

City of Fairview

BOARD OF COMMISSIONERS

January 16, 2014

Beverly D Totty, Mayor
Stuart L Johnson, Vice-Mayor
Patti L Carroll, Commissioner
Allen Bissell, Commissioner
Toney R Sutton, Commissioner
Wayne Hall, Interim City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Johnson, Bissell, Carroll, Sutton

Others Present: Hall, Cantrell, Daugherty, Johnson, Berkley

Not Present: Totty

1. Vice-Mayor Johnson called the meeting to order at 7:00 p.m.

A. The prayer and pledge were led by Vice-Mayor Johnson

2. Approval of the Agenda –

A. Vice-Mayor Johnson noted a change on item 7A to Discuss and/or Take Action to including the Removal of the Second Reading of Ordinance No. 821, Bill #2013-26 and Recycle the Process in its Entirety Beginning at the Planning Commission Meeting in February to Preserve the Integrity of the Rezoning Process Due to Notification Errors Made by the City. Commissioner Bissell made a motion for approval and 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. Donna Brooks, Chester Road – Even though I have lived here for 22 years, I am an outsider. I do not know anyone on the Board and to my knowledge, I only know one person that works for the City. This is not about anyone's competence or integrity, it is about appearances. What transpired over the last couple of months has the appearance that the good ole boys club is alive and well in Fairview. It started with the inappropriate timing of the hiring of the Interim City Manager. Mr. Johnson suggested hiring Mr. Hall immediately upon receiving Mr. Hyatt's resignation. Had he waited until the next session, you could have given him the benefit of the doubt. To have a solution ready for an unexpected resignation had the appearance of a sunshine violation. Then when several more employees left, the vision of a coup by the old guard came to mind. This led to the Mayor's comments about the hiring process which I took as about the process, not the people involved. All of the Commissioners took it personally which I really didn't understand. A couple of weeks, appearing to come out of the blue, there was a problem with a Major subdivision of four houses not going before the Planning Commission in 2011. It just happened to be built by the Mayor's husband. He had the plat approved, inspected and received the certificates of occupancy all from officials of the City. I don't know any of the rules and regulations but a

reasonable person would believe he did what he was supposed to do. The Commissioners think that because he has been a builder here, he knew he had to go before the Planning Commission. If he has been building 30 to 40 house subdivisions I can see where he might believe the rules would be different for a four house subdivision. What makes this look worse is the City has plenty of culpability. It could have been handled in a much less spectacular way. First, the facts should have been gathered before it started. Even after two meetings, no one seemed to have the facts. The Mayor was asked to answer a hypothetical question about her involvement to make us feel better. No manager in her right mind would have answered the question. I would think it would have gone to the Planning Commission to see what the violations and solutions are all before the two meetings thus far. Then processes should be put in place to prevent this from happening again before we lose more good people. I certainly hope we hire an unbiased investigator for the City's sake. I hope none of this is because the Mayor is a woman and I hope the citizens of Fairview take a more active role in their government.

- B. Bobby Cothran, Horn Tavern Road – I have a few things to say but to rebuttal that, I'm glad everybody did what was done last time because on my road, a lot of people don't know that a piece of property come up for sale back in the summer and was listed by the Mayor. It was a matter of a day or so it was taken back off the market. Within a matter of a month or two there was bulldozers on that property. Now a lot of people might have seen what went on at the last meeting but I think a lot of that corroborates what is going on here. I'm hoping, there's three of y'all that support it and a lot of my friends support it, it's come a time where y'all are really going to have to take charge of the situation. On one end of our road we've got Habitat houses and now they're talking about building HUD houses, so I'm hoping at some point and time, whether it's the good ole boys network or not, some people have been appointed in this community because they've always been a part and you trust them. I have no problem with that because I trust in y'all so I really hope that you don't stop with this investigation, I don't care if it's biased, or unbiased or what, because I know for a fact what happened on my road. It's 600 yards from me so I don't have to have the Planning Commission, I don't have to have them to say who signed or done what, I know that what happened on my road, I see it every day and I pass it every day. Something is not right in our community right now and I really hope y'all get to the bottom of it.

4. Awards and/or Recognitions –

- A. Hall – recognized Fire Chief Cooper for the \$695,979 in grants during his tenure with the City of Fairview. Cooper noted his signature may be on the grant applications but his men do the bulk of the work toward getting these grants.

