

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

**April 16, 2009**

The Commissioners of the City of Oak Hill, Tennessee met at the Oak Hill City Hall. Those present were Mayor Tommy Alsup, Commissioner Ray Throckmorton and Vice-Mayor Austin McMullen. Also present were City Attorney Bob Notestine, City Manager Kevin Helms, representative of Collier Engineering Chad Collier, Assistant City Manager M. C. Sparks, and Administrative Assistant Patrick Steiner. Mayor Alsup acted as chair, and Ms. Sparks served as secretary.

Mr. Alsup opened the meeting at 6:06 p.m., with the Pledge of Allegiance, and introductions.

**V. Comments from Citizens**

Dr. Bill Canak brought up the resignation of Chad Collier as City Engineer, questioning Mr. Collier's status and how this worked. Dr. Canak also questioned where Mr. Alsup is employed; according to the City website the Mayor owns All Craft Marine, but does he not work for CCA also. Mr. Alsup said he co-owns All Craft, and works for CCA.

**VI. Old Business**

**A. Financial Advisory Committee Appointments –**

Mr. McMullen Moved and the Motion was Seconded by Mr. Alsup:

“Moved Mr. Scott Schuman and Mr. Gary Waddey be appointed to the Financial Advisory Committee.”

Mr. Schuman is a vice-president with Bank of America, and Mr. Waddey is with Compliance for Northwestern Mutual. Both men have passed background checks, done with the Tennessee Department of Commerce and Insurance.

The Motion Passed, two voting in favor, and one abstention.

**B. Design/Engineering Contract Award for I-65 Sound Walls** – Mr. Helms reported on attending a session at a TML conference with TDOT and spoke with Nancy Sartor, a TDOT representative. Mr. Throckmorton asked if TDOT plans to hinder or stop Oak Hill from installing sound walls on private property. Mr. Collier indicated TDOT has no problem with the City building the wall; Mr. Helms said that he and Ms. Sartor made initial comments on the possibility of using the Federal funds set aside to be used on one section of wall at the north end which would be done in the TDOT right of way. This type work would have extra “hoops” if the Federal money is use, for example 10% of gross project cost would be charged by TDOT to perform a plan review.

Following discussion, Mr. Alsup indicated it was his feeling that the City not award a contract at this time, but rather to examine spending on the project. Mr. McMullen said he sympathizes with residents adjacent to I-65, and it is frustrating to see other sound walls being built. However it is not wise to spend \$4,000,000+ at this time considering the City's reserves and the downturn the economy has taken. The

Hall Income Tax will be lower this year as part of the City's revenue base, and every year the State has bills proposed to take this away from the cities.

Mr. Throckmorton spoke with an older resident, and was reminded that this gentleman told Mr. Throckmorton the City doesn't need a soundwall, it needs pine trees; maybe the City should look at building a "greenwall".

Ms. Mary Wherry has major concerns regarding Collier Engineering being involved: why was Mr. Collier allowed to give a RFP, why wait to the night of the discussion for Mr. Collier to resign, why was Collier Engineering recommended? Mr. Alsup explained that the early work on the project was unilaterally awarded by the previous city manager to Collier Engineering, until such time as Mr. Notestine said the project was too high a contract to not have a Request For Proposals. It was also explained that the RFP was entirely different from the work that Collier Engineering had done in the past.

Ms. Wherry recommended in the future a committee should include persons outside staff or the Board of Commissioners on the review panel.

Ms. Bradshaw expressed concern that Mr. McMullen didn't recuse from the Planning Commission case involving Mr. Tory Johnson's property that was heard in February.

No action to be taken regarding awarding of the RFP on I-65.

Upon a Motion duly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was Passed Unanimously:

"Moved that the City Manager look into 'green walls', i.e. planting of trees along I-65, to find what costs and feasibility would be."

Mr. Collier indicated that the City would need a landscape architect to examine this.

## **V. New Business**

A. Adoption of Resolution Recognizing MTAS (Resolution 09-5) – Mr. Helms said this is a resolution to recognize the 60<sup>th</sup> anniversary of creation of Municipal Technical Advisory Service.

Upon a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was Passed Unanimously:

"Moved that the Resolution honoring the Municipal Technical Advisory Service be adopted."

B. Adoption of Resolution to Participate in TMLRMP Insurance Program (Resolution 09-6) – Changes have been made by the Tennessee Municipal League in their program specifications that the City adopted in order to participate, so to stay current an updated resolution regarding the insurance program needs to pass. TML adopted a new code of ethics, which updated this Interlocal Agreement.

