

MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS CITY OF OAK HILL, TENNESSEE

January 15, 2009

The Commissioners of the City of Oak Hill, Tennessee met at the Oak Hill City Hall. Those present were Mayor Tommy Alsup, **Vice-Mayor Austin McMullen, and Commissioner Ray Throckmorton**. Also present were **City Attorney Bob Notestine, Interim City Manager M. C. Sparks, Building Official Bill Burdette, and Administrative Assistant Patrick Steiner**. Mayor Alsup acted as chair, and **Mr. Steiner** served as secretary.

Mr. Alsup opened the meeting at 6:20 p.m., with the Pledge of Allegiance, and introductions.

Comments from Citizens

Ms. Hillary Lindsey, 814 Forest acres Drive, spoke regarding Mr. Mike Campbell's property on Otter Creek Road. She said she lives across from Mr. Campbell and can see his deer blind. Her question was: what can be done about hunting in Oak Hill; she requested that the City newsletter include an article reminding residents to be aware of the laws for shooting, which allows private property hunting rights. Mr. Throckmorton said that there is a Metro Nashville ordinance against the discharge of firearms, except for purposes of hunting. Mr. Alsup said that the Head Ranger at Radnor Steve Ward cannot do anything about hunting that does not occur on Radnor property. Ms. Lindsey asked why don't the Oak Hill residents know that people are in the way of bullets from hunting in the City. Ms. Joan Armour indicated that the newsletter has run articles in the past, and could put another in the newsletter and on the website. Mr. Throckmorton suggested these articles be done shortly before hunting season opens.

Dr. Bill Canak, 929 Forest Acres Court, said that there have been two pieces of construction equipment on the property on Otter Creek Road for two year, and wondered what could be done. Mr. Burdette said he will look into it, and ask Mr. Campbell to move the equipment.

Mr. Mike Allison, 5061 Villa Crest Drive, discussed the fire that destroyed a neighbor's home on January 2nd. A problem was the lack of water pressure and lack of volume on this hill. He requested help for this situation; Mr. Allison also presented a letter from resident Tim Villager on this issue. Mr. McMullen discussed a meeting that took place with residents and representatives from the Metro Fire Department. The fire department will propose steps in operational procedures, as using booster plugs will help with pressure, but the firefighters on the scene were unaware of those booster plugs at that location. Mr. Burdette mentioned that Metro Nashville passed a law in 2007 requiring every structure over 5000 sq ft to be sprinkled; however the City of Oak Hill would have to adopt this specifically for it to be enforced in Oak Hill. He also mentioned that the Fire Marshall had not been in contact with him, as Chief Building Official Mr. Burdette should be the one to condemn property. Mr. McMullen discussed facts during the time of the January 2nd fire. There is also an interest in placing a station in the area.

Mr. Throckmorton asked Mr. Burdette to locate all booster plugs in the city, and then have Jackaroo install pavement markers in the appropriate color to call attention to the locations. Also mentioned was to follow up with the Fire Marshall on ordinances that are passed in other cities that might be beneficial for the safety of Oak Hill residents.

Mr. Jimmy Bradshaw brought up that he does not like Citizen Comments being placed at the beginning of the meeting instead of end.

Old Business

III-A. Approve the Minutes of the November 20, 2008 – Upon a motion duly made by Mr. McMullen and Seconded by Mr. Throckmorton the December, 2008 minutes were approved as amended.

B. Update on I-65 Sound Walls – Ms. Sparks reported that one response onto the Request for Proposals for a management and design team was turned in today, but the deadline was yesterday. After discussion, on a Motion duly made by Mr. McMullen and Seconded by Mr. Throckmorton the following was Passed Unanimously:

“Moved that the time for submission responding to a Request for Proposals on the Construction of the I-65 Soundwalls be extended until January 30 2009.”

C. Chief of Safety Position / Extended Police Coverage – Mr. Notestine discussed the status of Tommy Jacobs as Safety Coordinator; this was some final clarification. Mr. Jacobs has been performing the job, actually since August. Ms. Sparks discussed setting up the payroll, and asked if there should be compensation for Mr. Jacobs, since he has been performing duties since the first of August. Mr. Jacobs will be paid for December and January, and this will be put on the February agenda to discuss the possibility of giving Mr. Jacobs a remuneration of \$1,000 for his time from August to November. Mr. Jacobs also is interested in the 6% matching pension that the city offers employees.

