

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

**July 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, Assistant City Manager M. C. Sparks, Chief Building Official Bill Burdette, 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 of the June 2009 were Approved Unanimously as amended upon a motion by Mr. McMullen and Seconded by Mr. Throckmorton.

**V. Comments from Citizens** – Mr. Jimmy Bradshaw, 875 Robertson Academy Road, spoke to the budget, with Mr. Helms answering the questions: 1) why is there workers' comp insurance on four employees? This insurance also covers the various City board members. 2) What does the "Other Professional Services" line item cover? This item covers various services, including the financial audit, engineering services if a plat is reviewed for the Board of Zoning Appeals or the Planning Commission, legal services, and I.T. support. 3) Why the increase in health insurance? There is a change from two employees covered to four covered. Mr. Helms said upon inquiry that the change in the way the budget is presented is by City Manager preference for listing of line items.

Mr. Roy Luckett, 939 Tyne Boulevard, spoke to the budget, with Mr. Helms answering the questions: Why was money not set aside for a yearly road paving project for 2009/2010, and will this not set the City behind in upkeep of roads? The City purchased some few years ago a program that tracks the condition and needs of all roads; the city was ahead of schedule on roads that require paving last year, and is still ahead; the City will, once the Hall Income Tax apportionment is received, revisit this section of the budget. This budget also includes \$25,000 for emergency in regards to paving. Mr. Throckmorton asked the status of the \$88,000 in road funds the City should receive from Metro Nashville. Mr. Alsup indicated the City should receive this money by the next Commissioners' meeting.

Dr. Bill Canak 929 Forest Acres Court suggested that a volunteer committee be formed to make a decision on new engineering firm or engineer.

Ms. Mary Wherry asked the status of the financial audit for 2008/2009. Mr. Helms replied that it is not time for the audit to commence, as the fiscal year is still in the process of being closed out. The audit is due in to the State by December 31, 2009. Mr. Wherry also asked about the status of the Financial Advisory Committee, and Mr. McMullen responded that the committee determined to meet about six months following their last meeting, but will call a meeting sooner if needed.

**VI. Old Business**

**A. Second Reading on FY 2010 Budget – Ord. 09-1:** The proposed budget as presented at the June 2009 meeting remains unchanged; it was published in the Tennessean paper, and the July meeting of the board of Commissioners constitutes the public hearing of the budget. Mr. Jerry

Shelton sent a list questions to Mr. Helms, who responded by email; Mr. Alsup indicated only a few of the questions pertained to line items in the proposed budget, the rest of the questions were more on budgetary theory.

After discussion, on a Motion duly made by Mr. McMullen 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 second reading.”

**B. Consideration of Ethics Complaint Filed by Citizens** – As an update, Mr. Helms reported that he had contacted MTAS, which agreed that the Commission will have to determine if there is merit in the charges; whether the charges have no merit; or whether an investigation should be done . MTAS also indicated that the charges may be addressed individually, rather than as a whole.

Mr. Alsup submitted a motion:

“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.”

A Motion to correct minutes was made by Mr. McMullen and Seconded by Mr. Throckmorton; the Motion Passed Unanimously:

“Moved to correct the June 2009 Minutes of the Meeting of the Board of Commissioners in Item VII-E, to indicate that it MTAS recommended an investigation should probably be done, not the State Ethics Commission.”

Mr. Throckmorton stated as he did in June that he is apparently in a position of reverse conflict of interest as the only Commissioner not named in the ethics charges.

The section from the ethics guidelines governing this issue are:

**SECTION 11. Ethics complaints.**

(1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney’s judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality’s governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

After discussion, Mr. Throckmorton made a Motion:

“Moved to appoint the City Manager as the other individual chosen by the governing body to determine if the investigation into the ethics charges that have been leveled should go forth, as referenced in Section 11(c) of the Ethics Ordinance.” Mr. Alsip withdrew his motion, and provided a Second to the Motion made by Mr. Throckmorton.

Mr. Notestine noted that Mr. Helms will have to select an independent counsel to investigate, due to both Mr. Notestine’s conflict of interest (having been named in the ethics complaint) and Mr. Helms’ close association of working with and for those charged in the complaint.

The Motion passed two in favor, with Mr. McMullen in opposition.

**VII. Reports**

**A. City Manager** – Mr. Helms reported on the Request for Qualifications for the Engineering Position, submission being due to the office by July 31. There have been 6-12 firms and individuals express real interest in the position.

**B. City Attorney** – The Monroe vs. the City of Oak Hill case is still under advisement; the VanBeco case is also still in court regarding their bankruptcy.

**C. Safety Director** – no report.

**VII. Adjournment** – Upon Motion duly made and Seconded, the meeting was adjourned at 5:29 pm.

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City Recorder

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Mayor