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

"Moved that Resolution 09-6, regarding the TMLRMP Insurance Program be moved to the May 2009 agenda, during this time the City Attorney will review the document."

C. Adoption of MTAS Model Resolution Regarding Tennessee Public Records Act (09-7) – This is the recommended version from MTAS and the Office of Open Records Council has approved it also. If the City approves higher rates than recommended by the MTAS model, we would have to justify to the State why we want to charge more. Ms. Sparks indicated that the rates listed in the Model Resolution are the rates the City is currently charging for copying information; Mr. Notestine affirmed that this is the standard.

Upon a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was Passed Unanimously:

“Moved that Resolution 09-7, regarding the adoption of the MTAS model resolution regarding the Tennessee Public Records Act be adopted.”

D. Consideration Of Amending Office Lease To Expand Into Suite 103 – Mr. Helms related the City needs more meeting space, file storage and file accessibility for the City office. The third office condo in the row at Cambridge Court Condos, where the City office is located, is open for rental. The residence owned by Judson Baptist Church was examined as a possibility; square footage-wise it would be the cheaper option. The management company for Cambridge Court provided free space analysis to help the staff examine the possibilities. Mr. Helms requests to enter into lease and expand into the available area of Cambridge Court, at the price of an additional \$1,600 per month. Mr. McMullen asked if the owner would provide some improvement dollars to help with the renovation; Mr. Helms said there are some signs they are seriously considering this. The discussion was to hold off for a month, and come back to the Commissioners in May with more information.

Upon a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was Passed Unanimously:

“Moved the City Manager negotiate a lease in final form for the additional condo unit at Cambridge Court, including build-out costs, to be presented at the May 2009 Commissioners meeting.”

## **VI. Reports**

A. City Engineer – no other report

B. City Manager – no other report

C. City Attorney – Mr. Notestine has the draft agreement with Metro police concerning additional police patrols for the City of Oak Hill. The police are doing training at this time for officers who are interested in working in Oak Hill for the extra patrols. Mr. Throckmorton would like to get “the final form” to Mr. Helms and the Commissioners, and Move now to empower the City Manager and the City Attorney to complete the contract after the Commissioners review it. The term limit of the contract is one of the questions at this time. Another is insurance issues – Metro says they would not be doing anything different and the City of Oak Hill should be covered. The TML says it must be an interlocal contract for the city to be covered with TML, but Metro cannot do an interlocal on this type. Mr. Throckmorton pointed out that when a concert is held

and police are covering the event, the insurance is through secondary employment, and the event location does not have to provide proof of insurance.

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

“Moved the contract between Metro Nashville Police and the City of Oak Hill be approved, signed and sent to Metro for signature.”

The Minutes of the March 2009 Board of Commissioners were read; one change was proposed by Mr. McMullen.

The minutes were approved as amended on a Motion duly made by Mr. Alsup and Seconded by Mr. Throckmorton.

Ms. Lorelee Gawaluck has informed the Mayor that she is too busy and must resign from the Board of Zoning Appeals, as she will miss most of the upcoming meetings. Mr. Alsup said he is still considering candidates, and Ms. Tonya Matthews, a resident who is an attorney in Brentwood is being considered.

Dr. Canak read a quote from last month’s meeting on Collier/Soundwall. Ms. Bradshaw asked for a clarification regarding pensions for the City Attorney and City Engineer. Mr. Notestine said he has been treated as a 1099 contract and given a matching pension. On the current status of City Engineer – Mr. Collier is working on a hourly retainer basis through Collier Engineering. A Request for Qualifications is being developed, and should go out in the next 2-3 months to advertise for a new City Engineer.

Ms. Bradshaw asked if there were changes to the position of City Attorney. Mr. Notestine said that the City did commit to him for pay and pension, and unless there is discovered to be a ruling against such practice, there will be no changes. Mr. Notestine also said he does not get any of the other benefits that the City employees receive. Ms. Bradshaw asked if Mr. Notestine bills the City for any additional hours or work; Mr. Notestine said no he does not. Mr. Throckmorton suggested a letter from the IRS on such matters might be appropriate.

## **VII. Adjournment**

Upon Motion duly made and Seconded, the meeting was adjourned at 7:32 pm.

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City Recorder

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Mayor