D. Officers Bond – Mr. Notestine has researched the issue of bonds on officers, and found that the cities of Forest Hills and Belle Meade have \$100,000 fidelity bond. Ms. Sparks will make calls on getting prices for a bond in this range.

E. Snow Removal – Ms. Sparks explained that the contract Oak Hill has is with C & C Lawncare, and about 2 years ago the owner, Mr. Chris Richey, sold the business. The first year after this sale, he ran the snow removal division for C & C. However C & C is no longer in existence; Mr. Richey has a new company, Mid Tennessee Erosion and Sediment Control. As the contract is with a company, not the owner, the snow contract was advertised for proposal n a paper of general circulation. Mr. Richey’s company was the only one to submit a proposal, and as Mr. Richey is reliable and has done good work in the past, Ms. Sparks recommends that Oak Hill establish a contract with Mid Tennessee Erosion. Mr. McMullen requested that the clause in the contract regarding a possible semi-annual price change be removed.

After discussion, on a Motion duly Made by Mr. Throckmorton, and Seconded by Mr. McMullen the following was Passed Unanimously:

“Moved that the City of Oak Hill establish a contract with Mid Tennessee Erosion and Sediment Control as outlined in the proposal submitted and for the rates therein described.”

V. New Business

A. Name Clearing Hearing for Dr. Bill Kraus – Mr. Tim Harlan, attorney for the City of Oak Hill, related that Dr. Bill Kraus has formally requested a name clearing hearing; such hearing were approved in the 1998 Personnel Policy. Such a meeting would need adequate public notice.-

Mr. Alsup noted that those people taking part in the hearing can be cross-examined by those in attendance. There are no set parameters for such a hearing, but there are guidelines, and there may be witnesses for Dr. Kraus and the City.

After discussion, on a Motion duly Made by Mr. Throckmorton, and Seconded by Mr. McMullen the following was Passed Unanimously:

“Moved that the Board grant Mr. Tim Harlan the authority to meet with Dr. Bill Kraus’s attorneys to set up a time and place for the Name Clearing Hearing.”

B. Update on City Manager Position - Mr. Throckmorton asked if since the name clearing hearing for Dr. Kraus had been would that not be an opportunity for him to request his job back, is the City free to hire a new city Manager? Mr. Harlan confirmed the City may hire a city manager.

Mr. McMullen, after discussing that there are many qualified candidates, and back ground checks have been done on the top candidates,

Moved that “Mr. Kevin Helms be hired as City Manager, with pay to be \$92,000, upon his acceptance.”

Mr. Throckmorton requested one month to meet with Mr. Helms, and give the citizens opportunity to meet him also.

Ms. Mary Wherry asked if Mr. Throckmorton attended the meetings with Mr. Helms. Mr. Throckmorton said he had the opportunity, but did not feel it appropriate until the attorneys agreed the City was in a position to hire a new city manager; his personal feeling was that it was legally premature to look for a city manager before such confirmation from legal council in an open meeting.

There were questions from citizens regarding the agenda, as the item was not listed as a vote but an update on the status of the city manager position. There were also questions regarding the salary to be offered; Mr. McMullen indicated this salary is comparable to other cities and takes into consideration the cost of living in this area. It was noted that the citizens have no decision in hiring, this is done by the Commissioners.

Mr. Alsup Seconded the Motion made by Mr. McMullen.

After further discussion regarding public notification, Mr. McMullen Amended his Motion “Moved that a special called meeting of the Board of Commissioner be set for 5:00 pm on January 29 for the consideration and possible hiring of a City Manager for the City of Oak Hill.”

Mr. Throckmorton indicated he will schedule meetings with the three top candidates to interview them.

Mr. Throckmorton Seconded the motion Amended by Mr. McMullen; he said the staff was directed to make all appropriate notices.

The Motion was Passed Unanimously.

C. Appointment of Members to the Financial Advisory Committee - This item was forwarded to the February meeting agenda.

VI. Reports

A. City Engineer – Mr. Collier had no further report.

B. Interim City Manager – No further to report.

C. City Attorney – The report on the Satellite Cities lawsuit was forwarded to the February meeting agenda.

VII. Adjournment

Upon Motion duly made and Seconded, the meeting was adjourned at 7:53 pm.

City Recorder

Mayor