

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

June 18, 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, Assistant City Manager M. C. Sparks, Chief Building Official Bill Burdette, Safety Coordinator Tommy Jacobs, and Administrative Assistant Patrick Steiner. Mr. Alsup acted as chair, and Ms. Sparks served as secretary.

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

IV. Approval of Minutes – The minutes were Approved Unanimously as amended upon a motion by Mr. McMullen and Seconded by Mr. Throckmorton.

V. Comments from Citizens –

Dr. Bill Canak – Note that the City Engineer is not present? Mr. Collier is only attending meetings where there are issues that need his input, as he is now on an hourly retainer. Dr. Canak also asked the location of the money allocated by a grant to creation of a bike path? Mr. McMullen, as a citizen, commented he feels these type questions should be addressed to staff at another time.

Blair Myers from Loring Court Development spoke regarding ordinance on private roads, which are prohibited in Oak Hill. He would like clarification, and asked if is there a possibility of getting Loring Court changed to a private road. Mr. Notestine said this would violate city ordinance, unless someone sponsors a bill, to be passed on two readings, to allow private roads. After discussion, Mr. Throckmorton suggested that the minutes where the prohibition of private roads was enacted by the Commissioners, and perhaps a few sets of minutes prior to that, should be examined to see what was discussed on this issue. He also pointed out that one legal difference in this case is that Loring Court was not designed as a private road, it was designed as public road, which can create more difficulties. He suggested the Loring Court representatives might come in to meet with Mr. Helms and Mr. Notestine to see what might be done in this regard.

Mr. Bradshaw asked for clarification regarding city manager expenses. Ms. Wherry asked for clarification regarding the Van Beco lawsuit.

Ms. Becky Thomas, 811 Redwood Drive, asked about TVA money for replanting following the trimming of trees and plants in the TVA right of way; the neighbors are concerned and want to be involved.

VI. Old Business -

A. Consideration of Funding for Land Trust for Tennessee at Glen Leven – Mr. Helms stated that we are following up, as they Commissioners requested additional information, regarding the request for a study to be funded by the City for \$55,000 to ascertain the condition for the mansion and possible uses. Forms were given the Board, showing the intended uses of property, and the Tuck Hinton, Architects proposal for examining the residence. Mr. Throckmorton questioned the information sheets, as it seemed they know where they are going,

or what they want to do, but at same time are asking for money for a study. The Land Trust representative, Mr. Eckels said that the Statement distributed is a concept plan, which will be further examined once the study of the residence is done.

Further discussion was held, including the comment from Mr. Throckmorton that the home is deteriorating rapidly and something needs to be done soon to preserve it.

After discussion, on a Motion duly made by Mr. Throckmorton and Seconded by Mr. Alsup the following was Passed on a vote of two yes, and Mr. McMullen voting no:

“Moved the requested \$55,000 for a study of the Glen Leven mansion be allocated from the City of Oak Hill’s funds.”

B. Consideration of Matching Funds to re-plant TVA Easement – Mr. Helms, meeting with TVA representative last week, said that the TVA will provide matching funds up to \$4,000 for a replacing of greenery in the area of Forest Hills Drive along the TVA easement. If this is to be done, there would be a meeting with Mr. Barnett from Ellington Agricultural Center (to receive input on the best type of low growing plants to use), neighbors and the TVA. One item to remember is that most of the residents who feel they were impacted by the TVA trimming actually don’t have TVA easements on their property; those that do have the easement will have to commit to having work done on their property and to keep things trimmed, or at the next scheduled TVA trimming, these plants will be topped.

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

“Moved the City of Oak Hill appropriate up to \$4,000 in matching funds, for planting selections chosen not to grow above 20’ in height, and the City Manager will work with Ellington Agricultural Center to get plantings selected and done, and use money equitably.”

VII. New Business -

A. First Reading on Proposed FY 2010 Budget Ordinance (Ord. 09-1) – Mr. Helms gave the proposed 2009/2010, having compiled figures considering the current economy and tracking spending and funding in past similar times. He projects a possible 79% down turn in income for the next year. Discussion was held regarding the \$88,000 in road fund due the city from Metro Nashville, which will be further investigated. The projected budget also includes funding for a new audio streaming to be used to have City meetings on the website, and further police patrols.

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

“Moved that the budget for fiscal year 2009/2010 (Ordinance 09-1) be passed on first reading.”

B. Call for a Public Hearing on FY 2010 Budget – On a Motion duly made by Mr. Alsup and Seconded by Mr. Throckmorton the following was Passed Unanimously:

“Moved the Commissioners call for a public hearing of the 2009/2010 fiscal year proposed budget at the next Board of Commissioners meeting.”

