

## City of Fairview

**BOARD OF COMMISSIONERS**

February 4, 2010

Ken Brison, Mayor  
Stuart L. Johnson, Vice-Mayor  
Eddie Arney, Commissioner  
Allen Bissell, Commissioner  
Toney Sutton, Commissioner  
Andrew Hyatt, City Manager  
Larry Cantrell, City Attorney  
David Mayberry, Recorder

Present: Brison, Bissell, Arney, Sutton  
Others Present: Cantrell, Lovvorn

- 1. Mayor Brison called the meeting to order at 7:11 p.m.**
  - A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.
- 2. Approval of the Agenda –**
  - A. Mayor Brison noted that Item G under New Business, “Discuss and/or take action on Roadscapes Grant”, should actually be Item B under Old Business. Also, there was a rezoning issue that was omitted from the agenda. It was added as Item G under New Business. Additionally, Item H, “Discuss and or take action on National Recovery Zone Economic Development Bonds”, was added as New Business. Vice-Mayor Johnson made a motion to approve the agenda as amended. Commissioner Bissell seconded. All were in favor.
- 3. Citizen Comments – (Limited to the first five (5) citizens to sign in and a limit of three (3) minutes each).**
  - A. Jim Beata addressed the Board, noting what an achievement the Publix development was, especially during hard economic times. He considered it quite a blessing considering the current unemployment levels. He then thanked several people by name, including Shirley Forehand, Donn Lovvorn, Jamie James and the rest of the city staff, Darrell Mangrum, Wayne Hall and the current Board of Commissioners. He said this path started with the Brownlyn Farms development, the Hwy 100 widening, the water department transfer, and other hard decisions. He mentioned TSC, Westview Plaza, Publix and other places that will enhance Fairview.
  - B. Victoria Fuentes wanted to know why there was no salting or snow removal on Saturday and Sunday. She stated that she had received no response from Public Works, and feels it is unacceptable. She mentioned she had the same problem earlier in January, and she feels it's time for the City to take responsibility.
- 4. Awards and/or Recognitions – NONE**
- 5. Public Announcements –**
  - A. City Manager Hyatt reminded everyone of the emissions testing on the 10<sup>th</sup> and 17<sup>th</sup> of February at the Fire Station on Highway 96.

- B. Mayor Brison reminded everyone that the Census forms should arrive in March. Every additional person counted is worth several hundred dollars.
- C. Commissioner Sutton added that Fairview was critically short of people to work for the Census Bureau in Fairview. He mentioned that jobs in the Fairview paid about \$14.50 per hour plus mileage.

**6. Approval of the Minutes –**

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on January 21, 2010. Commissioner Sutton made a motion to approve the minutes as presented. Commissioner Bissell seconded the motion. All were in favor.

**7. Old Business –**

- A. Discuss and/or take action on report from Property Ad-Hoc Committee – City Manager Hyatt presented a change order for the undercut of the parking lot at the new fire station. The total cost was \$18,601.35. This option included a base of rock instead of dirt, causing it to be longer lasting. Vice-Mayor Johnson made a motion to approve the change order, with Commissioner Bissell Seconding. All were in favor.

Hyatt then presented the issue of switching from 3-phase power to single-phase at the new fire station. There would be a costs of about \$2,000 to switch the HVAC unit out, and the revisions to the drawings would cost about \$2,300. Commissioner Arney noted that the costs of the other equipment not yet purchased, like the generator, would go down due to the switch. Commissioner Bissell asked why the change was necessary. Fire Chief Cooper stated that the costs of installing 3-phase power was higher, and the logistics of getting the lines installed made it a bad option. Commissioner Arney made a motion to approve the change, with Vice-Mayor Johnson seconding. All were in favor.

- B. Discuss and/or take action on Roadscapes Grant – City Manager Hyatt told the Board that the money for this project had been budgeted in prior years. He told the board that they needed to appoint an overseer for the project. Mayor Brison noted that Dan Kubit had volunteered, and he wanted him to at least be a part of the committee. Commissioner Sutton stated that he hadn't asked Mr. Kubit, but he would love to have him be a part of the committee. Commissioner Bissell asked what the timeframe for this project was, and City Manager Hyatt informed them that they were already into the 2<sup>nd</sup> year of a 2 year window for this project. Bissell then nominated Vice-Mayor Johnson to chair the committee, and to extend invitations to Mr. Kubit and others that had worked on the project earlier. Commissioner Arney seconded the motion. All were in favor.