5. Public Announcements –

- A. Interim City Manager Hall reminded everyone that emissions testing is every Monday and Tuesday of each week from 7:30 a.m. to noon.
- B. Commissioner Sutton noted that Wal-Mart is having a special family event on Saturday from noon till 3:00 p.m.

- 6. Business Spotlight** – Fairview Chamber of Commerce, Jon Cherry, President – Address some misconceptions – Fairview Area Chamber of Commerce is not government, it is a non-profit organization. Cherry read the Chamber's mission statement, noted the increase in membership in the past year and announced new Board members for 2014 were just elected. Increase in membership allowed an increase in Board members. Would like to see 200 members by the end of this year. Newest accomplishment was introduction of Monday Morning Memo – can sign up to receive on website or Facebook. Annual business expo at the end of March. Would like to schedule a time to be on the Agenda for a new idea called Art in the Park to take advantage of Bowie Nature Park. Thank you again for the facilities that y'all have that you share with us, we are very grateful for that. United Way has made us aware that an organization on Old Hillsboro Rd is donating a greenhouse to Fairview High School and need some volunteers to look into taking it down, moving and reassembling. Vice-Mayor Johnson notes the school system has to approve and the City is willing to work with them as far as donating land if final approval is received.

7. Approval of the Minutes –

- A. The minutes from the December 19, 2013, Public Hearing – Commissioner Sutton made a motion to approve and Commissioner Bissell seconded. All were in favor.
- B. The minutes from the December 19, 2103, Board of Commissioners Meeting – Commissioner Sutton made a motion to approve and Commissioner Bissell seconded. All were in favor.
- C. The minutes from the January 2, 2014, Board of Commissioners Meeting – Commissioner Bissell made a motion to approve and Commissioner Sutton seconded. All were in favor.

8. Old Business –

- A. Bill #2013-24, Ordinance No. 821 it is what we are going to start the process over in and I'm going to turn it over to the City Attorney at this time. Attorney Cantrell states he was given the task to investigate, not anything about the purchase of the property or anything about the property per se, other than the zoning process. I did an extensive investigation with the Codes Department and I want to say at this time they were very forthcoming with me and I think very truthful about what had been done and regrettably what had not been done. They also gave me some reasons as to why they thought some of these things were not done which I will be happy to share with the City Manager so they can be discussed with the new person that will be hired to take over the Codes Department. There are certain requirements in our Zoning Ordinance, specifically section 16 109 that deals with what has to happen when you have a request for a rezoning of property in the nature of someone has to make a request and pay a fee. That's real easy to find out it was done in this case. But, after that happens there is a series of notifications that has to take place. They have to be done in accordance with the ordinance and some of them are Tennessee state code annotated that has been parroted into the ordinance and they have to take place at times before a hearing is had those signs have to be placed on the property, there has to be a publication sufficient for people to know the second reading ordinance is coming up. You don't have to publish the ordinance setting the resolution per se but you do have to publish the caption of the resolution and a summary sufficient so that people can identify the property. That, in some form, may have been done. I discovered in talking with Codes,

