

# OAK HILL

APRIL 2013 [www.oakhilltn.us](http://www.oakhilltn.us) NEWS

## Pack 800 Boy Scouts Beautify Oak Hill with Volunteer Community Clean Up



For the second time, Boy Scouts from Pack 800 at Glendale Elementary volunteered to clean up the streets in the City of Oak Hill. Over several hours on a chilly Saturday morning, seventeen scouts tackled Lakemont Drive, Farrell Road, Ragland Drive, and Lambert Road, and collected numerous bags of litter. Afterwards, the scouts celebrated their achievement at the school with donuts and cider.

This Pack is an inclusive pack, which means both scouts and their families are welcome to participate. This made for a particularly fun clean-up event.

Pack 800 includes 57 scouts from first to fifth grade, and is an active member in the Middle Tennessee Council of the Boy Scouts of America. For information about joining or supporting Pack 800—contact Cubmaster Mark Bixler at [mabstb@bellsouth.net](mailto:mabstb@bellsouth.net).

### INSIDE

- Explaining the Planning Commission—page 2
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The mission of the City of Oak Hill is to preserve its natural resources and residential environment; to offer an enhanced level of services to its citizens; and to provide a strong sense of community pride with historical awareness all within close proximity to a world-class metropolitan area.

## Be Vigilant Online, Reduce House Break-ins

**By Sergeant Twana Chick  
Metro Nashville Police Department**

Victimization through the criminal use of the internet is easy for those who know how to find and access personal information online. Don't risk it—use caution when adding people as "friends" on social networking sites; encourage your friends and family to not post personal information on the internet; and parents, pay close attention to what your children are sharing. Revealing that you received an expensive new item for your home or that you will be out of town for a week unnecessarily raises the risk of a break-in.

Additionally, please talk with your not-so-computer-savvy relatives and friends about the links embedded in emails that will install malicious programs on their computers, or urgent emails or phone calls from people asking to verify bank or credit card information. People who grew up with computers have a distinct advantage in knowing how to safely use the internet over those who did not, so if you have a good understanding of the dangers, please help educate those who do not. You can help save them from many potential problems or financial loss.

**Mayor**

Austin McMullen 579-6593

**Vice Mayor**

Jennifer Claxton 504-6163

**Commissioner**

Kyle Felts 760-5406

**Planning Commission**

371-8291

John Gillespie, Chair

Joe Hodgson, Vice Chair

Wade Hill, Secretary

Michael Baron

Vice Mayor Jennifer Claxton

Judy Hoover

Mayor Austin McMullen

Art McWilliams

Julia Wesley

**Board of Zoning Appeals**

371-8291

Tom Lawless, Chair

Tonya P. Matthews,

Vice-Chair

Lance Iverson

**City Manager**

Kevin Helms 371-8291

**Assistant City Manager**

M.C. Sparks 371-8291

**Administrative Assistant**

Patrick Steiner 371-8291

**City Attorney**

J. Todd Moore 290-5355

**City Engineer**

Kimley-Horn & Assoc. 371-8291

**Building Official**

Bill Burdette 371-8291

**Safety Coordinator**

Tommy Campsey 557-7329

**Meeting Dates**

All meetings will be held at

the City Office at 5 p.m.

5548 Franklin Pike Suite 102

**Board of Commissioners Meeting**

Third Thursday

**Planning Commission Meeting**

Fourth Tuesday

**Board of Zoning Appeals Meeting**

Third Wednesday

**City Office**

5548 Franklin Pike Suite 101

Phone: 371-8291

Fax: 855-611-8980

Hours: Monday-Friday

8:30 a.m. - 4:30 p.m.

After-Hours Emergency

557-7672 509-4812

[www.oakhilltn.us](http://www.oakhilltn.us)

 Don't throw away this

newsletter. Recycle it!

# The Oak Hill Planning Commission: Working Toward a Better Place to Live



FROM THE  
CITY MANAGER

**Kevin  
Helms**

Kevin.Helms@oakhilltn.us

To provide citizens with a better understanding of the Oak Hill Planning Commission (PC), I would like to expand on the roles and responsibilities of the commission.

