

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

January 17, 2013

The Forest Hills Board of Commissioners (herein also the “Board”) held its regular meeting on January 17, 2013 at the City’s Offices, 6300 Hillsboro Pike, Nashville, Tennessee, beginning at 5:00 p.m. Mayor Coke called the meeting to order. Also present were Vice Mayor John Lovell; Commissioner Lanson Hyde; City Attorney Matt Foster; City Engineer Brad Bivens; and Al Deck, City Manager. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached.

1. Approval of the Minutes: December 13, 2012 minutes. Vice Mayor Lovell Offered a motion to approve the December minutes and Commissioner Hyde seconded the motion. The Members voted to approve the December 13, 2012 minutes.

2. Report from the City Manager, Al Deck.

(a) Approval of the December 2012 Financial Statements: Upon motion by Commissioner Hyde, which was seconded by Vice Mayor Lovell, the Members unanimously voted to approve the December 2012 financial statements.

(b) Update of the Special Census, Ms. Jan Stinson: Ms. Stinson reported that the number of uncounted houses has been reduced to 175, for a total population count of 4,650. The Members agreed to issue an additional letter to the non-

respondents, before initiating a door to door effort to count the remaining residents. The filing date for the completed count is March 1.

(c) Adoption of an Internal Financial Control Policy. At the recommendation of the Tennessee Risk Management Pool, the City's insurer, the City Manager offered a policy to further safeguard public funds. The Manager informed the Members that the office currently uses approximately 95% of the recommendations in the policy, but adoption of the Plan is the formal endorsement The Pool is seeking. Vice Mayor Lovell offered a motion to adopt the Internal Financial Control Policy, which was seconded by Commissioner Hyde and the Members voted to approve the policy.

(d) Ordinance No 12-207- Budget Amendment, Second and final Reading: The City Manager recommended amending the following line items. The Members previously agreed to take advantage of a very attractive paving bid and extend the drainage and street repair work into the 2012-13 Budget.

Commissioner Hyde offered a motion to amend the 2012-13 Budget, by approving Ordinance No. 12-207 to amend line items as follows:

General Government

PublicWorks-Streets-43130-400: Drainage--Labor-----	\$ 47,500
PublicWorks-Streets-43130-935: Drainage--Material-----	87,500
PublicWorks-Streets-43190-931: Finish Paving-----	600,000
PublicWorks-Streets-43190-931: Construction-----	<u>500,000</u>
TOTAL-----	\$1,235,000

Vice Mayor Lovell seconded the motion and the Members unanimously voted to approve Ordinance No. 12-207 on second and final reading, amending the 2012-13 Budget.

3. Report from the City Attorney, Matt Foster:

(a) Appeal Decision in the case of Nashville Davidson County

Metropolitan Government vs. the City of Forest Hills. Mr. Foster reviewed the outcome of the case of Forest Hills creating a Municipal Court and requested the Members authorize his firm, Harwell, Howard, Hyne, Gabbert and Manner, to file an appeal in this matter. Commissioner Hyde offered a motion to authorize H3GM to file a notice of appeal and proceed with the appeal. Vice Mayor Lovell seconded the motion, and the Members unanimously voted to approve the appeal process.

(b) Proposed Settlement Agreement in City of Forest Hills v. WDL

Investments, LLC, PNC Bank, National Association, Wesley D. Lamoureux, Jr., Civil Action Number 12-1451-IV. When WDL Investments defaulted on a performance agreement with the City, the City called its letter of credit and used the funds to complete certain public improvements in the Tyne Estates subdivision. Upon completion of the work, \$98,012.52 of the letter of credit funds remained unused, which the City retained in an escrow account. Because the various defendants made conflicting claims to the unused letter of credit funds, and in order to avoid liability for improper payment of said funds, the City filed this interpleader action. All parties to the lawsuit have agreed to a mutual settlement whereby the City will pay the remaining funds, less the City's costs and expenses associated with filing the lawsuit, to PNC Bank. The settlement represents a favorable outcome for the City with no losses or unreimbursed expenses. Mr. Foster asked the Members to approve the settlement agreement and the release of the remaining funds to PNC Bank. Vice Mayor Lovell made a motion to approve the settlement

agreement and the release of the remaining funds to PNC Bank. Commissioner Hyde seconded the motion and the Board of Commissioners approved the City Attorney's recommendation.

(c) Piedmont Gas – Legal Expense: Mr. Foster requested the Members authorize payment of \$1,260.56 in consulting attorney fees in the Piedmont Gas line project. The Members agreed and requested the City Manager issue payment.

4. Report from the City Engineer, Brad Bivens:

(a) Mr. Bivens informed the Members that the paving project is complete, except for Andover Drive. All easements are signed and in place to create a 50-foot cul-de-sac on Andover. The street will then be repaired and resurfaced. He also discussed with the Members the speed hump issue on Otter Creek. After two attempts, the speed humps still are out of compliance with engineering specifications. The Members asked about the possibility of installing prefabricated, hard rubber speed humps. The past problems with proper installation might be alleviated with the manufactured models. Mr. Bivens will investigate and keep the Board posted.

(b) Hillsboro Pike Sign Project: Mr. Bivens reported that the last stage of production is about to begin.

(c) Hillsboro Left-turn Lanes: The Tennessee Department of Transportation requested additional information about the proposed N. Stanford turn lane. They have classified the site as having a stream crossing and it will require additional measures to ensure proper protection of the site. Neel-Schaffer Engineering Schaffer will conduct an additional investigation and make recommendations to T.D.O.T.

Public Comments:

Mr. & Mrs. Andrews, of 605 Sherwood Court addressed the Board concerning the Piedmont Gas line, which is proposed in the TVA easement. She asked for any assistance the City could offer in facilitating communications with Piedmont.

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