations of the City and recommended Mr. Johnson meet with the City Manager and work out any problems.

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

Recorder

Mayor