

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

**February 18, 2010**

The Commissioners of the City of Oak Hill, Tennessee met at the Oak Hill City Hall. Those present were Mayor Tommy Alsup and Vice-Mayor Austin McMullen. 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. Alsup acted as chair, and Ms. Sparks served as secretary.

**Public Hearing – Zoning Amendment Ordinance To Allow For Private Streets** – Mr. Helms presented Ordinance 10-1 for second reading, which was reviewed and updated by the Planning Commission between the first and second reading by the Board of Commissioners. Ms. Sally Bradshaw asked why this ordinance was needed in light of the abandoned streets listed on page 553 of the City ordinance. Mr. Helms explained that this is a list of public streets that were closed in the past; these are two different concepts of abandoned public streets and designated private streets.

Mr. Brian McKurley said he purchased the City ordinances, but that the book he now has is smaller than some versions. Mr. Helms indicated that the book for purchase is the Zoning Ordinance, and the larger version also contains the Municipal Ordinance which includes items on what banks the City uses, what newspapers, etc.

Dr. Bill Canak said that the request for private streets and gated communities was raised because of a request from one specific development, and such new ordinances proposed can make fundamental broad changes and should be thoroughly considered. He indicated he felt that Oak Hill should gather more data, regarding what has happened in other cities that have allowed gated communities.

The Public hearing was closed, and the City Commissioners meeting called to order:

**I., II., and III. Meeting Called to Order** – Mr. Alsup opened the meeting at 5:15 p.m., with the Pledge of Allegiance.

**IV. Approve the Minutes of the Meeting** - The Minutes of the Meeting for January 2010 were deferred until March.

**V. Comments from Citizens** – Mr. Roy Lockett announced that the Board of Architects and Engineers issued Chad Collier a letter of conduct today.

Ms. Sally Bradshaw brought up that excessive dependence upon Armour and Armour Publishing was addressed by the auditor, and she wondered how the Commissioners are going to address this issue.

Dr. Bill Canak asked if there were any new developments regarding \$250,000 in Federal money designated for use to construct a bike path. Mr. Helms said the money is still available through the ICTEA program, with Oak Hill to provide 20% matching funds, which would be just shy of \$300,000. Also Oak Hill would pay the design fees. An update is already planned for the next newsletter, including asking for input from citizens on the project.

**VI. Old Business**

**A. Consideration of Road Projects to Present to MPO for Funding** – Mr. Helms reported on handouts given on three projects; one of these was added for consideration since the last Board meeting, as the submittal dates are approaching which will be for the 25 year schedule to be drawn up by the Metropolitan Planning Organization. Mr. Zach Dufour and Mr. Chris Rhodes of Kimley-Horn presented the information, and Mr. Rhodes spoke on the traffic problems at each location and possible corrections: 1 - additions to the turn lane at Tyne Boulevard/Franklin

Pike would be approximately \$350,000, and would be best to schedule first, as the right-of-way is available, and has the smallest cost for the project; 2 – turn lane issues at Tyne Boulevard/Granny White Pike include right-of-way considerations and utility relocations, and would cost approximately \$1,000,000; 3 – increasing turn lanes at Franklin Pike/Battery Lane also have right-of-way issues, and will cost \$1.5 to \$ 2,000,000. Mr. Dufour reported there are possible opportunities of receiving up to 80% of costs from Federal funds, but the deadline for submission is February 19. Kimley-Horn will make the submissions, and the City must sign off on their final interest in completing the projects by the end of March.

Mr. Notestine said he has looked into the issue of possible “strings” attached; this seems to be “safe” as most of the money is Federal not local.

The City should apply to get in the 25 year plan; the follow up would be to prioritize the most important projects, and those that are given highest priority are placed in the first of the 3 year revolving plans that are done by the MPO. Putting a project on the 3 year plan would be done at a later date and would require a subsequent request from the City to the MPO.

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

“Moved to authorize the City Manager to submit these three projects to be part of the MPO 25 year projects plan.”

**Note: Guest Recognition** – Mr. Alsup introduced Sen. Doug Henry who was in attendance. He thanked the citizens for letting him serve, and for displaying the American and Tennessee flags. He asked for support for his upcoming reelection bid for State Senate.

**B. Zoning Amendment Ordinance to Allow for Private Streets** - Ordinance 10-1 was passed on first reading at the January 2010 meeting, and comes with the recommendation of passage by the Planning Commission following their review and modifications.

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

“Moved to pass Ordinance 10-1 on second and final reading.”

**C. Gated Community Ordinance** – Ordinance 10-2 was drafted to coordinate with State law, which gives the City ability to review gates and similar concerns for gated communities, both new and in existence.

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

“Moved to pass Ordinance 10-2 on second and final reading.”

**D. Consideration of Ethics Complaint** – Mr. Helms submitted to the Commissioners in September a report with comments from Mr. Dennis Huffer, attorney with MTAS who drafted the ethics guidelines used by the State, and all but one item were reviewed; the one outstanding item was not addressed due to pending litigation. Mr. Throckmorton asked last meeting that this only be addressed will the full Commission present, and as he was absent:

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

“Moved to defer the report on the ethics complaint until the March meeting.”