**8. New Business –**

- A. Discuss and/or take action on purchasing furniture for new fire station – Fire Chief Cooper referred the Board to the drawings of the office provided by the companies quoting the furniture. He recommended the low quote from Nashville Office Interiors, which was a maximum of \$12,159.78. He noted that this furniture was on state contract. He added that the amount could go down slightly because the desk in his office would be approximately 4 inches narrower due to a wall being relocated. Vice-Mayor Johnson asked why the wall had been moved, and Commissioner Arney replied that it was to due to a change in the plumbing system

Attorney Cantrell informed the board that their recourse would be to not accept a change order for the move, if the contractor had submitted one. Commissioner Bissell added that the movement of this wall was not a big deal by itself, but wondered what else was changed without approval. Cantrell advised the board that they could notify the contractor that they would not accept any more changes without a change order to stop this from happening. Commissioner Bissell advised Hyatt to deliver these notices in writing to the contractor and architect as soon as possible. Johnson made a motion to approve the furniture order, with Sutton seconding. All were in favor.

- B. Approval of Fire Department Grant application – Cooper presented a grant application to the Board for a new Polaris utility vehicle. He noted that they had applied several years in a row, but not yet been approved. This vehicle would mainly be used by the Park, but could be called out for other service as the need arose. Vice-Mayor Johnson made a motion to approve the grant, with Commissioner Sutton seconding. All were in favor.
- C. Disposal of consumables at new fire station – Cooper informed the board that there were lots of old items at the station that did not need to make the trip to the new station. He proposed to donate the items to other volunteer departments that could use them. He stated that he would get a letter from any recipient department stating that they would use it for their fire fighting operations. Responding to Vice-Mayor Johnson's question about indemnification to the city, Attorney Cantrell stated that he would help draft the letter indemnifying the city. Commissioner Arney made a motion to donate the equipment to other departments, it being in the best interest of the City. Johnson seconded. All were in favor.
- D. Disposal of City-owned fire station property – Chief Cooper informed the board that lots of items at the old fire station were owned by the volunteers, but certain things were owned by the City, and he did not want to see them go to waste. Vice-Mayor Johnson asked if it was allowed to sell these items, and Cantrell advised the board that the fixtures of the building were now owned by SouthStar, since they had bought the building. He stated that they would need approval in writing from SouthStar to sell them. Commissioner Sutton made a motion to approve the sale of the property. Commissioner Arney seconded it for discussion. After some discussion about liability concerns and the policy requirements to sell this property, the motion was withdrawn prior to a vote.
- E. Discuss and/or take action on Architectural Contract – City Manager Hyatt stated that this item was here due to the wall in the Chief's office being moved, and the concern for what was the next thing to be changed. He told the board that the City was going to be more diligent on this project, but it was still the responsibility of the Architect and Builder to build it according to the plans. Commissioner Arney asked for a status update, as he felt the project looked behind schedule. Lovvorn stated that he did not know for sure, but they seemed to be about a week behind. Commissioner Sutton stated that they were 3 days behind a couple of weeks ago., Commissioner Arney asked that the contractor update their status matrix before the next meeting.
- F. Discuss and/or take action on vacant property next to City Hall – Commissioner Bissell stated that people in the community believe this land is becoming an eyesore, and was concerned about it continuing to sit vacant. Vice-Mayor Johnson asked what the City's options were with the

property. Cantrell stated that the site bond did not cover that property and the contractor did not come to the pre-construction meeting for that project. He stated that they could go to chancery court and get an injunction against the owner for violation of city ordinances. He added that this was not a quick process, but effective. He also said they could mow the property and establish a lien against the property for the maintenance. The court could also order some grading work be done to the site. Bissell then asked about eminent domain. Cantrell stated that eminent domain would be difficult because the City did not have a current plan for the land and the City had recently sold it. Lovvorn then addressed the board, informing them that he had recently heard from Premier Development Partners. They stated that interest had picked up in the property. They had a pending contract with Walgreens if the road was extended in front of City Hall. Lovvorn stated it looked like the road was happening, but he was not sure of the status of the Walgreens contract. The commissioners stated that they had received several questions about when the project was going to progress. No further action was taken.