C. Approval of Budget Amendment Resolution (Res. 09-9) – Mr. Helms explained this resolution, which authorizes no change in expenditures; it is a year-end bookkeeping effort, with the net effect of zero on the spending for the City.

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

“Moved the Resolution 09-9 of the City of Oak Hill, Tennessee, authorizing changes to line items for the purpose of amending the fiscal year 2008/2009 budget, be passed as presented.”

D. Adoption of Continuing Budget Resolution (Res. 09-8) – This resolution is recommended by MTAS, and is modeled after their resolution. It allows the City to operate from July 1 until the new budget is passed, at same levels of the current (2008/2009) year’s budget.

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

“Moved the City of Oak Hill adopt a continuing appropriation and budget for the fiscal year 2009/2010, with amounts set out in the 2008/2009 are hereby continued until a new 2009/2010 Appropriation and Budget is adopted.”

E. Consideration of Ethics Complaint Filed by Citizens – Mr. Notestine discussed the Ethics Complaint, pointing out that if there is a conflict of interest as city attorney, the City may request another attorney to look into the charges. The ethics guidelines of the City say that it is up to the Commissioners to determine if the complaint has merit, no merit, or to seek further investigation. Mr. Notestine recommended that the City Manager select an attorney to conduct investigations.

Mr. Throckmorton asked what MTAS or the TML said regarding this; Mr. Notestine said he contacted State Ethics Commission, and their response was they have has nothing to do with such a complaint. MTAS said such a complaint consideration falls back to the Commission, and agreed Mr. Notestine would have a conflict of interest. It was recommended by MTAS to the Commission that there probably should be an investigation.

Mr. Throckmorton did an inquiry, and discovered – 1) the State Ethics Commission is correct, that such a complaint is not in the Ethics Commission’s jurisdictions; 2) Mr. Throckmorton talked to Howell & Fisher regarding the case filed by Dr. Bill Kraus, to see if any Oak Hill ethics inquiry could prejudice that ongoing situation. Mr. Throckmorton’s council indicates that Mr. Throckmorton has a “reverse” conflict as he is not named in ethics charges filed. Mr. Throckmorton has suggested to Mr. Helms that the City could use an attorney we have used before for a somewhat similar situation. Mr. Notestine suggested that Mr. Helms select an attorney if an investigation done.

Mr. McMullen observed that in the complaint it was requested that the Mayor and Vice-Mayor recuse themselves from any consideration on the complaint; Mr. Notestine said that MTAS indicated that the Mayor and Vice-mayor can’t recuse themselves in a three commission member system.

Mr. Alsup said it must be determined if the charges have merit, no merit, or investigation is required, and then in a City Manager form of government Mr. Helms would follow through.

After discussion, on a Motion duly made by Mr. Alsup, the following was proposed:

“Moved the City of Oak Hill acquire an attorney without input from any who made the ethics complaint, to investigate to see if the complaint has merit.” The Motion Died for lack of a second.

It was requested that an update be placed on the agenda for the next meeting.

VIII. Reports -

A. City Manager – Mr. McMullen inquired about the Request for Qualifications for the City Engineering position. Mr. Helms indicated he talked with several at the TML conference he recently attended, and there was a great deal of interest.

Mr. Throckmorton asked if it was time to look into possible stimulus money to be used for sound walls on I-65? Mr. Helms said the City has done so, and will continue in this effort. A possible angle for obtaining money is the use of recycled materials so “green money” from the stimulus packages coming out of Washington might be used.

B. City Attorney – Mr. Notestine indicated that there was a motion by the Van Beco group in their bankruptcy hearing to seek permission to foreclose; the city has a \$250,000 performance bond to insure improvements are completed, and we will require maintenance bond for a period of time after the project is complete. Generally money in a bond is figured at 105% of cost of doing improvements, the city will still hold at maximum value.

The Monroe lawsuit against the City of Oak Hill is still pending a chancellor’s decision.

C. Safety Director – Mr. Jacobs reported that the extended police patrols have done 14 four-hour shifts, and addressed such issues as speeding, running of stop signs, and the arrest of one man with an outstanding warrant. There have been burglaries on Forest Acres Drive and Overbrook Drive, and investigations are on-going. The officers and Mr. Burdette are also working on keeping yard maintenance crews from blocking lanes of city streets.

IX. Adjournment – Upon Motion duly made and Seconded, the meeting was adjourned at 6:35 pm.

City Recorder

Mayor