**E. Consideration of Ordinance to Change Commission Meeting Time** - After discussion, on a Motion duly made by Mr. McMullen and Seconded by Mr. Alsup, the following was Passed Unanimously:

“Moved to defer this item until the March meeting.”

**F. Consideration of Presentation by Steve Ward on Behalf of Radnor Lake** – Park Manager Steve Ward was present to continue discussion on the possibility of Oak Hill and the Friends of

Radnor Lake being involved jointly in the purchase of part of the Van Becelaere and Reserve at Radnor Lake subdivision to donate to Radnor Lake State Natural Area. Mr. Helms and Mr. Ward met with members of the Land Trust of Tennessee, and discussed items including possible conservation easements on the property. The Land Trust indicated a desire to help in this project. Radnor would also receive a portion of Ms. Sharon Monroe's property, as indicated at the January meeting, which would connect Radnor to Stonewall Jackson Court. This proposal would include a \$750,000 donation from the City. Mr. Charlie Hankle of the Friends of Radnor Lake was also present, and spoke in favor of this acquisition.

Mr. Helms said there is precedence for such a donation, and the City has the financial capacity to make the contribution.

Mr. Alsup indicated he would like Mr. Throckmorton present for voting on this matter. Mr. Helms recommended to approach Attorney Julian Bibb with the Land Trust and ask him to review what has been done, with the intent of getting a vote of confidence for the cost.

Mr. Alsup questioned Mr. Lockett regarding his wife's opinion, as she is on the Board for Radnor Lake, and Mr. Lockett indicated his wife has spoken greatly in favor of this acquisition.

A letter will be sent from the City to Civic Bank indicating an interest to pursue this matter.

## **VII. New Business**

**A. Consideration of Agreement with Kimley-Horn & Associates, Inc. to Update Zoning Ordinances and Subdivision Regulations** – Mr. Helms has been negotiating with Kimley-Horn to overhaul and update the Zoning Ordinances and Subdivision Regulations, including new City and zoning maps. This will be a lump sum agreement structured under an umbrella of the overall operating agreement. The Commission has a copy of the proposed contract, showing the \$48,400 fee, which is in line with the quote obtained a year ago for similar services. There will be an approximate 6 month turnaround on the work to be done. Mr. Notestine has reviewed the contract, and the scope is spelled out, including an hourly rate also included if extra meetings or work is required. The City will be able to have this new information once completed on the web, and will help provide a new Zoning Ordinance book and Subdivision Regulation.

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

“Moved to contract with Kimley-Horn and Associates to update the Zoning Ordinance, Subdivision Regulations, and City maps, as described in the contract provided.”

**B. Consideration of Agreement with Kimley-Horn & Associates, Inc. to Conduct a Drainage Study Throughout the City** – Mr. Helms discussed negotiations with Kimley-Horn to move forward with the first three items on a proposed drainage study, to be done on a city wide basis. Once done, there would be an idea of what drainage problems might exist, and then the City could move forward with more detailed modeling, and have documentation if there is a desire to request money from Federal funding in the future. The cost for this work would be \$83,500. Additional modeling would cost \$10,000 to \$15,000 per location based upon the size and scope of the problem area.

Mr. Helms has spoken to the Financial Advisory committee, and they indicated the City has the money to do this project, and also suggested setting aside money to create a pool of funds to address these projects once identified.

A suggestion being discussed is that the City might institute a fee at the time of construction, an impervious surface fee to be put into a special fund to address drainage issues in the City. Regarding questions about the Metro storm water management, Mr. Helms said the City elected not to participate in the Metropolitan Nashville storm water program, and no storm water fee is assessed on the citizens of Oak Hill; the feeling was fees would be assessed by Metro and then spent elsewhere rather than in Oak Hill.

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

“Moved to contract with Kimley-Horn and Associates to conduct a drainage study of the City of Oak Hill.”

**VIII. Reports**

**A. Safety Director** – Mr. Jacobs said that Oak Hill still is one of the lowest crime areas in the county. The off duty Metro officers that Oak Hill has contracted with are doing a good job writing tickets and patrolling the area. There have been a few issues, which are minor and have been resolved.

**B. City Attorney** – Mr. Notestine has spoken with the bond company for the Van Beco subdivision, and the only thing holding them up from completing the road is the Van Becelaere’s attorney.

**C. City Engineer** – Mr. Dufour reported that there is a speed study being conducted on South Curtiswood Lane Also study is being done on drainage along Tyne Boulevard near the entrance to Oak Hill School – a detailed survey is complete and he is now working on a design to address any problems. There were some complaints regarding the light at Tyne Boulevard and Franklin Pike, saying the signal was set so the wait was too long for those on Tyne; Kimley-Horn met with Metro representatives and some adjustments were made to the signal.

**D. City Manager** – Mr. Helms reported 1) that a speed study was done on Hillview Drive and Lakemont Drive, and new traffic signs installed. The police patrols are checking that area for compliance. 2) the only item at this time that is projected to be significantly over budget is the line item on snow removal; the City at this time projects being over budget by about \$80-90,000. With the unusual snow incidents this winter, even TDOT is \$8,000,000 over budget.

**IX. Adjournment** – Upon Motion duly made and Seconded, the meeting was adjourned at 6:20 pm.

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City Recorder

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Mayor