

OAK HILL

SEPTEMBER 2013 www.oakhilltn.us NEWS



The City of Oak Hill recently hosted "Coffee with the Board of Commissioners." The event gave citizens the opportunity to meet the City's three Commissioners and discuss ideas and concerns regarding the City. For more on the event, see page six.

Loyal Residents to be Awarded for Commitment to the City of Oak Hill

The City of Oak Hill would like to recognize citizens who have been a part of the City for over two and a half decades. If you or someone you know has resided in Oak Hill for more than 25 years, please call the City Office at 371-8291 or email administration@OakHillTN.us to provide the following information: resident's name, current address, and the year he or she moved to the City of Oak Hill.

Qualifying residents will be awarded one of three awards, the Silver Citizen Award (25 years), the Gold Citizen Award (50 years), and a Charter Citizen Award (residing in Oak Hill before April 1952).

Residents will be presented their awards in April 2014, which is the anniversary month the City was incorporated in 1952. Additional information regarding this effort will be circulated to residents after the first of the year.

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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.

Mayor

Austin McMullen 579-6593

Vice Mayor

Jennifer Claxton 504-6163

Commissioner

Kyle Felts 760-5406

Planning Commission

371-8291

John Gillespie, Chair

Wade Hill, Vice Chair

& Secretary

Michael Baron

Bill Cary

Vice Mayor Jennifer Claxton

Judy Hoover

Mayor Austin McMullen

Art McWilliams

Julia Wesley

Board of Zoning Appeals

371-8291

Tonya Matthews, Chair

Lance Iverson, Vice-Chair

Graham Baker

City Judge

Tom Lawless

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

 Don't throw away this newsletter. Recycle it!

The Board of Zoning Appeals: How the City Benefits From it's Actions



FROM THE
CITY MANAGER

Kevin Helms

Kevin.Helms@oakhilltn.us

After having devoted the last two articles to the Planning Commission (PC), I would like to provide you with information regarding the Board of Zoning Appeals (BZA) in this issue.

Unlike the PC, the BZA does not share a role in the development of city zoning policy. Nevertheless, their role in carrying it out is extremely important. The BZA has three main roles: to issue variances, to hear appeals of staff decisions, and to approve Conditional Use Permits (CUP).

The BZA is a three-member board appointed by the mayor to three year staggered terms. Each member is a resident of the City who volunteers his or her time to serve. The BZA meets once a month to review applications that are submitted for consideration.

Most things do not fit into a one-size-fits-all approach, and zoning is no different. While there may be multiple zones within a city (Oak Hill has six), these zones are still rather large, and unique circumstances often exist within them. A variance is the mechanism that can allow a property owner to move forward with a project that meets certain criteria, even if it is not in strict conformance with zoning.

The BZA does not have complete discretion in granting variances. The reasons for which a variance can be granted are outlined within state law, and are restated within the City's zoning ordinance.

If one of these conditions exists, then the BZA moves on through the criteria that must be present for a variance to be

granted. There are other check list items not mentioned in this article; a partial list includes the variances are: a) not based upon financial considerations, b) the minimum variance needed, c) not a common occurrence, and d) not self-created by the owner. It is up to the discretion of the BZA as to whether these hardships have been satisfied.

The BZA has three main roles: to issue variances, to hear appeals of staff decisions, and to approve Conditional Use Permits (CUP).

One of the lesser-known roles of the BZA is to hear appeals of staff decisions. If staff has made a decision with which the resident disagrees, the resident has a certain amount of time they can file an appeal to the BZA. For instance, City staff could refuse to issue a building permit for a property based upon a codes issue. If the resident feels the City staff has incorrectly applied the code, they can submit the appeal to the BZA. The BZA then has final say on the situation. To file an appeal, the resident pays a minimal application fee which is refunded to them if the resident prevails in the appeal hearing.

Finally, the BZA issues and updates uses for all CUPs in the City. Because all of Oak Hill is zoned as some type of resi-

dential use, and churches and schools operate as a conditional use within these zones, each church and school must have a CUP. The BZA reviews the proposed uses for a particular property and determines whether they should approve the use, deny the use, or approve the use with certain restrictions. If a use is approved, the site plan is then submitted to the PC to review and approve. To ensure compliance, the BZA reviews each CUP at least once every three years.

I hope this information has provided insight on how the BZA operates. For more information on the BZA, please visit the City website.

How to Give Your Carved Pumpkin a Longer Life



Show off your carved pumpkin a little longer this year by following these easy steps.

