

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

AUGUST 16, 2012

The Forest Hills Board of Commissioners (herein also the “Board”) held its regular meeting on August 16, 2012 at the City’s Offices, 6300 Hillsboro Pike, Nashville, Tennessee, beginning at 5:00 p.m. Mayor Coke presided. Also present were Commissioner Hyde; 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 July 2012 Minutes: Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Hyde, the Members unanimously voted to approve the Minutes of the July 19, 2012 meeting.

2. Cultural & Natural Resources Committee-Bison Meadows funding: Mr. Clay Jackson & Ms. Sally Huston addressed the Board concerning additional planting at Bison Meadows. The Committee recommended that the Board appropriate funds for planting in the fall and spring. Each planting will have a budget of \$2,900. The Members reminded the Committee that all expenditures must be approved by the Board of Commissioners prior to beginning a project and that the Committee does not have spending authority. Mr. Jackson & Ms. Huston agreed. The Members approved the two projects, with a budget of \$2,900 each. Secondly, Ms. Huston recommended the Board appropriate an additional \$2,700 to refresh the flowers in the traffic triangle at the

intersection of Harding Place and Hillsboro Pike. The Board took no action on this recommendation.

3. Report from the City Manager, Al Deck.

(a) Approval of the July Financial Statements: The Financial Statements were circulated to the Members and Commissioner Hyde offered a motion to approve. Vice Mayor Lovell seconded the motion and the July Financial Statements were unanimously approved.

(b) Special Census---Approval of Process and Expense: The City Manager briefly outlined the proposed process to conduct a special census and stated the additional revenue derived from an increase in population would be approximately \$106 per person. The exercise would run through the end of the year. Any additional residents determined to be undercounted will result in an increase in the City's allocation of state shared taxes effective July 1, 2013, and for all remaining years in this decade. When questioned about the basis of the City's belief the Forest Hills population was undercounted, the City Manager's replied the increase enrollment of Percy Priest School. The students now number more than 500. The estimated expense for the special census is approximately \$18,000, depending on the willingness of residents to respond to the request for information. The Department of Economic Community Development will verify the Special Census. ECD will select 10 percent of the respondents on a random basis and verify the results submitted by the City. An error rate exceeding 5% will disqualify the Census.

(c) Stone Wall & Pier Update: The City Manager stated that all work is complete, except for installation of the small spotlights on the front of each pier. The only unpaid vendor is for electrical service to the site and installation of the lights.

(d) Budget Amendment Ordinance No. 2012-206, for the Year Ended June 30, 2012: The City Manager submitted a Budget Amendment for unbudgeted expenditures for the landslide on Ridgewood Drive, and the sinking of Cliftee Drive. The amounts were as follows: \$253,600 Ridgewood; \$139,100 Cliftee; Drainage repair of \$113,200; and Engineering Expenditures of \$83,800 for the above work. Vice Mayor Lovell made a motion to approve the Budget Amendment No 2012-206, which Commissioner Hyde seconded. The Members unanimously voted to approve the Budget Amendment and record the unbudgeted expenditures.

(e) Additional Paving & Drainage Projects: At the request of the Members, the City Engineer prepared recommendations for additional paving projects. The City obtained very favorable rates on asphalt and desires to take advantage of the pricing. Commissioner Hyde moved to approve an additional \$250,000 for paving and drainage projects. Vice Mayor Lovell seconded the motion and the Members unanimously voted to approve the additional expenditures for paving streets and replacement of culverts as required.

(f) Renewal of the Snow Contract: Commissioner Lanson Hyde recommended approval of a one-year extension of the Snow Removal Contract with Johnson Landscape. Vice Mayor Lovell seconded the motion and the Members approved a one-year renewal.

(g) Chipper Contract: The City Attorney stated the chipper contract was previously renewed and this item was removed from the agenda.

(h) Intergovernmental Agreement with Metro for Street Cuts: The City of Forest Hills has long suffered with poor quality of repairs when Metro contractors cut City streets to either tap or repair broken utility lines. The Metropolitan Government offered a street cut agreement, which Metro Public Works will supervise. All contractors awarded utility work by Metro will be required to obtain a permit from Forest Hills to cut a City street, and post a bond in favor of the City of Forest Hills, which can be used by the City if repairs are not made to Forest Hills specifications. The City Attorney reported the agreement is not yet complete, but expects no problem with resolving the few remaining issues. The City Manager suggested the Members approve the agreement, subject to the City Attorney resolving any outstanding issues with the Intergovernmental agreement. Vice Mayor Lovell offered a motion to approve the agreement, conditioned on the City Attorney's satisfaction with the final terms of the contract. Commission Hyde agreed and seconded the motion. The Members approved the Intergovernmental Agreement with Metro regarding repairs to City of Forest Hills streets.

