

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

September 17, 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. 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 6:39 p.m., with the Pledge of Allegiance.

IV. Approval of Minutes - Upon a motion duly made by Mr. McMullen and Seconded by Mr. Throckmorton, the minutes of the August 2009 meeting were approved presented. Upon a motion duly made by Mr. Throckmorton and Seconded by Mr. McMullen the minutes of July 2009 meeting were approved as presented.

V. Comments from Citizens – Mr. Luckett discussed an email he sent to the City Manager and Commissioners regarding the hiring of a new City Engineer, saying he strongly recommends that engineers living in Oak Hill be asked to give input on an engineering firm before one is hired; Mr. Jerrell Shelton echoed this comment.

Ms. Mary Wherry asked: 1) for a change in the meeting time from 5:00 pm to 6:00 pm; the meeting time is set by ordinance and will have to be changed by two readings of a new ordinance; 2) Who monitors the City's web page; Mr. Helms said that Armour and Armour monitors this, and there will be future meetings to stream line reviews; and 3) How does someone get on the agenda for the Commissioners meeting?

Mr. Throckmorton asked for an agenda item relating to comments by Ms. Robin Zenker; Mr. McMullen concurred.

Dr. Bill Canak commented on the new budget, and felt there were dramatic changes in it, including the salary of the city manager; he would like the Commission to have greater transparency in spending, posting monthly expenditures, and showing how the City credit card is used. Mr. Brian McKurley seconded what Dr. Canak said.

Mr. Jimmy Bradshaw encouraged the Commission, due to concerns over storm water, to talk to Metro Nashville about the satellite cities being ignored in regards to storm water management. He also asked if the City was to request a refund from the attorneys at Waller Lansden for \$10,000 for an incorrect legal opinion regarding the status of the former City Manager. The City cannot respond due to on-going litigation.

Ms. Lee Emerson inquired about website updates, asking if Armour and Armour is paid through the end of 2009 for these services and what is the term of their contract. Mr. Helms indicated there is no set contract, they are hired on a month to month basis; that some erroneous information mentioned on the website was correct on the homepage, but not on the Planning Commission page; and that Armour and Armour is paid by invoice.

Mr. Jerrell Shelton asked if the City Codes could be posted on the website; Mr. Throckmorton discussed the need and process for codifying the ordinances, but that the current format could be posted with disclaimers about "you should do more research". Any company that does codification of ordinances has indicated at least a two year minimum for producing a new codified book; this cannot be done by secretarial help, but must be done in a manner by someone trained in such a process. Mr. Shelton also requested that the check register and credit card bills be put on line.

An inquiry was made regarding the procedure for changing the meeting time for the Commissioners; it would require two readings of an ordinance. Mr. Throckmorton said it is not a good idea to have the Planning Commission on the same night as the Commissioners, that the Planning Commission should probably meet at 6:00 pm or 6:30 pm a on different night.

VI. Old Business –

A. Comments from Finance Committee regarding Hall Tax – Mr. Helms reported that they received an opinion from one of the two members of the Committee; the City will continue to invest in short term instruments, and look at the investments again next year when interest rates rise. Within the next forty-five days the Committee will have a full meeting, and the City should also have the audit of the 2008/2009 finances by that time. Some of the City investments were already locked in at good rates before the problems with the economy.

B. Report on Ethics Complaints – Mr. Helms discussed his progress, saying he had contacted Mr. Dennis Huffer, the legal consultant for MTAS, who wrote the guidelines for ethics policies for cities. Mr. Helms has also spoken with Mr. Tim Harland, the City's legal counsel in the Kraus lawsuit, and with the ethics advisor for ICMA. Mr. Helms should have a draft of the report by next week..

C. Status of VanBeCo Bond – Mr. Notestine indicated that the bond was issued for \$200,000, it was signed off by the bond company and paid for by VanBeCo. The City is still pursuing this, particularly to obtain a copy.

D. Report on Status of Email Address List as Public Information – Mr. Notestine investigated to resolve the question regarding whether email addresses are open records and may be distributed to those who request them. The opinion of MTAS was: if the City has the email addresses in office, it is an open record. If they are not in the City office, they are not public record. Mr. Throckmorton suggested that an email be sent to all currently subscribing to the City list, asking if they wish to opt out of being contacted by other citizens via that email list. Ms. Joan Armour explained email addresses are on the City's list because they asked to be. Other suggestions regarding websites and links were discussed.

VII. New Business

Recommendation/Approval of New City Engineer – Eighteen engineering firms submitted responses to the Request for Qualifications published by the City. The staff reviewed these over a two week period to submit a short list of five top candidates (this being changed from the original requested three top choices, as there were so many qualified firms who responded). All five firms selected have worked with cities and have done storm water management plans. Their presentations included an analysis of a plat, and to write a response as if it was to be presented to the Planning Commission. The staff ranked their top three selections in order of preference; two firms were either ranked 1 or 2 in all lists. The staff therefore recommends the hiring of either Ragan Smith or Kimley Horn, and also recommend that the selection be delayed to the next Commission meeting to provide time for the Commissioners to study these companies, and for public input.

Comments were made from several citizens, asking that an engineering firm review these selections to receive their professional appraisal of the companies.

Korean Methodist Church – Mr. Throckmorton apologized to Ms. Zenker for any problems they have suffered during construction of this church. Mr. Throckmorton thinks that since the job started under a different city manager and engineer, it may have fallen through the cracks to get the appropriate amount of attention. Ms. Zenker said they have had no more water in their house since the culvert was built to drain water into the detention pond. Mr. Throckmorton said he felt there should be a round table discussion of the issues, involving the City's Chief Building Official, City Manager, the church architect, the church contractor, the church hydrologist, the interim city engineers, and the City Attorney. Mr. Burdette indicated that the church has only a temporary Use and Occupancy Permit, and he is more than willing to go with either the interim city engineers or the new city engineers when hired to look at all that property. Mr. Throckmorton discussed the legal demarcation for Mr. Burdette, who cannot overstep his bounds in his activities for the City.

VIII . Reports

A. City Manager – no further report

B. City Attorney – Mr. Notestine reported that a motion was filed in the Monroe vs. Oak Hill case to alter or amend the court decision, asking for more specifics regarding what the Board of Zoning Appeals is directed to do. This is still under advisement.

C. Safety Director – no further report

IX. Adjournment – Upon Motion duly made and Seconded, the meeting was adjourned at 8:30 pm.

City Recorder

Mayor