First, soak the cleaned pumpkin in a bleach water solution (1 teaspoon bleach to 1 gallon of water) for a couple of hours. Very dry pumpkins may require a longer soak.

Next, dry your pumpkin thoroughly.

Then rub inside and out, including all cut edges, with vegetable oil or petroleum jelly to seal in moisture and prevent shriveling.

Recent Board of Commissioners Actions

To help keep our citizens informed about decisions being made by the Board of Commissioners, we will include in each newsletter a list that summarizes the various actions of the Board.

June 2013

1. Approved Ordinance 13-6 on second reading which includes the addition of \$125,000 to pay for a paving project.
2. Voted to authorize the expenditure of \$31,000 from the City to effectuate the settlement in litigation regarding a lot on Otter Creek Road and transfer ownership to Friends of Radnor Lake.
3. Approved Ordinance 13-7 on first reading that establishes an administrative hearing officer to hear building and property codes violations.
4. Approved Ordinance 13-8 on first reading which creates a City Court.
5. Approved Ordinance 13-9 on first reading which allows the City to take action on unfit structures, overgrown and dirty lots, junk cars, and temporary storage units.
6. Voted to award a contract to HMA for the purpose of street paving in conjunction with repairs done by Metro Water. The cost of the contract is \$110,909.
7. Voted to approve an amendment to the contract with Kimley-Horn & Associates which will provide up to \$17,500 for more engineering on Otter Creek Road.
8. Approved a street lighting policy so that citizens can request public street lights in various areas of the City.

July 2013

1. Adopted Ordinance 13-7 on second reading which establishes an administrative hearing officer.
2. Adopted Ordinance 13-8 on second reading which establishes a City Court and the requirements for a City judge.
3. Adopted Ordinance 13-9 on second reading which allows the City to take action on unfit structures, overgrown and dirty lots, junk cars, and temporary storage units.
4. Adopted Resolution 13-2 which involves sales on the internet and from catalogs, and which encourages Congress to pass legislation that will have sales tax go to the entities where the purchaser resides.
5. Adopted Resolution 13-3 to express concern to the City's Senators and Congressmen for a proposal to remove the tax exempt status for municipal debt.
6. Appointed Tom Lawless as City judge.
7. Adopted Resolution 13-4 to set City Court monthly on the 1st Thursday at 9:00 a.m. to be held at the City Office suite 102.
8. Appointed Mary Clyde Sparks as court clerk.
9. Adopted Resolution 13-6 to apply for a grant that would provide safety equipment to employees.

August 2013

1. Approved a concept plan for the location of enhancements to Franklin Road as part of the TDOT Roadscapes Grant.
2. Adopted Resolutions 13-7, 13-8 and 13-9 to approve a transition of the City employee retirement plan which ensures a healthy retirement for City employees while reducing City expenditures by more than \$300,000 over a 20-year period.
3. Approved establishing an agreement with Table Rock Resources to draft an ordinance regarding limited commercial zoning.

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and **Twitter** www.twitter.com/CityOfOakHill

Lawless appointed as first City judge

In August, Tom Lawless was appointed to be the first City of Oak Hill judge by the Board of Commissioners. Lawless, who previously served on the City's Board of Zoning Appeals, is an attorney in Nashville and served multiple occasions as Special Judge in Davidson County.

The City Court convenes on the first Thursday of each month at 9 a.m. at the City Office, 5548 Franklin Pike Suite 102. City Court is open to the public.

Protecting the Oak Hill Way of Life Requires Vigilance and Diligent Enforcement of Zoning Rules



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

Oak Hill was established more than sixty years ago to protect our neighborhoods from the growing urban sprawl of Nashville. Those pressures continue today as we see increasing density and the two-houses-on-one-lot phenomenon spread throughout Green Hills.

After Oak Hill

incorporated in 1952, the City adopted zoning ordinances consistent with the goals that motivated the City's founding. For many years, property owners complied with the laws that were on Oak Hill's books.

But the new trend is individuals who simply refuse to comply with the law. For example, an individual recently bought a house on Old Hickory Boulevard and converted it to a gravel yard. Property owners on Lakemont Drive refused to repair their home after the 2010 flood, resulting in a nuisance that has attracted vandals and rodents. Other property owners have refused to repair their homes or keep up their yards after numerous requests and pleas from the City. Then there are issues with solicitors, some of which are a front for criminal activity.

The vast majority of property owners voluntarily comply with ordinances. But there are those who choose not to. In doing so, they undermine the vision set forth for our community.

The last resort in these situations is to force compliance by taking the offender to court. Yet, the City of Oak Hill was effectively prevented from enforcing its

ordinances by the Metropolitan Government of Nashville and Davidson County. Metro took the position that it was under no obligation to enforce ordinances of smaller cities, such as Oak Hill, but Metro also took the position that the smaller cities were prohibited from enforcing their own laws. When the City of Forest Hills formed a court to enforce its ordinances,

Metro sued Forest Hills to stop the formation of a court.

The City of Oak Hill previously reached an agreement to prosecute its ordinance violations in a Metro court.

However, the few cases that were brought before the court were cost prohibitive. Most city courts permit a codes official to prosecute violations

Oak Hill was established to protect our neighborhoods from the growing urban sprawl of Nashville. The City adopted zoning ordinances consistent with those goals.

on behalf of the city, but Metro required that Oak Hill have an attorney and codes official be present. Since Oak Hill does not have a full time legal staff, the City had to compensate an attorney on an hourly basis. The costs grew as the attorney and codes official waited through a docket comprised almost exclusively of Metro's code enforcement cases.

This left Oak Hill and other cities in a troubling situation—cost-effective ordinance enforcement would result in a lawsuit from Metro, but failure to enforce ordinances would threaten neighborhoods. The smaller cities legislation that the State House Local Government Subcommittee approved earlier this year would confirm the smaller cities' ability to enforce their own ordinances, and that is an important reason why Oak Hill supported the bill. After the legislation gained momentum toward passage, Metro came to the negotiation table and agreed to recognize the ability of the smaller cities to form their own courts for ordinance enforcement.

Following the finalization of the agreement with Metro, the City of Oak Hill has moved forward to establish the framework for enforcing the laws that are designed to protect our neighborhoods. Over the summer the Board of Commissioners passed these ordinances and as fall begins, the first cases are being filed.

Of course, the Board of Commissioners would prefer to avoid litigation. That is why offenders are warned and encouraged to voluntarily comply with the law. Only in the most egregious situations will the City pursue the final option of litigation.

The City is also taking steps to ensure that ordinance enforcement will have a minimal cost to the City. We expect City court to meet only one day per month, at most, and the City has identified a well-qualified judge who has agreed to serve without charge to the City.

Maintaining a special residential environment requires vigilance and a concerted effort to overcome obstacles. Oak Hill is working diligently to ensure that our residential neighborhoods remain beautiful and open, as the City's founders envisioned more than sixty years ago. We know that our neighborhoods will be better as a result of our collective efforts.

Test Your Knowledge

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

Board of Zoning Appeals (BZA)

- The BZA bases decisions on requests for variances on:
 - Public opinion regarding the request
 - A proven hardship regarding the property
 - Whether the variance will increase the property's value
 - A and B
- Which of the following constitutes a hardship that would go toward allowing the granting of a variance?
 - The variance is needed to allow for the least costly construction option
 - The variance changes activities allowed in a zoning district
 - The minimum variance possible is being requested
 - The variance re-zones the property
- True or false? Decisions of the BZA can be appealed to the Board of Commissioners.
- True or false? The BZA is the entity that grants Conditional Use Permits to residences, schools and churches.
- True or False? A BZA application must show all measurements, including size of all structures, the building envelope, and distances from property lines.

1. B. Legally, of this list only a proven hardship is reason to grant a variance
2. C. By state law, only the minimum variance required to make a property usable may be granted.
3. False. While staff decisions can be appealed to the BZA, BZA decisions are final and cannot be appealed to the Board of Commissioners.
4. False. Only churches and schools are granted CUPs. The BZA is the entity that grants CUPs to these two type institutions.
5. True.



Coffee with the Commissioners

On Tuesday, August 8, the City of Oak Hill encouraged residents to join the Board of Commissioners for coffee and donuts at the “Coffee with the Board of Commissioners” event in the City Office suite 102.

This informal morning gathering allowed residents to visit one-on-one with each of the three City Commissioners — Mayor Austin McMullen, Vice-Mayor Jennifer Claxton, and Commissioner Kyle Felts— to share concerns or ideas regarding the City.

“The energy from this morning’s gathering was palpable and contagious. I am excited about our work to make Oak Hill an even better community,” said Mayor Austin McMullen. “I enjoyed talking with the many friends and residents who stopped by to share ideas, ask questions or simply express how much they appreciate living in Oak Hill.”

Photos from the event are posted on the City of Oak Hill’s Facebook page at www.facebook.com/CityOfOakHill.



New Intern Joins City Staff



Garrett Nandorf, a senior at Vanderbilt University studying Human and Organizational Development, will join the City staff through the fall semester.

Garrett contributes 32 hours per week at the City Office supporting the staff on many tasks including updating the personnel policies and developing a written internal control policy. Because his degree requires an internship, he volunteers his time to the City.

Garrett is a native of Houston, Texas and hopes to return after graduation next spring.

CodeRed Widget Available Online

The five most recent CodeRED calls made by Oak Hill are available online for playback or more information at any time. The nature of the alert, date, time, a map of the area affected, and the option to listen to the message are all features included in the widget.

The widget is simple to use. Just move your mouse to hover over the alert you are seeking more information about and click the “Listen to message” button to receive the detailed message.

To use this widget, please visit www.oakhilltn.us/codered.

Less Landfill: More Recycling Metro Bans Cardboard from Landfills

Metro has passed a new Metro waste ordinance prohibiting disposal of cardboard in the trash as of July 1.

The Nashville Solid Waste Management Ordinance Chapter 10.20 has banned yard waste for the last two years, and now bans cardboard from the landfill. In 2015, electronics will be added to the list.

EarthSavers, the City’s recycling and waste contractor, will begin leaving notices when cardboard is seen in the trash to remind you to recycle, and by January 1, will no longer accept trash with cardboard in it.

The good news is that most of you already recycle your cardboard. Simply commingle small pieces in your recycling bag with the other recyclables. Bundle large pieces together, tie/tape them together, and place them beside your recycling bin. Doing this helps your collection person collect it and keep it from blowing off the truck. Visit <https://www.earthsavers.org/RecyclingCollection.htm> to refresh your memory about what can be recycled and how to prepare it for collection.

This change will also save the City money. We pay over \$50 per ton to throw garbage in the landfill, and \$0 to recycle! That adds up since we as a city trash over 3,000,000 pounds every year. Recycling has diverted over 600,000 pounds each year and saved the City over \$15,000 annually. Let’s save more and recycle all of our cardboard!

Holiday Garbage and Recycling Pickup

Due to the Thanksgiving holiday, there will be no garbage or recycling service on November 28, 2013. Customers who are normally serviced on November 28th will be allotted twice the normal volume on their next regularly scheduled collection day, which is December 2nd.

Sign Up for Collection Alerts from EarthSavers

EarthSavers now offers email alerts for collection schedule changes due to weather or holidays. You can log on and see the schedule anytime, and answer most questions about how recycling and trash collection works.

To sign up, please visit: <https://www.earthsavers.org/oakhillREG>

Questions/Issue about Recycling and Garbage Collection

If you have a collection issue or have questions, please first contact EarthSavers by email at oakhill@earthsavers.org, or if you don’t have access to email, then contact them by phone at (615) 481-9640 ext 107.

This will expedite the resolution of your issue. If EarthSavers does not respond to you within 24 hours, please contact the City Office.

Clean Water



Everybody's Business

10 Things You Can Do to Prevent Stormwater Runoff Pollution

- Use fertilizers sparingly and sweep up driveways, sidewalks, and gutters
- Never dump anything down storm drains or in streams
- Vegetate bare spots in your yard
- Compost your yard waste
- Use least toxic pesticides, follow labels, and learn how to prevent pest problems
- Direct downspouts away from paved surfaces; consider a rain garden to capture runoff
- Take your car to the car wash instead of washing it in the driveway
- Check your car for leaks and recycle your motor oil
- Pick up after your pet
- Have your septic tank pumped and system inspected regularly



For more information, visit www.epa.gov/nps or www.epa.gov/npdes/stormwater



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CITY OF OAK HILL

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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@earthsavers.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

Residential Street Light Policy Approved by Board of Commissioners

The City of Oak Hill Board of Commissioners voted on and approved a Streetlight Policy for residents' use. This policy is to provide guidelines for the installation of adequate illumination along the streets and highways in the City of Oak Hill in order to aid in the safe and orderly movement of traffic and pedestrians.

The intent of this policy is to provide for streetlights to be installed in accordance

with the wishes of those residing on particular streets within the City. However, public safety must be given the highest priority when determining whether a streetlight is appropriate or not for a particular location. Streetlights are installed primarily to light the streets and highways with any secondary benefits being solely coincidental.

To view this policy, please visit the City Information page on the website.

The City of Oak Hill office will be closed on
Monday, November 11 in observance of
Veterans Day, and Thursday and Friday November
28 and 29 due to the Thanksgiving holiday.