

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

FEBRUARY 16, 2017

7:00 P.M.

AGENDA

- 1. Call to order by Mayor Carroll**
 - A. Prayer and Pledge
- 2. Approval of the Agenda**
- 3. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
- 4. Awards and/or Recognitions**
- 5. Public Announcements**
- 6. Staff Comments**
- 7. Approval of the Minutes** (only needed if removed from consent agenda)
- 8. Consent Agenda Consisting of Items as Follows**
 - A. Approval of the Minutes from the February 2, 2017 Board of Commissioners Meeting
 - B. Second and Final Reading of Ordinance #2016-37, Ordinance No. 951, An Ordinance to Amend the City of Fairview, Tennessee, Municipal Code, Title 1, "General Administration," Chapter 1, "Board of Commissioners," by Addition of Section 1-108, "Appointments to Boards and Commissions"
 - C. Second and Final Reading of Ordinance #2017-01, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2016-2017 Budget
 - D. Approval of Resolution 01-17, A Resolution Repealing Resolution No. 04-16 and Enactment of a Resolution Requesting the State of Tennessee General Assembly Amend Tennessee Code Annotated Sections 6-20-101 and 6-20-201, Both of Which are Charter Provisions of the City of Fairview, Tennessee
- 9. Old Business**
- 10. New Business**
- 11. City Manager Items for Discussion**
 - A. Miscellaneous Updates
 - B. City Attorney Comments
- 12. Communications from the Mayor and Commissioners**
- 13. Adjournment**

8B

Bill # 2016-37

ORDINANCE NO. 951

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW, TENNESSEE MUNICIPAL CODE, TITLE 1, "GENERAL ADMINISTRATION," CHAPTER 1, "BOARD OF COMMISSIONERS," BY ADDITION OF SECTION 1-108, "BOARDS AND COMMISSIONS APPOINTED OR CONFIRMED BY THE BOARD OF COMMISSIONERS."

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, desire to amend and update Title 1, "General Administration," Chapter 1, "Board of Commissioners," by addition of Section 1-108, "Appointments to Boards and Commissions."

Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:

Title 1, "General Administration," Chapter 1, "Board of Commissioners," is hereby amended to include the following as a new Section of the afore referenced Title and Chapter of the City of Fairview, Tennessee Municipal Code.

Section 1-108. Boards and Commissions Appointed or Confirmed By the Board Of Commissioners. Any person/individual who holds a seat (said seat having been designated for and filled by a citizen of the City of Fairview, Tennessee) on any Board or Commission appointed or confirmed by the Board of Commissioners of the City of Fairview, Tennessee shall upon that person/individual being elected to a seat on the Board of Commissioners of the City of Fairview, Tennessee resign the seat held by them on the Board or Commission appointed or confirmed by the Board of Commissioners of the City of Fairview, Tennessee upon the person/individual assuming their elected seat on the Board of Commissioners of the City of Fairview, Tennessee.

It being the intent that the seats designated for citizens of the City of Fairview, Tennessee, on any Board or Commission appointed or confirmed by the Board of Commissioners of the City of Fairview, Tennessee be filled by citizens of the City of Fairview, Tennessee not by elected members of the Board of Commissioners of the City of Fairview, Tennessee.

The remaining sections of this Title and Chapter remain unchanged.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

January 19, 2017

Passed Second Reading

8C

ORDINANCE NO. 2017-01**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW,
TENNESSEE, BUDGET FOR FISCAL YEAR 2016 – 2017 BUDGET**

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2016 - 2017 (beginning July 1, 2016 and running through June 30, 2017) should be amended to reflect the final expenditures for the Fiscal Year, and:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2016 – 2017 budget by passage of Ordinance Number 930 on June 23, 2016, and

WHEREAS, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

WHEREAS, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF
FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR
2016-2017 BUDGET AS FOLLOWS:**

Section 1. Ordinance 930 is hereby amended in the amount of \$286,000 for General Fund Revenue and Expenditures and in the amount of \$1,000 for Facilities Fund Revenue and Expenditures.