The PC is a nine member body made up of seven citizens appointed by the mayor to serve three-year terms. The mayor may serve on the commission or appoint a designee to serve in his/her place. The final position is filled by another elected member of the Board of Commissioners (BOC) appointed to the position by vote of that body. The PC has four main responsibilities:

1. To review and approve subdivision plats
2. To review and approve site plans for Construction on steep slope lots and/or in the Radnor Overlay
3. To review and approve site plans for Conditional Use Permit (CUP) Applications
4. To make zoning recommendations to the BOC

I will explain each of these particular roles in the next issue of the newsletter, but in this issue, I would like to first comment in more general terms as to how this process works. The guidelines regarding what can and cannot be done on property within the City are set by the City's zoning ordinances and subdivision regulations. The subdivision regulations are adopted by the City of Oak Hill PC and all zoning ordinances are adopted by the BOC. Any potential zoning changes must be reviewed by the PC so they may make a recommendation to the BOC for or against the proposed change. Once this has been done, the BOC must approve an ordinance to enact the change on two separate occasions. Prior to final approval, a public hearing must also be held so the citizenry can express their opinion regarding the proposed change or changes.

During the 2011 update of zoning ordinances, several citizens appeared at a public hear-

ing and expressed their desire to have certain changes included in the ordinance prior to its passage. Many of these requests were accommodated by the BOC prior to the second approval, and the requested changes became part of the local policy. Once these zoning ordinances are established, it then falls to the PC to enforce them as outlined above.

However, there are some limits as to what the City can and cannot include in its zoning ordinances. All cities in the State of Tennessee are considered to be creations of the state. As such, cities can only exert those powers which have been specifically granted to them within their scope of authority by the laws of the State of Tennessee. These laws are referred to as Tennessee Code Annotated (TCA). Most laws affecting cities are found in either Title 6 or Title 13 of the TCA.

What the City is actually allowed to do within the scope of this state-granted authority, or preempted by the federal government, might be contradictory to what the personal preferences are for elected or appointed members of these various boards. It may be that a particular case coming before the PC contains elements with which the board is not comfortable. If the guidelines have not been adopted to govern these particular elements, the PC is obligated to authorize the project even if they find it to be personally objectionable. They can only enforce the policies that have been officially adopted by the City, within the scope allowed by the state, and that have not been preempted by the federal government. A decision by the PC to try to enforce stipulations that are outside of their area of jurisdiction is likely to be deemed by an applicant to be an arbitrary and capricious decision. If the applicant appeals that decision to the court system, the courts are likely to find in their favor and allow them to continue with their project, regardless of the action of the PC, while at the same time resulting in increased costs to the City.

This was recently the case with the Pied-

mont Gas Pipeline Project that came before the PC. Had it not been that the pipeline was being installed within a steep slope area and the Radnor Overlay, the project would not have had to seek City approval beyond obtaining a grading permit from the City of Oak Hill staff. Since it did disturb these areas, the project owner had to submit an application to the PC for review and approval prior to staff issuing a permit. However, the PC had to review the project as it related to the guidelines found within the following two sections of the zoning ordinance: 1) Pipeline safety is governed by federal and state regulations, and 2) The state had approved the

*Guidelines regarding what can and cannot be done on property within the City are set by the City's zoning ordinances and subdivision regulations.*

portion of the project crossing Radnor Lake State Park prior to the PC hearing. The primary factors to be considered within these sections of the zoning ordinance are whether appropriate measures are being taken to stabilize the soil on steep slopes, and whether appropriate measures are being taken to minimize the disturbance of vegetation and to replace vegetation where possible. If the PC had chosen to apply additional standards to their review of this case and attempted to enforce them upon the applicant, the decision would have been arbitrary and capricious. The applicant would have likely appealed the decision to the court system, and the City would have spent thousands of dollars in defense of a decision that the court was likely to overturn—thus allowing the applicant to proceed with their project anyway. This is particularly true in the Piedmont Gas Pipeline case as the project served a public need and had already obtained clearances needed from the state. If the decision had resulted in litigation and

the applicant won the case, the applicant would have likely put forth minimal effort to meet the legal requirements imposed upon them by Oak Hill ordinances and guidelines.