- G. Discuss and/or take action on recommendations from Planning Commission – Lovvorn presented the proposed zoning change on the land behind the Jingo Market. The landowner was requesting to change to zoning from Commercial to Residential to allow the building of condo's on the property. Lovvorn noted that the official address of the land was 7008 Glenhaven Dr. The owner, Mr. Mikhaiel, was on hand to answer questions by the commissioners. Commissioner Sutton asked about the use of the property. Mr. Mikhaiel stated that he would like to build condo's that would be rented at first but would eventually be sold individually. He estimated the unit value to be \$100-110 thousand dollars starting out. Vice Mayor Johnson made a motion to approve the change, with Commissioner Sutton seconding. All were in favor, with Mayor Brison abstaining.
- H. Discuss and/or take action on Recovery Zone Economic Development Bonds – Cantrell addressed the board, stating that the concept was to apply for \$300,000 in bonds to contribute towards the Hwy 100 widening project. These bonds are for cities with over 100,000 in population and counties. Fairview's portion would come from the allocation to Williamson County. He stated that one of the requirements was to certify that they would be paying the prevailing wage rate for the area on the project. While this seemed like an obstacle at first, he learned that TDOT pays on the prevailing wage scale, so it would not be an issue. He stated that if the City was interested in this, they would have to pass three resolutions. One would be to designate the area as a recovery zone, one would be asking the county for the bond money, and a third would be to approve the issuance of the bonds. The Federal Government would refund 45% of the interest paid on these bonds, which might or might not be a significant amount. He also discussed other options, including USDA low-interest loans for the project. It was decided that Cantrell would get more cost information on the bonds in time for the next meeting, and they would decide on the resolutions then.

#### **9. City Manager Items for Discussion -**

- A. Miscellaneous Updates – Hyatt stated that the City had put about 40 tons of salt on the road during the last round of bad weather. He said Wade Hooper, the Public Works would get with Ms. Fuentes to address her concerns. He commended his staff on the job they did despite the conditions.

Commissioner Bissell then asked how much equipment the City used on the roads. Hyatt stated that they used just 1 salt truck, which was all they had. Bissell asked about a streets plan for bad weather that could be posted on the City's website. Hyatt said they had nothing at the moment but would have something in the next couple of days. Mayor Brison suggested looking at the possibility of contracting the snow removal work to people that already owned the equipment. Vice-Mayor Johnson stated that other cities had problems clearing the streets because of people parking on them, and suggested forming a Public Works Committee, if it was necessary. Hyatt stated that he would look at all the options and have a report at the next meeting.

- B. City Attorney Comments – NONE.

**10. Communications from the Mayor and Commissioners –**

- A. Commissioner Sutton stated that he had talked to Wade Hooper at the Park, and discussed making parts of the park handicapped accessible, adding that there was a plan for that several years ago. Hooper stated that the plans had been done about 10 years ago, where they looked at paving and resurfacing certain parts of the trails. Sutton asked to place this item on the agenda for the next meeting.
- B. Commissioner Bissell stated that he was unsure of the cost to build a fishing pier at the park, but would like to see one at the park that was handicap accessible and child-friendly. He added that they need to do other things to grow the City. He then stated that while the website was very informative, it doesn't have much in the way of family-friendly information. He would like to discuss the website and possible changes at a future meeting.
- C. Vice-Mayor Johnson apologized to Ms. Fuentes on behalf of the City and committed to instituting a plan for the streets during inclement weather.
- D. Mayor Brison stated that he and Hyatt would be at the Water Authority's meeting next Monday to ask for Hwy 100 funds. He added that the chairman on the Planning Commission would be there to discuss the water supply at SR840. .

**11. The meeting adjourned at 8:45 p.m.**

David Mayberry  
City Recorder