

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

November 19, 2009

The Commissioners of the City of Oak Hill, Tennessee met at the Oak Hill City Hall. Those present were Vice-Mayor Austin McMullen and Commissioner Ray Throckmorton. Also present were City Attorney Bob Notestine, City Manager Kevin Helms, Chief Building Official Bill Burdette, Administrative Assistant Patrick Steiner, Safety Coordinator Tommy Jacobs, and Assistant City Manager M. C. Sparks. Mr. McMullen acted as chair, and Ms. Sparks served as secretary.

I., II., and III. Meeting Called to Order – Mr. McMullen opened the meeting at 5:01 p.m., with the Pledge of Allegiance.

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

V. Comments from Citizens –

Ms. Mary Wherry brought up the request for a time change for the Commission meetings and asked for clarification of what was done regarding this issue in October; Mr. McMullen indicated that at the last meeting there was a motion to change the meeting time that failed to pass. There was a request by several residents to the City Manager for this to be placed on a future agenda; Mr. Throckmorton asked as a Commissioner for this to be put on the agenda. There were many comments regarding the request to have the meeting time changed.

Mr. Roy Lockett & Mr. Jerrell Shelton had questions regarding the audit, particularly concerning notes regarding legal services provided by Armour and Armour, and the increase in benefits. Mr. Lockett said he thinks the auditor should be at this meeting. Discussion included reference to Mr. Helms having contacted the auditor and left message regarding the benefits category, and use of the “Legal” line item for some Armour & Armour billing, as there was not a line item for the advisory info work that was done by Armour & Armour at that time. Mr. Throckmorton asked Mr. McMullen and Mr. Notestine for counsel input because of legal matters the City is involved in (5 minute Executive Session). When the Commission came back in session, Mr. Throckmorton said the most prudent thing to do at this time is to have the auditor come in for the next City Commission meeting to answer questions, and in the mean time there is a need to consult with City's attorney in the current lawsuit to see if certain

issues may be discussed. Ms. Bradshaw asked if the audit was paid for before it is accepted; yes, it is required by the Tennessee Code Annotated that the contract must be entered into for an auditor, and the audit must be done and submitted to the State.

Ms. Wherry asked who takes care of the handling of money, and whose responsibility on staff to make sure taken care. This question was in regards to notes in the audit. Mr. Helms explained that regarding any notes in the 2008/2009 audit, the concerns listed in that audit were not for the current audit year, but a reference carried over from the previous year for follow up – the auditor’s previous concerns were addressed but for one, and this last item shows significant progress. There was no finding of problems in the 2008/2009 audit.

Mr. Luckett asked about the progress of the ethics complaint filed by citizens. Mr. Helms submitted a report to the Commissioners, which is now part of the record; this item would not be back on the agenda unless requested by a Commissioner. Mr. Throckmorton requested that copies of the report be made available this evening, and this item be put on the agenda for next month.

VI. Old Business – Held over from last meeting was the final contract with Kimley-Horn & Associates, selected to the new City engineering firm. Terms have been updated in the agreement, including a more proactive involvement with citizens and concerns. Mr. Zach Dufor of Kimley-Horn said they will first get a call from the City staff to look at any problems, then standard protocol is go look at the site, which will be followed up by a memo of findings.

After discussion, Mr. Throckmorton said that he understands the issues being raised by residents. However it should also be understood that Mr. Burdette is Chief Building Official, not Engineer – he has a thankless job, and has to work with difficult people, and also cannot step outside his authority. Mr. Throckmorton asked that all be given the benefit of the doubt - let the staff, particularly Mr. Burdette, establish a working relationship with Kimley-Horn. He also requested that Kimley-Horn work another month as they are set up now, and let the public look at contract during that time if they desire.

Mr. Jerrell Shelton expressed concerns over holes in quality control issues. Mr. Burdette said that there are no fees for churches and schools to come before the Planning Commission or Board of Zoning Appeals; if the City had such a fee it could be allocated to help with quality control.

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

“Moved the City operate on an interim contract with Kimley-Horn Engineering for one month.”

VII. New Business – Consideration of Ordinance to Set 2010 City Election:

As an election is scheduled to be held the second Tuesday in June 2010, the City must pass an ordinance to call for an election, authorizing Davidson County Election Commission to organize this election.

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

“Moved that Ordinance 09-2 be passed on first reading.”

Presentation and Acceptance of FY09 Audit – John Poole has submitted the completed audit for the City of Oak Hill or Budget Year 2008/2009. Due to some questions raised that require clarification, the acceptance of the audit will be postponed till the December Commissioners meeting.

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

“Moved to request John Poole come to the Commissioners meeting to discuss sections noted in the financial audit, and our council be contacted regarding areas that may not be feasible to discuss during the on-going lawsuit, and to defer acceptance of the audit until next month.”

VIII. Reports –

City Manager – Mr. Helms reported that the TVA/Oak Hill replanting of Redwood Drive and Forest Acres Drive was half completed Tuesday, and the second half was to be done today. After completion the State forester will come check the work; the final step is mulching of the area. TVA will reimburse half the cost to Oak Hill once the check is completed.

City Attorney – Mr. Notestine reported that the Monroe vs. Oak Hill issue regarding the Vanbeco subdivision will go to the Board of Zoning Appeals in December. The bond on that subdivision is in place, and the City will be calling the bonding company for work on the infrastructure that will be approximately \$110,000.

The new leaf collection program which will be done monthly by vacuum is set to start January 1, 2010.

Safety Coordinator – Mr. Jacobs said the police have issued 40 tickets recently; there have been car burglaries in the Robertson Academy Road area, but most cars were not locked and valuables had been left inside. If any thefts occur, the citizens should always call the police, as that helps put any problems on the “radar” of Metro Police.

IX. Adjournment – Upon Motion duly made and Seconded, the meeting was adjourned at 6:48 pm.

City Recorder

Mayor