

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

**January 21, 2010**

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

**I., II., and III. Meeting Called to Order** – Mr. McMullen opened the meeting at 5:00 p.m., with the Pledge of Allegiance.

**IV. Approval of Minutes** – The Minutes of the November 2009 Meeting were Unanimously approved as presented on a Motion made by Mr. Throckmorton and Seconded by Mr. McMullen.

The Minutes of the December 2009 Meeting were Unanimously approved as presented on a Motion made by Mr. Throckmorton and Seconded by Mr. McMullen.

**V. Comments from Citizens** –

Mr. Roy Lockett, Tyne Boulevard, complimented the current garbage contractor, saying they are courteous and on time with pickups.

Mr. Brian McKerley, Van Leer Drive, asked about the deadline for items to be on the Commissioners agenda. Mr. Helms said the deadline is the Friday before the scheduled Commissioners meeting, but if an item needs research, it should be submitted earlier. Mr. Throckmorton asked for Armour and Armour to publish the agenda on the website as soon as possible.

**VI. Old Business**

**B. Zoning Amendment Ordinance to Allow for Private Drives** – Mr. Helms discussed the changes made in 2006 to the zoning ordinances, part of which eliminated private streets. The Planning Commission will review this proposed new ordinance, which would allow private streets at the discretion of the Planning Commission, and any private street must meet the standards of public roads. Any new lot would have to provide 150 feet of road frontage on public or private streets to meet requirements. The new ordinance was drafted by Mr. Notestine.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

“Moved that Ordinance 10-1 be approved on first reading.”

**C. Gated Community Ordinance** – Mr. Helms discussed the need for regulations on gated communities. While the City discourages gated communities, there may be some who desire gated communities, particularly for safety. There should be guidelines in place, as there are already gated communities in Oak Hill. There was discussion regarding definitions, and some points, which Mr. Helms recorded in order to update the draft. Mr. Throckmorton said that the “cleaned” up copy should be put upon on the City website for review and comment.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

“Moved that Ordinance 10-2 be approved on first reading.”

**D. Call for Public Hearing on Zoning Amendment Ordinance** – Mr. Helms explained prior to meeting next month the City should hold a hearing to receive responses to the two proposed ordinances.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

“Moved that a Public Hearing be called and advertised in a newspaper of general circulation, to solicit input on the zoning amendment.”

**A. Presentation From Auditor** – Item A was shifted on the agenda for Mr. John Poole, CPA hired by the City to perform the State required audit, to arrive. He reported that the audit has been filed with the State. He has determined that City policies and State regulations are being followed, and expenses did not exceed the budget. In 2007/2008 the city was over budget in several areas; in 2008/2009 it is under budget. Any deficiencies noted were from 2007/2008, not the current year; once reported they must be addressed in audits in the following years to ensure they are being corrected.

Most of the questions in the past regarded over-reliance on one vendor; and no documentation for how invoices were done. The Comptroller for the State did look into this, and the City monitors this situation as required by the State.

The only outstanding comment regards separation of duties, which is heard regarding almost every city; with small staffs, there are not enough people to completely separate the duties, which the State takes into consideration, and is not a large issue as the Cities are monitored.

Mr. Poole said there was never an issue until that year, that the books were always excellent before, and the City is now back to doing well.

**E. Consideration of Ethics Complaint** – Mr. Throckmorton said he does not believe this topic should be addressed without the full commission present, and would like to defer till next month. Mr. Notestine concurred with this.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

“Moved to defer the discussion of the ethics complaint till the February Commissioners meeting.”

**F. Consideration of Ordinance to Change Commission Meeting Time** – Mr. Throckmorton said as this has been discussed before, and as the full Commission is not present, he would like to defer this item.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

“Moved to defer the discussion of the time of the meetings of the Commissioners till February.”

**G.** This item was added by Mr. Throckmorton, who expressed interest in throwing out the second-hand sofa in the City office, and on contacting the Land Trust of Tennessee about having the 3 items purchased from the Glen Leven mansion stored in the mansion. As there is a caretaker living at the mansion now, any objects should be safe while there. The items would be marked as property of Oak Hill; in the future they may be on permanent loan to the mansion. Mr. Notestine said there is a meeting next week with the Land Trust, so they may discuss this then.

## **VII. New Business**

**A. Consideration of Contract Extension For Clean-Earth Sanitation Services** – Mr. Helms reported on the agreement with Clean Earth Sanitation from March 1, 2007, which will end February 28, 2010; the City has the option to extend the contract for 12 months. Supporting documents from Clean Earth, business plans, and financial information were provided. Ms. Polly Whitson, Mr. John Earl Grigsby, and Mr. Chris Cummings (owner), were present to represent Clean Earth. In response to indications that Clean Earth owes the city of Franklin money, Mr. Cummings reported that he has a dispute with the City of Franklin at this time, which is being negotiated. He also had a letter from Pinnacle Bank stating that a returned check

to Franklin was done in error by the bank. There is also a letter from Clean Earth's CPA to Oak Hill, stating Clean Earth is able to operate at profit and pay all expenses.

There was discussion of the possibility of requiring a bond for the company; the general feeling was why would a bond be required when Oak Hill would be out no money, as there are no advance payments to Clean Earth, only payments for work performed. Mr. Throckmorton reviewed the history of bonds on public works companies in Oak Hill, with information from Ms. Sparks, saying that former City Manager Barnett Williams had required bonds on all companies, and former City Manager Bill Kraus removed this requirement uniformly; there has been no problem noted in the audit of the City with that practice. There would be no price increase during this one year renewal.