Instead of this approach, the City decided to negotiate with the applicant to try to get them to agree to certain terms that might minimize the impact of the project on the surrounding area. While most, if not all, of the PC members and staff sympathized with the concerns of the residents in attendance, most of the concerns expressed were outside the scope of authority granted to the City. As such, these issues would have to be mitigated by the approval process at the state level.

I hope with this information you better understand the PC. If you're interested in serving on the PC, you may request a volunteer form from the City Office. If you'd like to attend a meeting, the PC meets every fourth Tuesday of the month at 5 p.m. at the City Office.

## Helms and Steiner Earn Credentials as Certified Municipal Finance Officers



The Municipal Finance Officer Certification and Education Act of 2007 requires municipalities to have a chief financial officer. In February, the City of Oak Hill City Manager Kevin Helms and Administrative Assistant Patrick Steiner completed a course to earn their Certified Municipal Finance Officer (CMFO) certificates. The 11-session course is taught over a twenty-four month period and is a valuable resource to gain in-depth knowledge of municipal accounting and finance.

## When Filing Your Taxes, Write In Oak Hill

The Tennessee Hall State Tax on interest income mandates that a portion of the tax is returned to the city in which the taxpayer lives. With tax season upon us, please remember to write in Oak Hill as your city of residence when filing your state income tax paperwork. The Hall Income Tax is a primary source of revenue for the City, and allows us to deliver services like garbage collection without charging a service fee. It is extremely important that we receive all of the Hall Income Tax due to Oak Hill, since Oak Hill receives no property tax dollars that go directly to Metro Nashville/Davidson County.

If you have any questions while completing your paperwork, please contact the City Office.

## Mayor Awarded "Top Forty Under 40"

Congratulations to Mayor Austin McMullen for being awarded one of the Nashville Business Journal's Forty under 40, an annual award that merits young professionals who are making a difference in their companies and their community.

# The City of Oak Hill Supports Smaller Cities Legislation



FROM THE MAYOR  
**Austin McMullen**  
Austin.McMullen@oakhilltn.us

You may have recently heard about legislation pending in the General Assembly that could affect smaller cities like Oak Hill. We support this bill because it affords Oak Hill the flexibility and certainty that are critical for City leaders in planning for the future.

Why is this needed? Metro Nashville currently

claims to have veto power over the actions of the smaller cities. Metro asserts that these cities cannot perform any functions other than those being performed in 1963, when the Metro Charter was enacted. This is a misinterpretation of the law. Metro's legal position and the threat of litigation by Metro prevents Oak Hill and other smaller cities from performing many basic municipal functions that Metro does not provide in Oak Hill, including:

- **Simplified building inspections.** Currently, Oak Hill Building Inspector Bill Burdette performs structural inspections and Metro Codes performs all other inspections. Bill is on-site in Oak Hill and responds promptly to inspection requests. Residents who have cleared the Oak Hill inspection but must typically wait for Metro Codes to perform mechanical or plumbing inspections. Residents lose time and money as contractors wait for a Metro inspector. Bill is certified to perform all inspections, so Metro's requirement is inefficient and duplicative. We have repeatedly raised this issue with Metro, but they cite their interpretation of the Metro Charter and refuse to allow Bill to perform additional inspections.
- **Enhanced safety.** Currently, Metro allows Oak Hill to hire off-duty Met-

ro police officers at the rate of \$70 per hour to supplement the police coverage Metro provides. We have suggested to Metro the possibility of Oak Hill reimbursing Metro for the cost of a full-time officer, who would be assigned to Oak Hill. This would essentially double, if not triple, the hours of patrols in Oak Hill without additional expense. Metro would not entertain this possibility.