Revenue

Account	Current Budget	Amendment	Amended Budget
110-31610	\$ 1,270,000	\$ 50,000	\$ 1,320,000
110-31620	\$ 565,000	\$ 29,000	\$ 594,000
110-31720	\$ 75,000	\$ 15,000	\$ 90,000
110-32610	\$ 60,000	\$ 30,000	\$ 90,000
110-32730	\$ -	\$ 20,000	\$ 20,000
110-33471	\$ -	\$ 19,000	\$ 19,000
110-33472	\$ -	\$ 36,000	\$ 36,000
110-33510	\$ 600,000	\$ 30,000	\$ 630,000
110-33520	\$ 27,057	\$ 4,000	\$ 31,057
110-36340	\$ -	\$ 5,000	\$ 5,000
110-36710	\$ 5,500	\$ 2,000	\$ 7,500
110-36990	\$ -	\$ 41,000	\$ 41,000
110-34110	\$ 10,000	\$ 5,000	\$ 15,000

Expenditures

Account	Current Budget	Appropriation	Amended Budget
110-41000-230	\$ 4,000	\$ 4,000	\$ 8,000
110-41000-231	\$ 5,500	\$ 2,000	\$ 7,500
110-41000-236	\$ 3,500	\$ 1,000	\$ 4,500
110-41000-250	\$ 42,900	\$ 22,900	\$ 65,800
110-41000-254	\$ 45,000	\$ 15,000	\$ 60,000
110-41000-255	\$ 16,300	\$ 35,000	\$ 51,300
110-41000-266	\$ 2,500	\$ 2,500	\$ 5,000
110-41000-270	\$ -	\$ 500	\$ 500
110-41000-324	\$ 4,000	\$ 1,000	\$ 5,000
110-41000-790	\$ -	\$ 13,000	\$ 13,000
110-41000-799	\$ 500	\$ 1,500	\$ 2,000
110-41000-948	\$ 500	\$ 64,000	\$ 64,500
110-41210-124	\$ 5,000	\$ 1,500	\$ 6,500
110-41710-110	\$ 158,306	\$ 20,000	\$ 178,306
110-41710-112	\$ -	\$ 500	\$ 500
110-41710-113	\$ 17,500	\$ (17,500)	\$ -
110-41710-235	\$ 1,000	\$ 2,000	\$ 3,000
110-41710-254	\$ -	\$ 26,000	\$ 26,000
110-41710-301	\$ 750	\$ 1,000	\$ 1,750
110-42100-110	\$ 932,009	\$ (22,000)	\$ 910,009
110-42100-112	\$ 50,000	\$ 30,000	\$ 80,000
110-42100-230	\$ 750	\$ 800	\$ 1,550
110-42100-320	\$ 3,500	\$ 1,300	\$ 4,800
110-42100-326	\$ 14,000	\$ 6,000	\$ 20,000
110-42100-328	\$ 1,500	\$ 1,500	\$ 3,000
110-42100-302	\$ -	\$ 10,000	\$ 10,000
110-42100-948	\$ -	\$ 1,000	\$ 1,000
110-42152-261	\$ 20,000	\$ 7,500	\$ 27,500
110-42152-331	\$ 100,000	\$ (20,000)	\$ 80,000
110-42200-112	\$ 28,000	\$ 22,000	\$ 50,000
110-42200-266	\$ 2,000	\$ 10,000	\$ 12,000
110-42200-320	\$ 2,500	\$ 500	\$ 3,000
110-42200-326	\$ 27,500	\$ (7,500)	\$ 20,000
110-42200-945	\$ 500	\$ 4,000	\$ 4,500
110-42200-946	\$ 30,000	\$ (20,000)	\$ 10,000
110-44700-265	\$ 5,000	\$ 7,500	\$ 12,500
110-44700-792	\$ -	\$ 12,500	\$ 12,500
110-44700-944	\$ -	\$ 45,000	\$ 45,000