Mr. Helms recommendation is to renew the contract, and in light of inquiries from citizens to investigate the possibility of having a recycle service provided by the City Mr. Helms said he sees nothing to make him believe the price would go down if the contract was rebid. The 12 month extension would also give the City time to put together a good Call For Proposals package.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

"Moved to extend the City of Oak Hill's contract for garbage disposal with Clean Earth Sanitation for a one year period, with no requirement for a performance bond at this time, but acknowledging that this requirement may be examined at the time a Call For Proposals is drawn up."

**B. Consideration of Road Projects to Present to Metropolitan Planning Organization for Funding** – Mr. Dufour presented three possible projects that Kimley-Horn could help acquire funding from the Federal or State level. Mr. Throckmorton expressed concerns about any "strings attached" from any funds coming from Metro Nashville, which has often expressed "animosity" toward satellite cities. Mr. Dufour said that Kimley-Horn has worked with these groups before, and bid on other projects through the Metropolitan Planning organization for other cities.

Mr. Dufour explained the possible projects, which include three intersections (Tyne Boulevard/Granny White Pike, Tyne Boulevard/Lealand Lane, Tyne Boulevard/Franklin Pike) that need to be improved; these intersections have had studies done as they are indicated as problem areas. The various possible options to improve were initially presented, including widening and traffic signals.

After discussion it was decided to have the City Attorney look into these possible projects to give his opinion, investigating with consideration toward any possible "problems" or "strings attached" to such funding. The studies used to target these areas will be put on the Oak Hill website for review, indicating these projects are not confirmed to be done at this time.

**C. Consideration of Road Projects to Present to TDOT for Assessment/Funding** – Mr. Dufour discussed possible projects in conjunction with TDOT at Franklin Road/Lakemont Drive, and Franklin Road/ Forest Hills Drive, with an opportunity to add a turn lane on Franklin Road, which would require no improvements except re-striping of Franklin Road. Mr. Dufour said Kimley-Horn can approach TDOT regarding this, being mindful of "strings attached" to this item.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

"Moved for Kimley-Horn to inquire with TDOT, using due diligence on accessing the possibility of any "strings attached", to see about the possibility of turns lanes at Franklin Road/Lakemont Drive, and Franklin Road/Forest Hills Drive, also inquiring when will Franklin be paved."

**D. Consideration of Audit Contract for FY10 Audit** – All cities are required by the State to have contracts for the current year (2009/2010) with a qualified CPA. Mr. Helms has a

copy of the standard audit contract provided by the State, and would like to contract again with John Poole at same rate.

After discussion, on a Motion properly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved Unanimously:

“Moved to contract with Mr. John Poole for the audit of the City’s books for 2009/2010, as recommended by the City Manager.”

**E. Presentation by Steve Ward on Behalf of Radnor Lake** – Head Ranger Steve Ward appeared with Charlie Hankla, Vice-President of the Friends of Radnor Lake. Mr. Ward indicated that they are present to lay the ground work, and would like to revisit this topic next month. Mr. Ward discussed the original acquisition plan concerning the Reserve at Radnor Lake Subdivision and the Van Beco Subdivision, and how they have been buying land nearby. The Park is not interested in property near Granny White Pike, but rather the property toward the rear of the subdivision(s). The Friends of Radnor had a meeting last week with the Skyknob Drive neighbors including Sharon Monroe, who has recently been in a lawsuit with City regarding a permit for utilities for the Van Beco Subdivision. The State has turned Radnor down on request for money for acquisition, as the budget is tight. The Park has Federal money, but this money would probably be received too late to use on this property.

The Friends of Radnor and the Park would like to request for further consideration that the City donate \$750,000 toward the purchase of property in these subdivisions. Also Ms. Monroe indicated that she would donate some of her property to this effort, and there would likely be no more lawsuits. This could also be used to help acquire more Federal money to obtain more property.

Mr. Throckmorton asked Mr. Notestine about this, and Mr. Notestine said this should go a long way to allaying problems with this subdivision and with neighbors, as well as being of great benefit to the Park, which has always been highly supported by the City. Comments then included that if Ms. Monroe continues with any lawsuits, how much would be spent on the litigation, and again how much the acquisition of the property would benefit Oak Hill, the State and Radnor. The piece of property to be donated by Ms. Monroe would create a new boundary at the road, which would be excellent for that cul-de-sac area by making the Radnor boundary defensible by giving access. The supporters in the Skyknob Drive area and Ms. Monroe offered to come next month in support of the request.

## **VIII. Reports**

**A. City Manager** – Mr. Helms reported on work done in conjunction with Kimley-Horn, signs ordered for Lakemont Drive, and areas targeted with police patrols.

**B. City Attorney** – Mr. Notestine is scheduled to meet with the Land Trust for Tennessee next week, to review the status of the Glen Leven mansion. In the case returned to the Board of Zoning Appeals for review, Monroe vs. the City of Oak Hill, the BZA affirmed the issuance of the building permit and included a finding of fact; Ms. Monroe has indicated there might be an appeal. The bond company on the Van Beco Subdivision will bid out to get the work done on finishing the drive and related improvements.

**C. City Engineer** – no report

**D. Safety Director** – no report from Mr. Jacobs.

**IX. Adjournment** – Upon Motion duly made and Seconded, the meeting was adjourned at 7:13 pm.

---

City Recorder

---

Mayor