

City of Fairview

BOARD OF COMMISSIONERS

January 3, 2013

Beverly D Totty, Mayor
Stuart L Johnson, Vice-Mayor
Patti L Carroll, Commissioner
Allen Bissell, Commissioner
Toney R Sutton, Commissioner
Andrew Hyatt, City Manager
Larry Cantrell, City Attorney
Theresa Porter, City Recorder

Present: Totty, Bissell, Johnson, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Cooper, Pewitt, Holsinger, Sutton

Absent: Carroll

1. Mayor Totty called the meeting to order at 7:01 p.m.

A. The prayer and pledge were led by Donn Lovvorn.

2. Approval of the Agenda –

A. Commissioner Bissell made a motion to approve the agenda. Commissioner Sutton 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. Richard Cothorn stated that he was here for item 8B and asked if this was to annex into the city or to develop into another community. Mayor Totty asked Director Lovvorn to address Mr. Cothorn's question. Director Lovvorn stated that this was a plan of services request and not the actual annexation request and stated that the annexation request is on the January 17, 2013 meeting.

4. Awards and/or Recognitions – NONE

5. Public Announcements –

A. Mayor Totty invited everyone to the Annual Business Breakfast sponsored by the Fairview Chamber of Commerce on January 9, 2013 at 7:30 a.m. at Hickory Home Restaurant on Hwy 100 it will be a business breakfast for networking of our local business community and the guest speaker will be Marsha Blackburn.

6. Approval of the Minutes –

A. The minutes for the December 6, 2012 Board of Commissioners meeting were presented for approval. Commissioner Bissell made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

B. The minutes for the December 6, 2012 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

7. Old Business –

- A. Updates on City of Fairview Projects – City Manager Hyatt stated that we have heard back from TDOT concerning the traffic light and it looks like it is going to be May. We do anticipate putting out to bid the widening of Bowie Lake Road on January 15, 2013. The bid openings have to be open for 22 days, so we will bring that to the Board on the first meeting in February. We are progressing nicely on our welcome signs we are working on the second sign and we have the columns up and we should have the sign installed by the end of next week.
 - (1) Mayor Totty addressed the finalization of the third sign she stated that we may need to re-address the placement, she asked the Board to be thinking about that and any comments need to be shared with the City Manager before they move forward. The Mayor stated that we may need to think about the end result of that parcel and its PUD. Director Lovvorn stated that he didn't believe the PUD document itself had placement of signs on the property, as a rule of thumb when a property is rezoned as a PUD, what you want to do on the property must be included in the master development plan as approved with the application.
 - (2) City Manager Hyatt stated that work should begin next week at the Evergreen Park.
- B. Discuss and/or Take Action on Roadscapes Scope Change – Director Lovvorn stated that he had a phone call with Monique and all we have to do is send an email that we want a change, which he has already done. The Board needs to decide if we want to move forward with the grant or to cease action on that grant. If we want to move forward, I'll need to call Monique and let her know that we are moving forward with the environmental documents. Once those documents have been approved by the state, then we will be issued a notice to proceed for the design and we will contact Lose and Associates for the design portion of that once that is done and approved by the state we will be issued a notice to proceed with construction. Then we can start placing the landscaping according to the plans that are approved. Director Lovvorn asked the Board if they wanted to move forward with the grant or do we want to drop it and leave it like it is. City Manager Hyatt stated that this is with the understanding that we have already appropriated the \$20,000 in funds and we would have to re-appropriate our match. Director Lovvorn stated that if we move forward with it and we get into the environmental documents that have to be prepared first and then you decide you don't want to continue then we will have to reimburse the state for the environmental documents. If we get to the design stage and decide not to continue then we have to reimburse the state for the environmental documents and the design. Mayor Totty made a motion to move forward with the scope change, environmental process and begin the design. Vice-Mayor Johnson seconded. Commissioner Bissell asked how much money we were going to be responsible for this fiscal year, Director Lovvorn stated that he wouldn't really know because he didn't know how long it would take to get to the construction phase, once you get into the construction phase that is when the 20/80 split will kick in. Director Lovvorn stated that the City would work with Lose and Associates and have input on the design. All were in favor.
- C. Discuss and/or Take Action on City Manager Evaluation – Commissioner Bissell stated that all five Commissioners submitted evaluations and all five Commissioners, with the Mayor being included, rated our City Manager with at least met performance in all categories therefore under the system that we have, he is entitled to a merit increase which is equivalent to a step increase

