

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

February 17, 2009

The Board of Zoning Appeals of the City of Oak Hill, Tennessee met in the City Office. Board members present were Tom Lawless and Steve Wasserman. 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. Lawless chaired the meeting, and Ms. Sparks acted as secretary.

Following introductions and preliminary information, the following matters were considered and disposed of as indicated:

1. Call to Order. The meeting was opened at 5:09 p.m. with introductions by Mr. Lawless.
2. Report by the Neighborhood Committee on First Presbyterian Church/Oak Hill School – At the December 16, 2008 meeting of the Board of Zoning Appeals, the Board asked a group of neighbors who live in the area of First Presbyterian Church/Oak Hill School to meet with school and church representatives to discuss issues and concerns in the neighborhood. The neighborhood group was asked to report at the February 2009 meeting.

Mr. Bob Grohovsky, 892 Oak Valley Lane, made the presentation for the committee, and introduced the members present Dick Morgan, Dr. Bill Campbell, Jimmy Bradshaw, Craig Buffkin, Amy James, and Bill Leavell, with Mary Wherry on speaker phone.

There are three main suggestions that the Committee brings to the Board of Zoning Appeals, with which First Presbyterian Church concurs:

- 1 – Create a 15 mph school zone along Robertson Academy Road, Churchwood Drive, and Oak Valley Lane;
- 2 - Enforce existing speed limits along the neighborhoods streets by hiring off duty metro police officers to ticket those violating these limits;
- 3 – Schedule regular recurring meetings between neighborhood representatives, and representatives of the church, school and rec center.

The neighborhood Committee requests that the four page report be made a part of the minutes of the meeting.

Mr. Tom White, attorney for the church, and Mr. Jimmy Bradshaw, 875 Robertson Academy Road, have reviewed this report.

Mr. Bradshaw spoke to the issues, and thanked the Committee for its work. He does not feel the recommendations of the committee go far enough. He feels the root of the problem is the amount of traffic going through the neighborhood, especially on streets that are not intended to be through streets. He also feels there needs to be a school zone on Tyne Boulevard. Mr. Bradshaw does not feel that the traffic counts are representative of the true figures. He had hoped the church would “step up more” to help solve these problems. One suggestion Mr. Bradshaw made was for the school to limit passes to pickup children at the north porch station; right now more pickups are made at the north porch (off Oak Valley Lane) than at the south porch. Another possibility is to close the gate during school hours, which would also benefit safety on the campus for the children. Closing the gates on Saturday would be a reasonable action to cut down on traffic on the weekend.

Mr. Grohovsky indicated there were some areas of concerns of the neighbors discussed in the meetings; but he understood that the committee members were in agreement with what recommendation should be made to the Board.

Mr. Notestine said that the Board of Zoning Appeals can recommend to Commissioners that items 1 and 2 be enacted.

Mr. Tom White spoke as attorney for the First Presbyterian Church. His client came in 2006 to the Board of Zoning Appeals for an update to the Conditional Use Permit, and part of that plan was improvement of the Oak Valley Lane entrance. His client does support all three points, including having a person at the church available for contact with questions and issues. Mr. White thinks it is a slap in the face of the committee for someone to be on the committee, agree with its findings, then come in with other items.

On a Motion made by Mr. Wasserman and Seconded by Mr. Lawless, the following was Passed Unanimously:

“Moved that Items One and Two from the Oak Valley Neighborhood Committee report be referred to the Board of Commissioners with a strong recommendation that the City act on these matters as expeditiously as possible.”

On a Motion made by Mr. Wasserman and Seconded by Mr. Lawless, the following was Passed Unanimously:

“Moved the entire report of the neighborhood committee be incorporated into minutes of the meeting; the Board of Zoning Appeals would call attention to Footnote ‘A’ pg. 4, stating the Church is willing to help fund costs incurred during school hours the police patrols.”

Mr. White said his client is willing to participate, but they must figure out first what is involved.

Mr. Wasserman questioned traffic at special events; Mr. Grohovsky said they discussed it and can continue to discuss requesting police patrols on weekends to aid in this area.

Regarding Point 3, Regular Meetings –Mr. Grohovsky said on page 22 in the appendices it says there were other things the committee could suggest, but the committee felt they should not try everything at once but have further study; Appendix C is included to maintain institutional knowledge of other items that may be discussed in the future. The possibility then would be to do some items now and revisit the issues in 3 months for review.

Ms. Bradshaw objected to the statement that a “minority of commission” was not satisfied; she complained that the committee had purposely excluded her input. Mr. Wasserman objected to the attempt to impugn the motives of the committee and its finding. Mr. Lawless admonished Mr. White on an earlier comment that Mr. Bradshaw had a vendetta against the church.

Mr. Bradshaw took exception to comments of Mr. White, indicating he never said he was against the recommendations of committee, and asked for all suggestions to be in appendices.

Mr. Lawless asked Mr. Grohovsky to see that the committee stay together and work on this issue in the future; Mr. Notestine indicated he is unsure of the tenure of such a committee, and suggested this be taken to the Board of Commissioners to allow them to form an ad hoc committee.

Ms. Mary Wherry spoke via speaker phone – she stated that the committee all agreed on the three points that were presented, and asked the Board of Zoning Appeals to review the material to see if there are areas that the Board would need clarification on before presentation to the Board of Commissioners. She has felt it is great that church and neighbors have been able to sit together and work on issues.

Ms. Amy James asked to be on the committee because of her concerns on traffic, and she acknowledges that some say there are no problems with traffic, others feel it is a major problem.

She feels they should monitor traffic to see if it increases, keep options open for review in 3 months, with options including possible closing of the gate.

Dr. Campbell indicated that Oak Hill School is not planning to increase the numbers of students, as that they are at capacity.

Mr. Lawless asked who is to be the contact person for the church/school/rec center? It will be the executive associate pastor, or during the time the position is vacant, it will be the church administrator Dick Morgan.

On a Motion made by Mr. Wasserman and Seconded by Mr. Lawless, the following was Passed Unanimously:

“Moved that the Board of Zoning Appeals officially recommend to the Board of Commissioners to establish a committee to meet at least quarterly to assess the success of recommendations implemented, and make further recommendations as needed, and to inform the Board of Commissioners that the Board of Zoning Appeals retains the right to determine use of the rear entrance, which will be revisited by the Board of Zoning Appeals at the February 2010 meeting.

Following a brief recess:

3. Approval of January 13, 2009 Minutes of the Meeting – On a Motion duly made by Mr. Wasserman and seconded by Mr. Lawless, the January 2009 Minutes of the Meeting were approved as amended.

There being no further business, the meeting adjourned at 6:56 p.m. by the unanimous vote of the Board.

Chair

City Recorder