

## MINUTES

The regular meeting of the Oliver Springs Town Council was called to order on September 5, 2013 at 7:00 p.m. by Mayor Chris Hepler. All were present.

The meeting was opened in prayer by City Recorder Van Hook followed by the pledge to the flag.

Motion by Brummett and second by Cox to approve the minutes of the previous meeting as presented. All voted aye.

### COMMENTS FROM CITY MANAGER:

A. The street department has been mowing throughout the City and in particular at the Oliver Springs Cemetery, at Redbud Park, at Tupper Town, on medians, at side streets, at the Library, and at other locations. This work includes the trimming of the overgrowth of trees, shrubs, kudzu, and other vegetation. Although many ditches have been cleaned and flushed over the past three weeks, there are still other ditches to be completed, possibly within the next two or three weeks, weather and labor permitting.

B. The street department employees and the certified installers (required by the grant) will be installing new park equipment at Arrowhead Park. Once the equipment is installed, the borders and mulch must be prepared to pass the HIC test per grant requirements.

C. The Town is currently seeking an architect that will assist with the required state stamped drawings at a reasonable fee. Although several local offices have been contacted, only one quote has been received. The goal is to have the drawings completed and the pavilion built prior to the October Sky Festival.

D. Mrs. Treece has been working with Loraine Boiling and Tammy Barger as to the planning of the October Sky event and Christmas Parade event.

E. Troy Burney is doing very well with his new assignment. He has been able to quickly locate issues within the Town that need prompt attention. Within the last few weeks, he has listed several potholes that the street department is working to patch. At last count, the street department had patched approximately twenty-five potholes. The street department will continue this work as permitted by labor, equipment, and weather.

F. Mr. Burney and Mrs. Treece are working on a listing of streets needing section paving (repair) that is needed throughout the Town. As soon as this list is completed, a request for bid for paving will be transmitted to the several paving contractors.

G. The mulch dump truck is currently in the shop having a wheel cylinder repaired. As soon as the repairs are complete, the truck will be working to assist the housing authority.

H. The sidearm mower as of last Friday had broken down and is in the shop. The Town should have it back within the next few weeks.

I. Fall Cleanup including brush pickup is scheduled to begin October 14, and run for the next three consecutive weeks. Citizens may sign up for this service by completing the online website form or stopping at City Hall and filling out a form. To assist everyone who needs service, the Town is asking that each citizen prepared this form in order that the cleanup can be organized and implemented in an efficient manner.

J. As soon as Police Chief Kenneth Morgan has supplied the information for his website page, the police department page and Town website will be completed.

K. Electronic equipment for credit card and debit card payments will be set up over the next several weeks in order that payments can be accepted at City Hall and on the Town's website. A notice will be posted at City Hall, the Library, the Post Office and the several Bank when the system is up and running. The Town is waiting on the credit card scanners and related equipment.

L. OSHA audited the Town's City Garage and Police Department locations several weeks ago. Although this audit went very well, the City Garage had a few findings that the employees are now correcting, which involved a bench grinder, which did not meet OSHA standards and the electrical panel which needed wiring repair. Police Chief Morgan provided a template for a blood borne pathogen program and when this is completed, this will resolve the only issue at the Police Department. Mrs. Treece hopes to have all of these resolved in time for the Town's response in late October or early November.

#### COMMENTS FROM CITIZENS:

Mimi Brock of the Oliver Springs Historical Society advised that the Historical Society had created and was selling a 2014 Calendar, and on each page, a picture of a Historical Society member was placed along with one or more pictures of historic home sites and buildings in Oliver Springs. Mrs. Brock encouraged all to purchase a calendar, as the proceeds would go for Historical Society projects.

Vickie Allen stated that she is a proud sponsor of the first October Sky Pageant to be held at the Kelly Town Baptist Church activity building on October 17, 2013 at 7:00 p.m. The categories will be newborn through high school, and the contestants do not have to live in Oliver Springs. Each contestant can pick up a form at several locations in Town or the form can be downloaded at the [octoberskyfestivaltn.org](http://octoberskyfestivaltn.org). The winner will be presented on October 19, 2013 at 9:00 a.m. during the kick off at the October Sky Festival at the Library-Depot building. All entries must be filed by October 1, 2013.