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

Passed Second Reading

8D

CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 01-17

A RESOLUTION REPEALING RESOLUTION NO. 04-16 AND ENACTMENT OF A RESOLUTION REQUESTING THE STATE OF TENNESSEE GENERAL ASSEMBLY AMEND TENNESSEE CODE ANNOTATED SECTIONS 6-20-101 AND 6-20-201, BOTH OF WHICH ARE CHARTER PROVISIONS OF THE CITY OF FAIRVIEW, TENNESSEE.

Whereas, the City of Fairview, Tennessee, incorporated by **Title 6, Chapters 18 – 29**, as amended from time to time, by the General Assembly of the State of Tennessee; and

Whereas, the interest of the City of Fairview, Tennessee, will be better served if the Charter of the town is amended; and now therefore;

Be it resolved by the Mayor and the Board of Commissioners of the City of Fairview that:

- A. That Resolution No. 04 -16, enacted by the Board of Commissioners of the City of Fairview, Tennessee, March 17, 2016 be and hereby is repealed in its entirety and this Resolution No. 01-17 is substituted therefor.
- B. The Honorable **Senator Jack Johnson** and Honorable **Representative Sam Whitson** are hereby requested to introduce the following acts to the General Assembly of the State of Tennessee:

An ACT to amend **Tennessee Code Annotated 6-20-101 and 6-20-201** as herein described below:

Be it enacted by the General Assembly of the State of Tennessee:

6-20-101

(i) Notwithstanding subsections (a)-(h) in any city who has elected to have the mayor elected by popular vote in accordance with the provisions of 6-20-201 (b)(1)(A) may if upon approval of a majority of the then setting board of commissioners authorize at any election to be conducted that the person(s) obtaining the highest number of votes be elected for a four (4) year term and the person(s) receiving the next highest number of votes be elected for one (3) three (3) year term and there after the initial three (3) year term that seat would revert to a four (4) year term to allow for continuity of experience on the elected board of commissioners.

(J) Notwithstanding subsections (a)-(i) That upon passage by a majority vote of the then setting board of commissioners a referendum may be submitted to the voters of the city limiting the successive terms of all the members of the board of commissioners to two (2) four (4) terms. If the term limits are imposed by a vote of the residents of the city they shall not apply to any seat on the board of commissioners until the first elected term after the approval of the term limits by the referendum of the voters of the city.

The term limits if imposed by referendum of the voters of the city shall not preclude a former city commissioner from seeking re-election after that commissioner has been absent from a city commissioner position for a period of four (4) years although if re-elected after the lapse of four (4) years the term limits would be reset regarding that commissioners election or re-election. The term limits if instituted by a referendum of the voters of the city shall not preclude a former city commissioner from seeking the office of mayor of the city without a break in the service from commissioner to mayor.

6-20-201

(5) Notwithstanding subsections (a)-(b)(4) That in any city who has elected to have the mayor elected by popular vote in accordance with the provisions of 6-20-201 (b)(1)(A) upon passage by a majority vote of the then setting board of commissioners a referendum may be submitted to the voters of the city limiting the successive terms of all the mayor two (2) four (4) terms. If the term limits are imposed by a vote of the residents of the city they shall not apply to mayor until the first elected term after the approval of the term limits by the referendum of the voters of the city.

The term limits if imposed by referendum of the voters of the city shall not preclude a former mayor seeking re-election after that mayor has been absent from a city mayors position for a period of four (4) years although if re-elected after the lapse of four (4) years the term limits would be reset regarding that mayors election or re-election. The term limits if instituted by a referendum of the voters of the city shall not preclude a former mayor from seeking the office of city commissioner of the city without a break in the service from mayor to commissioner.

Adopted this the _____ day of _____, 2017.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE