

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

**OCTOBER 6, 2011**

The Forest Hills Board of Commissioners (herein also the "Board") held its regular meeting on October 6, 2011 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 Douglas, the Members unanimously voted to approve the Minutes of the September 15, 2011 meeting.

2. Announcement by the Board of Commissioners: Mayor Coke announced Mr. Lanson Hyde will succeed Commissioner Douglas, who resigned his position due to extensive travel requirements of his job. Mr. Hyde will be sworn in and seated on the Board for the November 3<sup>rd</sup> meeting. The Members extended their thanks and best wishes to Commissioner Douglas on his retirement from the Board.

3. Report from the City Manager, Al Deck.

(a) Approval to Purchase Furniture on the State Contract: Following a review of the products offered to municipalities through the State Purchasing contract, they identified various items which they deemed appropriate for the new City Hall. The Manager requested approval to order furniture and various items approved by the committed. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Douglas, the Members unanimously voted to approve to use the State's Purchasing Contract to furnish city hall.

(b) AT&T Phone Service for City Hall: The City Manager recommended continued use of AT&T, despite the probability of losing the existing phone numbers. He stated through the use of the Newsletter, Website, and Blast to the

registered users, the city could properly notify residents of the new numbers. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Douglas, the Members unanimously voted to contract with AT&T for additional service.

(c) Internet Service in City Hall: The City has previously used Comcast for Internet service; however, when package with AT&T phone service, the city could realize substantial cost reduction. This change would also represent the loss of the current email addresses, but not web address. Adequate notice can also be provided for this change. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Douglas, the Members unanimously voted to approve the motion to change Internet service from Comcast to AT&T.

(d) Landscape Beds at City Hall: the City Manager informed the members that he observed the depth of the landscape bed in front of the build. Each area had at least two-feet of good topsoil and should be adequate. The remaining beds were to be a minimum of 12 inches deep and 18 inches when possible. The manager was not on site when the remaining work was completed.

(e) Tennessee Consolidated Retirement System & Options: The Manager attended a special meeting sponsored by the System to inform Members of the systems performance over the last three years. This meeting was a precursor to the biennial rate determination process. The System failed to meet its annual projected earnings, which means the City's required contribution will rise, effective July 2012. The State wide meeting and official announcement of rates will occur about April 2012. Secondly T.C.R.S. is making its voluntary, deferred compensation plan to every city in the State. Since the City of Forest Hills opted to withdraw from the State Pension plan, the Board voted to use the existing I.C.M.A. 457 deferred compensation plan. However, the cost of the investment options under the State's deferred compensation plan is much less than the fund with ICMA. The Manager suggested the Board consider opting to use the State's deferred comp plan, and make the ICMA plan inactive for new participants. The Manager will keep the Board apprised of the situation with the TCRS Pension and other options.

### 3. Report from the City Attorney, Matt Foster:

(a) Open matters:

i. The Ridgewood & Cliftee Drive Projects: Easements have been obtained and contracts awarded. Regarding the Cliftee drive repair and waterline replacement, Metro Water entered into a cost-sharing agreement with City of Forest Hills and we will use our contractor to complete the work in one operation. Metro was most cooperative in this joint venture.

ii. Mr. Foster reminded the Members that the City passed an Ordinance to establish a Municipal Court. He suggested we put this Ordinance on hold and wait on the litigation which was initiated by metro.

iii. Ordinance #2011-195 was passed on first reading September 15, 2011. This Ordinance modified the definition of the area disturbed in order to require a permit. Land Disturbance will now change from  $\frac{1}{4}$  of an acre to 2,500 square feet. Mr. Foster offered Ordinance 2011-195 for second and final reading. Upon motion by Commissioner Douglas, which was seconded by Vice Mayor Lovell, the Members unanimously voted to approve the area of Land Disturbance for permitting purposes.

iv. Sovereign Immunity: The question was recently raised concerning municipal officials and the liability associated with serving in public office. The City Attorney will prepare information and report in the near future.

v. Cambridge Downs Letter of Credit: The remedial work is complete in this subdivision and the City is now ready to recover the accumulated cost associated with this work and refund the remainder to the developer.

vi. Model policy for Use of Public Property: The City Attorney discussed the various policies of other cities, which vary greatly. He mentioned the possible Public uses sponsored by the city, as opposed to private project within the City offices or property.

4. Report from the City Engineer, Brad Bivens:

(a) Hillsboro Pike---Posts & Signs: Mr. Bivens indicated the State is agreeable with the installation of the city's post and signs if they meet T.D.O.T's specifications, with break-away devices on the posts. T.DOT is also agreeable with a constant speed limit of 45 M.P.H. from Old Hickory Blvd. to the area prior to the approach of Harding Place.

5. Report from the Cultural & Natural Resources Committee: Ms. Sally Huston addressed the members of the Board of Commissioners about the uses of the new City Hall for public projects. She offered various possible opportunities and discussed them with the Members. Following the discussion the City Attorney mentioned research he had obtained and uses of public buildings varies greatly. However, his suggestion was to remember a service offered to one, must be offered to everyone.

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

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Recorder

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Mayor