Mr. Robbie Underwood, who works in archives with the Oliver Springs Historical Society, stated that the Old Abston Garage repairs and improvements are moving along wherein it will be a showcase building where activities and meetings and class reunions can be held. When the building was built over one hundred years ago, the parking around the building was more than adequate. However, times have changed and automobile traffic has changed, and the parking is now inadequate. In order to get a certificate of occupancy, the building needs additional parking. Mr. Underwood requested that the Town Council allow the Town-owned lot across from the Library-Depot to be designated a parking area for the Abston Garage. The Mayor and several Town Council members expressed support for this in principal, but requested that Mr. Underwood supply the building occupancy rate as these zoning ordinances concerning commercial parking lots dictate the number of parking spaces needed based upon the occupancy of a particular building. In addition, the Mayor suggested that once the number of parking spaces needed is established, the Town can then plan to gravel or pave only the amount of space needed to supply the proper number of parking spaces. Mr. Underwood thanked Town Council for its support and advised that he would supply this information.

Mr. Fred Bender at 106 Foxwood Circle next spoke and stated that several years ago the Water Department dug a large trench around his large diameter tree in his yard attempting to repair a water line leak or replace a water meter. This digging around the tree killed his tree, and as it is now dead, Mr. Bender fears that limbs may fall on personal property and individuals creating damage and injury. Mr. Bender requested that as the Water Department "killed" his tree, that the Water Department or the Town pay for the cost of cutting the tree. Mr. Bender stated that he enjoyed that tree very much and was greatly disappointed that it was now dead. The value of his home has been reduced due to the dead tree. Mr. Cox stated that he personally viewed the area in question and that the water line is outside of the City easement and the city workers actually worked outside the easement. Mr. Walker personally observed the trench as it was being dug, and the trench was only on one side of the tree, although it was a pretty deep trench. As a drainage culvert runs over several of these lots, and runs closely by the tree, and with the

culvert being installed many years ago, how big was the tree when the culvert was installed? The Mayor advised that he lived in that subdivision as a young boy and he remembered when developer Clyde Fox built the subdivision and put in the culvert, and there was no tree when the culvert was installed. Mayor Hepler thought that the first owner may have planted the tree. City Recorder Van Hook advised that although it was the position of Mr. Bender that the Water Department excavation work killed the tree, with a rusted underground metal drainage culvert in the area, dirt could have washed from the tree roots, resulting in the death of the tree. In other words, there was no scientific direct evidence that the work by the Water Department killed the tree. Mr. Van Hook suggested that Mr. Bender obtain a written opinion from a professional arborist (tree specialist) offering an opinion as to why this tree died. Without any expert opinion, the Town would be reluctant to use tax payer money and come onto private property and cut down a tree, especially in view of the fact that the Town has auditors, state rules and regulations as to how and where money may be spent, as well as random audits by the Comptroller Office, and any money spent and action taken by Town Council based on the request of Mr. Bender has to be thoroughly and properly documented and justified. Recorder Van Hook stated that he had researched the issue of this metal underground drainage culvert in the Anderson County Register of Deeds Office and the Anderson County Property Assessor Office, and had determined that there was a drainage culvert shown on the subdivision map (which was accepted many years ago by the Oliver Springs Planning Commission), but this drainage culvert was not the underground metal drainage culvert in question. In comparing the subdivision map with the Anderson County Property Assessor map, the Property Assessor Map showed as a broken line the underground drainage culvert running over five or six of the subdivision lots. Therefore, it appeared from the record that the Town did not accept this underground drainage culvert in question when it accepted the subdivision map. Apparently this underground metal drainage culvert was placed in a low wet weather stream area, whereby dirt could be backfilled over the culvert, improving each subdivision lot crossed by this wet weather drainage stream or creek. The restrictive covenants of the subdivision gave the Town an easement on five feet either side of the property lot lines for utility and drainage, and the culvert in question fell outside of these easements. Therefore, it appeared that the Town was not responsible for the maintenance, upkeep, repair, and/or replacement of this underground drainage culvert in question. Although it would be expensive, it appears that the owners of the several subdivision lots serviced by the culvert in question would be responsible for the maintenance, upkeep, repair, and/or replacement. Mr. Walker advised that CUB in his experience had declined to cut a large tree in his yard that was endangering the power lines, and Mr. Walker had it cut down at a cost of three thousand dollars (\$3,000.00). Apparently it is the position of CUB that the tree has to fall first, and then CUB will repair the power lines, leaving the property owner to pay for the cost of cutting up the tree. Recorder Van Hook suggested that CUB be contacted to cut the tree. Mr. Bender advised that he would obtain a quote for the cutting of the tree. Mayor Hepler requested that City Manager Treece conduct further investigation to see how the cutting of the tree could be accomplished.