- **Neighborhood parks.** Tennessee Department of Transportation (TDOT) has indicated an interest in donating a parcel of unused land to Oak Hill for a first-ever city park. However, Oak Hill did not have a city park in 1963. Should Oak Hill invest the time and energy of working through TDOT's excess land committee when we are unsure whether Metro will attempt to veto an Oak Hill neighborhood park?

While Metro has refused these sensible suggestions based on a strict legal position, Metro has taken an inconsistent position when doing so saves Metro money:

- **Stormwater management.** When new federal laws required cities to manage stormwater, Metro refused to provide this service to any individual

*Metro prevents Oak Hill and other smaller cities from performing many basic municipal functions that Metro does not provide in Oak Hill.*

smaller city. As a result, Oak Hill now manages stormwater even though this was not a service provided in 1963.

- **Chipper service.** Metro provides chipper service three to four times per year throughout the county, except in the smaller cities. Oak Hill provides monthly chipper pick-up, a service that Oak Hill residents frequently praise. Oak Hill provided no chipper service in 1963, but allowing Oak Hill to add this service has saved Metro money.

As these examples demonstrate, our goal is simply to have greater flexibility to serve Oak Hill's residents in the most cost-effective way, and in a way that responds to the services that Oak Hill residents want. No one could have predicted the innovations that have occurred in the 50 years since the Metro Charter was adopted in 1963. As Oak Hill leaders plan ahead for the next 50 years, they need the flexibility to respond to changes in a way that protects the wonderful community that Oak Hill has become.

Metro leaders and some in the media have claimed that this bill could result in more taxes. But this concern about higher taxes is of recent vintage, given that just one year ago Metro imposed a 13.5 percent property tax increase on Oak Hill residents—the maximum allowed by Metro's charter—and without any appreciable increase in services."

Oak Hill residents will continue to pay the \$4.04 property tax to Metro regardless of what happens to the pending legislation. None of that money goes to pay for the services that the City of Oak Hill provides.

The Board of Commissioners is committed to maintaining an enhanced level of services while keeping taxes low. Realizing efficiencies, like those described above, are an important part of achieving that goal, the Board plans to maintain Oak Hill's current policy that residents pay no property tax to the City of Oak Hill.

## Test Your Knowledge

The City of Oak Hill continues this quiz feature in the newsletter as a way to inform citizens about different aspects of the City government and its services. We hope you find this to be a fun way to learn more about living in Oak Hill!

1. True or False: The Planning Commission may use "public opinion" as a basis for granting or denying a request.
2. Which of the following groups has the authority to adopt subdivision regulations and a master thoroughfare plan for the City?
  - A. Planning Commission
  - B. Board of Commissioners
  - C. Staff
  - D. City Engineers
3. Which of the following groups has the responsibility to recommend changes in zoning ordinances to the Board of Commissioners?
  - A. Staff
  - B. Board of Zoning Appeals
  - C. Planning Commission
  - D. City Attorney
4. True or False: The Planning Commission members are required to take an hour of continuing education each year.
5. The Radnor Overlay ordinance is an ordinance that the Planning Commission uses to:
  - A. Ensure Otter Creek Road is passable
  - B. Draw maps of the Radnor Park area
  - C. Help protect the watershed and viewshed of the park
  - D. Purchase additional properties to add to the park boundaries
6. The Steep Slope requirement within the zoning ordinance provides for which of the following?
  - A. Planning Commission approval before issuance of a building permit
  - B. Application to properties and/or building envelopes with slopes in excess of 14 percent
  - C. City approval before any vegetation can be removed
  - D. All of the above

Answer Key:  
1. False. The Planning Commission must base their decision entirely on the local, state and/or federal laws that cover these bodies/cases. Public comment that ties the facts of the case to the laws governing it can be considered as part of the decision.  
2. A. Planning Commission  
3. C. Planning Commission  
4. False. The Planning Commission members must each have four hours per year of continuing education.  
5. C. Help protect the watershed and viewshed of the park  
6. D. All of the above

## Recent Board of Commissioners Actions

To help keep our citizens informed about decisions being made by the Board of Commissioners, we've included a list that summarizes the various actions of the Board over the past few months.