(i) Amend the Stone Wall-Pier Contract: After encountering bedrock within the working area of the piers, the contractor sustained unexpected and unbudgeted cost. In accordance to the contract, such costs are to be reimbursed. Commissioner Hyde made a motion to amend the contract by \$2,300 and pay the unexpected costs of the contractor. Vice Mayor Lovell seconded the motion and the Members unanimously voted to approve an amendment to the Stone Wall – Pier Contract held by American Stripers and Matt Phillips Stone Masonry.

4. Report from the City Attorney, Matt Foster:

(a) International Building Code: Mr. Foster and the Members discussed omitting the proposed upgrading to the 2009 Building Code and instead adopting the latest version, which is the 2012 edition. Mr. Foster's reason was to establish compatibility with Metro and make the permitting and building process easier for residents and their contractors. The Members agreed and the City will ask the State for an extension on implementation of a revised Code. The Board directed Mr. Foster to coordinate adoption of the 2012 editions of the model codes with Metro.

(b) Ordinance No. 2012-204, An Ordinance to Regulate Yard Sales & The Sale of Vehicles within the City—Second and Final Reading: Mr. Foster presented Ord. No. 12-204 to the members. Commissioner Hyde made a motion to approve, which Vice Mayor Lovell seconded. The Members unanimously voted to approve Ordinance 2012-204 on second and final reading.

(c) Discussion of TVA Tree Trimming Project: The City Attorney and Members discussed this matter briefly and agreed to request a meeting with TVA officials as soon as possible. Mr. Foster will make the arrangements.

(d) Board of Zoning Appeals—Appoint Alternate Members: Mr. Foster discussed the recent difficulty of establishing a quorum for the BZA. The problems ranged from schedule conflicts to conflict of interest in various matters. Applicants appeared before the Board and were unable to have their matter heard due to these circumstances. Commissioner Hyde offered a motion to appoint two alternate BZA

Members in the September meeting. Vice Mayor Lovell seconded and the Members unanimously voted to appoint two alternate Members to the Board of Zoning Appeals.

(e) Open Matters: Mr. Foster stated that he will submit the Sign Ordinance next month to the Board of Commissioners, and the same night to the Planning Commission Members. During the regularly scheduled Board meeting in September, the Board will hold a public hearing on the proposed ordinance. Following the regularly scheduled September Planning Commission meeting, the City Attorney will recommend that the Board of Commissioners reconvene and consider the legislation on second and final reading.

5. Report from the City Engineer, Brad Bivens:

(a) Update of the Paving Project: Mr. Bivens presented a schedule of the active projects as well as the drainage management efforts in connection with the street repair. All damaged or aged culverts have been replaced within the work area.

(b) Update of Hillsboro Pike Signage Project: Mr. Bivens informed the Members that an advertisement for bids on the signage project is currently running in the local newspaper. Bids are due August 30th and will be presented in the September meeting.

(c) Guardrail on Tyne Blvd.: The Members discussed possible options, as well as safety requirements and the consensus was that if applicable law does not require a guardrail in this location, they prefer to finish the project without one.

(d) Open Matters: Mr. Bivens discussed the result of the traffic studies regarding possible turn lanes at three additional locations on Hillsboro Pike. He

began with Cromwell & Chickering Lane. The intersection exceeded the requirement for a turn lane and he recommended making application to T.D.O.T. for construction of the turn lane. The second intersection tested was South Stanford at Hillsboro Pike and it failed to meet the set standards for a turn lane. The estimated cost of the intersection was \$324,000 and by failing to qualify, the only option would be for Forest Hills to fund the project. However, if traffic accident history modified the status, it is possible T.D.O.T. might reconsider this work. The last study was the intersection of N. Stanford and Hillsboro Pike. North Stanford did meet the standard and the estimated cost was \$201,000. The City will submit an application to T.D.O.T. for the projects. The Board instructed Mr. Bivens to make application for all three intersections and to submit a letter of support from the City. With respect to the intersection of South Stanford and Hillsboro, the Board requested that Mr. Bivens specifically reference certain hazardous conditions present at the intersection that could affect T.D.O.T.'s consideration, including the fact that it is a blind drive, that cars frequently attempt to pass turning cars by driving on the shoulder, which has a steep drop off, and that while the number of accidents is low, the damage is generally worse because of speed and low visibility. Mr. Bivens will report to the Board on this issue in the October meeting.

(6) New Business:

(a.) Earth Savers: The board approved the City Manager's execution of the contract and the expense associated with the recycling day.

Public Comments: no comment

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

Recorder

Mayor