beginning July 1, 2013. We can grant an extra step increase as he can with his employees should we feel that is warranted or earned. His overall evaluation under all ten categories was a 4.25 average, his lowest score was a 4.0 and his highest was 4.5. Based on this the 4.25 exceeds the 3.0 for a merit increase. Commissioner Bissell made a motion to give the City Manager a second step increase which in turn will be a 4% raise beginning July 1st of the next fiscal year. Commissioner Sutton seconded. City Manager Hyatt stated that last year they outlined a performance agreement for setting goals and that type of thing for the next calendar year. Mayor Totty stated for the public that the rating system was 1 – 5 and 5 being excellent. Mayor Totty stated that she would like to see in the performance agreement that it be done in a way that anything that was 4 or below that a plan of action be discussed and 4 out of 5 of the Commissioners did have a 4 or below on budget processing and then also on supervision. Vice-Mayor Johnson stated that he is comfortable with the first increase because he feels he has earned it 100% and the second one not saying he hasn't earned it but I'm not so sure we shouldn't have further discussion during the budget process and with Commissioner Carroll present. He stated that he is not against it but will abstain from the vote at this time. *For: Bissell, Sutton Against: Totty Abstain: Johnson*

- D. Discuss and/or Take Action on Windstream Contract – Director Lovvorn stated that the Windstream contract was in the packets and the City Attorney has reviewed it and had some changes that he asked Windstream to put in the contract and he deferred to the City Attorney to discuss. City Attorney Cantrell stated that there were two things, his first concern was if there were any existing contracts that would need to be terminated with anyone and if so how much was it going to cost us to get out of it. The City Manager and Director Lovvorn indicated we were on a month to month with the provider so that cleared that up. Attorney Cantrell stated that as far as contracts go for this type of service, their contract was very clear, that it didn't have any ambiguities, and it didn't appear to have anything to show that they were trying to ambush anybody. It was a very straight forward contract with Tennessee law. His concern was and they did resolve it, was a clause that related to if damage was done to the equipment by intentional action of someone from the City, or if we allowed someone to do damage or if they did that we would agree to indemnify them and hold them harmless. We can't indemnify and hold anyone harmless because it is against public policy, it violates two articles of the constitution of Tennessee in that you're pledging the credit of the City for somebody else's action. The second thing being the CFO has to sign off every year saying that the budget has been funded and if you're going to indemnify and hold someone harmless you don't know how much you are indemnifying and holding the harmless for, you don't know what the amount is going to be so you're in essence pledging the credit of the City and you're spending money that has not been appropriated. He sent that concern to Windstream and the next day he got back a reply with the addendum, they stated that they prefer to leave it in the contract but the addendum would take precedence over that and remove that provision from the contract. Mayor Totty asked would this increase our cost, Director Lovvorn replied that our current cost is roughly \$3100 a month with three different carriers and it is an increase to \$3492 but it is an upgrade to what we have, right now we can't stream the live meetings because we don't have the bandwidth to do that. Mayor Totty asked Director Lovvorn if the scheduling was on budget with CFO Pewitt. Director Lovvorn stated that the completion should be in April and we would only have two months to pay out until the

new budget year. Vice-Mayor Johnson made a motion to approve. Commissioner Bissell seconded. All were in favor.