### November, 2012

1. Adopted Resolution 12-3 that waives certain building permit fees for the installation of pools. This action waives the standard requirement to pay for and receive a second building permit when a new contractor assumes a construction project that has already been permitted. This action was intended to help residents who hired a particular contractor who defaulted on the project(s).
2. Adopted Ordinance 12-12 on 1st reading which prohibits skateboarding on certain City streets with grades in excess of 6 percent or when designated as a no skate area by the Board of Commissioners. It also bans the practice of holding on to moving vehicles while skating.
3. Voted to extend the on-call engineering contract with Kimley-Horn and Associates for an additional two years. The contract will expire in December 2014.
4. Adopted Ordinance 12-13 on 1st reading which expands the Investment Advisory Committee to four members and staggers the term expiration dates.
5. Adopted Resolution 12-14 which established certain permitting fees related to the issuance of permits for filming and staging activities within the City.

### December, 2012

1. Adopted Ordinance 12-12 on 2nd reading which prohibits skateboarding on certain City streets with grades in excess of 6 percent or when designated as a no skate area by the Board of Commissioners. It also bans the practice of holding on to moving vehicles while skating.
2. Adopted Ordinance 12-13 on 2nd reading which expands the Investment Advisory Committee to four members and staggers the term expiration dates.
3. Adopted Ordinance 12-11 on 2nd reading which abandons an unimproved right-of-way on Forest Acres Court.
4. Adopted Ordinance 12-14 on 1st reading which amends the zoning ordinance to allow for certain filming and staging activities within the City.
5. Adopted Ordinance 12-15 on 1st reading which amends the zoning ordinance to update the flood plain regulations within the City as recommended by FEMA and to keep the City compliant with the National Flood Plain Insurance Program.

6. Adopted Ordinance 12-16 on 1st reading which amends the zoning ordinance to update various sections within the ordinance.
7. Adopted Ordinance 12-17 on 1st reading which amends the municipal code to allow for the issuance of special event beer permits.
8. Voted to approve a change order for the on-call contract with Kimley-Horn and Associates to include a study on commercial rezoning.

### January, 2013

1. Voted to defer action on Ordinance 12-14 that amends the zoning ordinance to allow certain filming and staging activities within the City until the Planning Commission can consider and make a recommendation regarding proposed amendments to the ordinance.
2. Adopted Ordinance 12-15 on 2nd reading which amends the zoning ordinance to update the flood plain regulations within the City as recommended by FEMA and to keep the City compliant with the National Flood Plain Insurance Program.
3. Adopted Ordinance 12-16 on 2nd reading which amends the zoning ordinance to update various sections within the ordinance.
4. Adopted Ordinance 12-17 on 2nd reading which amends the municipal code to allow for the issuance of special event beer permits.
5. Adopted Ordinance 13-1 on 1st reading which implements Phase I of the recommendations from the sign inventory study and amends the FY13 budget by \$20,000 for sign removal, relocation, and replacement.
6. Voted to approve the standard contract for auditing services as provided by the State of Tennessee with John Poole to conduct the City's FY13 audit.

### February, 2013

1. Adopted Ordinance 12-14 on 2nd reading that amends the zoning ordinance to allow certain filming and staging activities within the City.
2. Adopted Ordinance 13-1 on 2nd reading which implements Phase I of the recommendations from the sign inventory study and amends the FY13 budget by \$20,000 for sign removal, relocation, and replacement.
3. Adopted Ordinance 13-2 on 1st reading that levies a business tax and enacts a business license requirement for businesses operating within Oak Hill.

## Morning with the Mayor



To kick off the New Year, the City of Oak Hill hosted a "Morning with the Mayor" event on Friday, January 11, 2013, at the City Office. Coffee and donuts were provided during the open house-style event where residents had a chance to visit one-on-one with Oak Hill City Mayor Austin McMullen to share ideas and concerns for the City.