#### COMMENTS FROM TOWN COUNCIL MEMBERS:

Mr. Stinnett asked and Mrs. Treece advised that the Town is obtaining measurements for section paving or blended paving in order to obtain bid quotes. Midway Drive will be patched and paved as a part of this project.

Mr. Stinnett advised that the drainage ditch in front of the ambulance station needed a grate replacement.

Mr. Walker stated that the vinyl siding at the Norwood Fire Hall has mildew and dirt on it and needs to be pressure washed. City Manager Treece advised that this is on her list of projects.

Mr. Cox announced that on September 26, 2013, between 10:00 a.m. and 2:00 p.m., free flu shots will be given at the Kingston Community Center. All are invited to participate.

Mr. Cox advised that a home in the Sleepy Hollow Subdivision has a carport being enclosed but the owner did not receive approval before the Planning Commission or building permit. City Manager Treece said she would investigate this situation.

Mr. Holland asked and City Manager Treece advised that at Arrowhead Park, the playground has to have a one-inch gravel base and then on top of that fourteen inches of mulch will be placed. The playground is closed until this is finished.

Mr. Brummett advised that an old signpost on the West side of Cemetery Road needs to be repaired.

Mr. Brummett asked and City Manager Treece advised that when customers pay the water and sewer fees by credit card, the credit card use fee is added to the bill and the Town is paid in full. The customer has to pay not only the water and sewer bill in full, but also pay whatever fee is charged by the credit card company for the use of the card.

Mr. Brummett requested that City Manager Treece prepare for him (and any others who may want one) a Town of Oliver Springs employee list containing the date of hire, the job classification, and pay rate. Mrs. Treece advised that she would provide that.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

After extensive discussion, motion by Walker and second by Stinnett to pass ordinance number 2013-05-09A, a resolution to establish an updated occupational safety and health program plan, devised rules and regulations, and to provide for a safety director and the implementation of such plan, effective September 5, 2013, and as further set out in resolution number 2013-05-09A, attached hereto and incorporated herein by reference as fully as if set out verbatim. After discussion, all voted aye.

Mrs. Hope Gibson, a retired school teaching from Harriman working with the Roane County Anti-Drug Coalition, recommended passage of the proclamation to highlight September 2013 as the recovery from addiction month. City Recorder Van Hook read the proclamation resolution, and after discussion, motion by Cox and second by Craze to pass Proclamation 2013-05-09B, highlighting September 2013 as the recovery from addiction month. All voted aye.

After extensive discussion, motion by Cox and second by Walker to pass ordinance number 2013-05-09C, an ordinance to amend the municipal code of the Town of Oliver Springs, Tennessee, Title 13, Chapter 1, Property Maintenance regulations, Section 13-104, Part 7, with the amendment that the "City Manager and/or the Police Chief and/or designee or codes enforcement" be added, and that the second paragraph under "7" be rewritten as discussed by City Recorder Van Hook and others, and also adding the cost of the cleanup to the property tax bill. All voted aye.

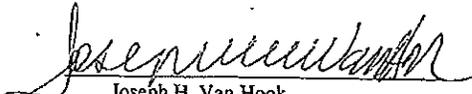
There was extensive discussion of the proposed ordinance dealing with municipal flood plain zoning. Several requested additional time to review and study this ordinance, and the matter was deferred until a later meeting.

After discussion, motion by Brummett and second by Craze to pass ordinance number 2013-05-09D rezoning the Oma R. Kelly property on State Highway 61, Anderson County Tax Map 098C, Group B, Parcel 027.06 from R-2 to C-3 as shown on the attached ordinance and map. All voted aye.

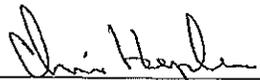
After discussion, motion by Stinnett and second by Walker to pass ordinance number 2013-05-09E, rezoning the property of Reid Walls and Charles Walls on Hannah Drive, Anderson County Tax Map 092J, Group B, Parcel 003.00 and Map 092J, Group B, Parcel 002.00 from R-1 to C-3 as shown as the attached ordinance and map. All voted aye.

With no further business to come before the meeting, the meeting was upon motion duly made and seconded and unanimously approved, adjourned at 8:00 p.m.

Respectfully submitted,

  
Joseph H. Van Hook  
City Recorder

APPROVED:

  
Chris Hepler  
Mayor

TOS Minutes 9-5-13