8. New Business –

- A. Discuss and/or Take Action on Appointment from the Board of Commissioners to the Planning Commission – City Manager Hyatt stated that at the last meeting we appointed the citizens that would be on the Planning Commission and since there is a meeting next week, we need to appoint a Commissioner to the Planning Commission. Vice-Mayor Johnson nominated Toney Sutton. All were in favor.
- B. Discuss and/or Take Action on Recommendation from the Planning Commission on Resolution 01-13 Adopting a Plan of Services for the Annexation of Property Belonging to Kathy E. Beata, Located at 7355 Overbey Road, Map 46, Parcel 44.00 – Vice-Mayor Johnson read the caption and made a motion to approve. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or Take Action on Ordering New Fire Apparatus (Quint, Mini-Pumper) Payment Method to be Determined Upon Notice of Delivery – Commissioner Bissell stated that out of the report from the Public Safety Committee meeting this is one of the items that he threw out there for information and working with Chief Cooper we have reached the end. Back in June or July of last year we put out bids for new truck. Those that put a bid on the new truck have been in limbo for the last six months waiting on us to give them a decision and we will have to resubmit a bid request, because too much time has passed, if we don't do something this meeting. Chief Cooper stated that the first payment will not be due until 6 to 12 months, after we take delivery, we have lost the county area and the county contract and those three trucks, we have replaced the tanker but lost the engine and we haven't replaced that and that is why he is here tonight. Chief Cooper requested we go for the low bid Quint and it will be two budget cycles before we make our first payment. The cost on the Quint is \$618,959. Commissioner Bissell made a motion to purchase the Quint. Vice-Mayor Johnson seconded. All were in favor.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates - City Manager Hyatt stated that the Mayor spoke with him about having a Project Workshop on February 7, 2013 at 6:00 p.m. and on a personal note tomorrow starts his 4th with the City here and he is excited about being here and the way Fairview has grown, he stated he enjoyed working with the Board, the staff and the citizens. He told the Board he appreciated the evaluations.
- B. Staff Comments –
 - (1) Director Lovvorn presented the Codes and Planning Department reports for December.
 - (2) Captain Sutton presented the Police Department report for December.
 - (3) Street Supervisor Holsinger stated that the sign portion for sign #2 should be installed by Wednesday of next week and sign #2 should be 100% complete by Friday and he gave the Street Department report for December.
 - (4) Chief Cooper presented the Fire Department report for December, he stated that they have received a lot of applications from the Safer Grant ad, some of them are already certified and some EMT, he stated he hoped to have some hired by January 25th and the rest by February 8th. He stated that the manufacturer of our tanker is now using our tanker picture on the header page of their website and our rescue truck specs are being used by the vendor in FL and they have sold four trucks using our specs and it is now known as the Fairview Spec Truck.

- (5) Park Director Paisley stated that there was an increase of 2,935 people in this year's park programs. He stated that he and Jenny met with Dewight Barnett, State Forester, Mike Berkley and one of the members from the Friends of Bowie about the forest management plan and will present this on Monday to the Park Board.

C. City Attorney Comments - NONE

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had no comments.
- B. Commissioner Sutton stated that in the workshop it was discussed to give a small stiffen for the people who attend meetings and the suggestion was \$25 to \$40 per meeting. He asked the City Manager to instruct the City Attorney to draw up the resolution. He stated that last year was a great year for the City of Fairview, we grew and he is excited about the improvements and changes to come.
- C. Vice-Mayor Johnson had no comments.
- D. Mayor Totty thanked everyone for their attention and wished everyone a Happy New Year and stated that 2013 is ahead of us and looking forward to it. She asked everyone to visit our website and stated that comments and suggestions are always welcome. She mentioned that Commissioner Carroll was out because of family illness and asked everyone to keep her in their thoughts and prayers.

11. Mayor Totty asked for adjournment.

- A. Commissioner Sutton made a motion to adjourn. Vice-Mayor Johnson seconded. All were in favor. The meeting adjourned at 7:53 p.m.

Theresa Porter
City Recorder