

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

**March 19, 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, Safety Coordinator Tommy Jacobs, City Manager Kevin Helms, Assistant City Manager M. C. Sparks, and Administrative Assistant Patrick Steiner. Mayor Alsup acted as chair, and Ms. Sparks served as secretary.

Mr. Alsup opened the meeting at 5:40 p.m., with the Pledge of Allegiance, and introductions.

**III. Comments from Citizens** – Becky Thomas, 811 Redwood Drive, and several neighbors appeared to voice concerns regarding the cutting down of trees up to 70 feet away from the power lines to be done by the TVA near Redwood Drive. Many neighbors are upset, as the trees help control drainage and reduce noise off I-65. They request that the City help – either to limit the work done by TVA, or to help pay for trimming these trees, as TVA has indicated any trees 20’ and below in height would not be taken down. Mr. Helms has spoken with Sen. Marsha Blackburn’s office to see if there is any help that could be offered. TVA apparently has made a policy change, cutting larger areas than done in the past. Mr. Notestine indicated we don’t know what the TVA easement is in this area, but in that easement TVA can do as they feel best in regards to trimming. Mr. Notestine suggests he do a title search regarding the easement.

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

“Moved that 1) the City Attorney investigate what are the easement rights or obligations on adjacent properties, and 2) if the TVA is within its rights, will they accept the City of Oak Hill underwriting a tree trimming program rather than a tree removal by TVA (getting an estimate from Jackaroo on said work), and asking the TVA to delay work until the next Oak Hill Board of Commissioners meeting, pursuing this by an intergovernmental agreement between the TVA and the City of Oak Hill; and that the city attorney or city staff contact Mr. Dooley with the TVA to stay in contact on this issue.”

## **IV. Old Business**

A.) Approve the Minutes of February 19, 2009 Meeting – The minutes were approved as presented upon a motion by Mr. McMullen and Seconded by Mr. Throckmorton.

B.) Consideration/Action on Glendale School Sign Plan – Mr. Collier discussed this project, which will place more school zone signs in the area of the school to help control traffic. He also said that the plan meets all codes regarding signs.

On a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was approved unanimously:

“The proposed sign plan for the area around Glendale School is hereby approved as presented.”

C.) Consideration/Action on Public Officials Bond - Mr. Helms has contacted the Tennessee Municipal League, and they can provide \$100,000 for the City Manager, Assistant City Manager, Mayor and Vice-Mayor, at \$315. Mr. Notestine said the City has some coverage with

TML that offers protection, but this insurance does not have the City in strict compliance with the State statutes. The remainder of the staff is still covered for dishonesty under the standard policy with TML. The cost would be an additional \$1,260 per year for the officials bond, and it will take the place of the standard for these four people. The recommendation is the City should acquire this officials bond.

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

“Moved to obtain officials bond issuance as quoted by the Tennessee Municipal League.”

D.) Additional Appropriation for Emergency Warning Sirens - The proposed warning sirens will require more money than first estimated – the total would be \$73,000 for two sirens; the Commissioners approved in the past \$40,000. The balance of funds to install these sirens needs to be allocated. This cost would include a maintenance contract and spare parts. The first siren will be located at Overton High School, the second location has not been determined.

On a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was approved unanimously:

“Approved that the additional funds amounting \$33,000 be allocated for the installation and maintenance of two warning sirens in the City of Oak Hill.”

E.) Design/Engineering Contract Award for I-65 Sound Walls – Mr. Helms outlined the process of obtaining proposals for the preliminary contract for the engineering and management of the installation of sound walls in Oak Hill near I-65. At a later date a full design budget and construction budget will be sent out for proposals. The funding for the initial contract will come out of city reserves; the work of construction will be examined for sources of financing later. The cost of the initial engineering will be \$50,000-\$80,000. Collier Engineering was initially disqualified due to concerns over a conflict of interest, and Mr. Helms spoke with MTAS for an opinion on this. At this time Mr. Collier offers his personal resignation as City Engineer, and will work through Collier Engineering until another City Engineer is obtained. This will eliminate any conflict of interest with the I-65 sound wall project.

The proposals were based on a per hour fee on various personnel positions, but capped at \$80,000 for a total to be spent on the engineering/management phase.

Ms. Wherry raised an objection as to why Mr. Collier resigned; the disqualification should remain in place. Ms. Wherry asked if lower bid pricing was how the selection is made; the response was no, there were several criteria beyond pricing.

Mr. Throckmorton said the bid was from Collier Engineering not Mr. Collier personally, and the moment Mr. Collier knew there would be a conflict of interest, he indicated he would resign. Collier Engineering bills hours, but Mr. Collier has not billed hours personally since he went on retainer.

Mr. Throckmorton said that since there has been a change in Federal policies, he seriously considers we should talk again with TDOT, considering a grant or stimulus might be available, to see if they would work with Oak Hill. He suggested that the Commissioners go ahead and allocate the money, but perhaps take a month to pursue options with TDOT. Mr. Helms agreed that there is benefit in approaching TDOT again, as they are trying to promote stimulus projects. If the City could show a cost benefit analysis to TDOT, that may help in a presentation. The City does have a Federal allocation of \$600,000 if it could be used – it may be used if we put the walls on TDOT right-of-way. TDOT could institute litigation to stop the project if we come too close to their R.O.W. and somehow interfere with it.

On a Motion duly made by Mr. Throckmorton, and Seconded by Mr. McMullen, the following was approved unanimously:

“The awarding of the engineering/management contract will be postponed for one month to allow negotiation with TDOT, or even consideration of possible litigation.”

## **V. New Business**

A.) Consideration of BZA Recommendations on First Presbyterian School Traffic – A community committee on traffic problems around First Presbyterian Church/Oak Hill School has submitted to the Board of Commissioners a report, after examination of the report by the Board of Zoning Appeals which accepted the 3 recommendations:

- 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.

Ms. Amy James and Ms. Mary Wherry, who were on the committee, spoke to the issue. Mr. Collier said the proposed signs do conform to codes. If the back entrance to the church property is closed, then more severe traffic problems will arise on Tyne Boulevard and Robertson Academy Road. The cost of the signs will be less than \$5,000.

On a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was approved unanimously:

“Approved that the purchase of signs to install for the school zone diagram for both “A” and “B” as submitted in the committee, up to \$3000.”

Any police coverage requested in this area would have to be approved by Metro police.

After discussion, Mr. Throckmorton suggested that the committee might request of the rec center that the rear entrance be closed on Saturdays as a test.

B.) Consideration of First Presbyterian Request of School Zone on Tyne Blvd. – approved the previous motion.

C.) Resolution to Amend the Budget – Resolution 09-4 would authorize that the line item #201, “City Manager”, for the 2008/2009 budget be reduced by \$10,000.00 to \$62,500.00; and line item #211, “Miscellaneous” is increased from \$15,000.00 to \$25,000.00. This is due to the fact that since the City Manger will only be on the payroll for part of the year. The funds will be used to cover the miscellaneous mileage, conferences, and housing for Mr. Helms.

On a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was approved unanimously:

“Moved that Resolution 09-4 updating line item #201 and #211 be approved as presented.”

## **VI. Reports**

A.) City Engineer – no further report. Mr. Collier will be working for the City on a temporary contractual relationship based on a hourly basis. Mr. Helms recommended as the contract has not been awarded on the I-65, and for purposes of continuity, that Collier Engineering continue

to be used by the City for engineering services; a Request for Qualifications will be drawn up for a new City Engineer for a contract of perhaps three years.

On a Motion duly made by Mr. McMullen, and Seconded by Mr. Throckmorton, the following was approved unanimously:

“Moved that a temporary contractual relationship be established with Collier Engineering while a Request for Qualifications be drawn up to be used in a search for a City Engineer, effective today.”

Mr. Collier’s salary will be prorated for the rest of the month of March.

B.) City Manager – no further report

C.) City Attorney – no further report

D. ) Safety Director – Mr. Jacobs reported on burglaries by a man in a white Chevy Tahoe SUV, with drive-out tag rather than license plate, who is robbing home between 2:00 and 5:00 pm in Oak Hill, Forest Hills, and Green Hills daily.

Mr. Thomas thanked Commissioners for their service and good work.

**VII. Adjournment**

Upon Motion duly made and Seconded, the meeting was adjourned at 7:26 pm.

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City Recorder

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Mayor