"It was a pleasure hearing what is on the minds of Oak Hill residents, including questions about City services and suggestions for how to improve our Oak Hill community," said Mayor Austin McMullen.

Photos from the event are posted on the City of Oak Hill's Facebook page at [www.facebook.com/CityOfOakHill](http://www.facebook.com/CityOfOakHill).

## Stormwater Pollution Solutions

It's springtime in Middle Tennessee, and for most residents that means it's time to clean out your homes and cars.

When giving your car a good cleaning, please remember that washing your car and degreasing auto parts at home can send detergents and other contaminants directly into the storm sewer system. According to the U.S. Environmental Protection Agency, any water that enters a storm sewer system will be discharged—untreated—into bodies of water we use for swimming, fishing, and even drinking. So, allowing automotive fluids to drain into the storm sewer

has the same effect on the environment as dumping the materials directly into a body of water.

To prevent contaminating the environment, use a commercial car wash that treats or recycles its wastewater, or wash your car on your lawn so the water seeps into the ground where it can be cleansed naturally. You should also dispose any used auto fluids and batteries at designated drop-off or recycling locations.

For more information about stormwater pollution issues, visit <http://water.epa.gov/action/weatherchannel/stormwater.cfm#solution>

## CONNECT WITH US

on **Facebook** [www.facebook.com/CityOfOakHill](http://www.facebook.com/CityOfOakHill)  
and **Twitter** [www.twitter.com/CityOfOakHill](http://www.twitter.com/CityOfOakHill)

**A member of the City of Oak Hill staff, Patrick Steiner, and his wife Heather welcomed Scarlet Nicole Steiner, their beautiful, six-pound baby girl on March 3. Congratulations, Patrick!**

The City of Oak Hill ensures compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, part 21; related statutes and regulations to the end that no person shall be excluded from participation in or be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation, or other federal agency, on the grounds of race, color, sex, or national origin.

Any person who believes he or she has been discriminated against should contact: Kevin L. Helms  
City Manager/Title VI  
Coordinator  
City of Oak Hill  
5548 Franklin Road,  
Suite 101  
Nashville, TN 37220  
(615) 371-8291



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Fax: 855-611-8980  
www.oakhilltn.us

### SOLID WASTE SERVICES

#### Chipper Service

CleanEarth: 371-8291

#### Garbage/Recycling Pickup

EarthSavers: 481-9640  
OakHill@earth savers.org

#### Snow and Ice

#### Management Service

Mid Tennessee Erosion Control:  
371-8291

### Public Street Repairs, Street Signage, and Drainage Maintenance

City Office: 371-8291

### Dead Animal Removal

City Office: 371-8291  
After Hours: 862-8971

### Emergency: 911

### Non-Emergency Fire: 327-1300

### Non-Emergency Police: 862-8600

### West Sector Patrol: 862-7747

### Oak Hill Safety Coordinator:

557-7329

## Campsey and Sgt. Chick to Hold Safety Seminar Thursday, April 11



FROM THE  
SAFETY  
COORDINATOR

**Tommy  
Campsey**

oakhillsafety@oakhilltn.us

Please join Metro Police Sgt. Twana Chick and me for a public safety seminar and question and answer segment on Thursday, April 11th at 6 p.m. at the City Office suite 102.

I will give a short presentation teaching residents how to better safeguard their homes and cars. From this presentation, you will learn what

criminals look for when identifying a home or car to break into and important safety tips that can help you avoid mistakes which may cause you to fall victim to such crimes. I will also be discussing several services that we offer exclusively to residents of Oak Hill, such as the Vacation Home Watch Pro-

gram and the Home Security Survey.

As the community service officer for Metro's West precinct, Sgt. Chick works with neighborhoods to establish official "neighborhood watch programs." If you are interested in starting or participating in a neighborhood watch program for the City of

Oak Hill, Sgt. Chick will be explaining the full process of this program at the seminar, and will support you as you progress toward establishing an official program.

I look forward to seeing you there!

*Learn to  
safeguard  
your home  
and auto.*

Thank you,  
Tommy Campsey