that to their knowledge, no signs had ever been placed on the property. The information I got was, and I think this was very truthful, when I talked to Mr. Bledsoe was, I go out and put the signs up when I'm told to put the signs up. One of the things that I discovered and I think the people in there would be perfectly willing to do this, I don't believe there was any cross training between individuals in there, so that if the person who said to go out and put the signs up for whatever reason was not there, then that probably got missed. I would like to say that I don't think any of this happened, the City did not make the notifications it was supposed to, I think this process was so flawed that in my opinion the only way it can be corrected, and it can be corrected, is to send this application back to the Planning Commission for their recommendation back to the Board. I would suggest that be done at the February Planning Commission meeting and if it is past the time for that, and I don't believe it is, to be included on their agenda that the request be added. You can't order the Planning Commission to add it but you can certainly request it. I think that the next Codes person, and I put this out because I don't want... There are certain things that have to happen relative to rezoning, there are certain things relative to annexation, certain notifications have to be done and while these are legislative functions, courts do not generally look at legislative functions but they do look at the procedural processes that have to be done relative to notification so the public can have knowledge that these are happening. The Public don't have to attend. It just has to be out there so they can have knowledge of it and attend if they so desire. I would recommend to the Board that they reinstitute the rezoning process starting with removing this Second and Final reading, sending back to the Planning Commission for recommendation and be sure that the notifications are properly posted. Now, I was asked the question, what happens if someone takes the signs off? Well, you have to put the signs out there just like you have to send notices to the contiguous property owners. They don't have to go pick up those certified letters. There is the designation that they must be certified but if they don't come back, you have satisfied what the ordinance and the statute says. The other thing I would like to see, in addition to the cross training when you get a new Codes Director, is when you get an annexation or a zoning change comes up that an excel spreadsheet be opened that lists those requirements that must be met for this that the City is required to do for the notifications, etc., and that the time these have to be posted be on that sheet and that the time of the actual posting be on the sheet and that some form of camera be used when the signs are put in place so that you can take a picture of them and file it in that file so that if there ever is any question about that. If you put the sign up and I come and five minutes later take it down, I'm sorry that happened, but you complied, you put the sign up. At this stage, from my investigation, I recommend to the Board that we do not have a second reading, that the application be resubmitted to the Planning Commission and come back to the Board with their recommendation and be acted upon as any other request for zoning. Commissioner Sutton makes a motion to go forward with the suggestion of the City Attorney to return it back to the Planning Commission to go completely back to Phase 1 so we can make sure all requirements are met for the Planning Commission. Vice-Mayor Johnson states we have a proper motion, is there a second? Commissioner Bissell states he would like to second but would also like to move to go to executive session for about five minutes to discuss a legal matter before we take a vote on this. Vice-Mayor Johnson calls a five minute recess at 7:25 pm. The meeting is called

back to order at 8:01 pm by Vice-Mayor Johnson who states we have a motion on the floor to send item 7A back to the Planning Commission. Commissioner Bissell states he assumes that all fees were paid at the time the application was submitted. Johnson confirms that has been verified. Bissell states that he would think there would be no additional cost to Mr. Totty for us going back through this process since the fee has already been paid. Vice-Mayor Johnson states that is correct and the attorney recommended that earlier today. All were in favor.

- B. Discuss Tree Harvesting Test Site in Bowie Park by Mike Berkley – We are calling this a tree harvesting site and we know the trees are not being harvested. I've visited the site about seven times since last summer and I've had several people with me, sometimes the Friends of the Park, Keith has been with me five times. I've been a couple of times by myself and took a shovel in there, being a native plant guy, and you know how propagation goes. Went to the 3.2 acre site and dug up some soil and at the same time looked up and started to realize what is going to happen when these trees come down. There has been some concern about when those tops of the 80 foot Loblolly Pines come down there will be some collateral damage, no doubt about it. But, what do we do with the tops of those trees once they are down? In the letter, the Forest Managing Plan, the Pine Thinning Plan, we did pass the cut and drop method and that's what we are going to do, just leave the trees there. We also said that the branches would be stripped away and burned. After I visited the site several times now, I don't think we should even go that far. We hear about what happened when Dr. Bowie had all those pines planted and tons and tons of topsoil, of silt, washed away downstream. I can understand that with the soil the way it is. It's a cherty soil, there's hardly any clay to it, it's not very stable soil. But the one thing that soil does is compaction, it gives very freely. I keep talking about compaction, we need to keep the heavy machinery out of that area so, therefore, there won't be any log removal out of that because it will take a large machine to do that. I'm also advocating that we don't remove the branches after the trees are dropped because it will also cause some compaction. Since I've been talking so much about compaction, I want to explain briefly what has been happening underneath that forest floor. There is a living organism plant community under the ground there and it's called microiza fungi. It could be twenty to thirty species of fungi that occur there. In a healthy eastern hardwood forest, that is what keeps those trees healthy and alive. It's the reason we don't carry fertilizer to the forest and feed trees like we do in our own houses. That's because of the microiza. The microiza is a living organism and it has to have the three things we have to have. It's going to need food, which comes from decomposition of the forest floor, water, of course, rainfall, and air. There's microscopic air pockets in that ground and if we squeeze out those microscopic air pockets, the fungi will die. Since this has been under monoculture for ages with the Loblolly Pines, we have already lost a lot of that microiza. So now we're talking about reverting with the Grow Fairview Plan, we're talking about reverting this over from Loblolly Pine to Eastern Hardwood Forest. The less impact we make on that ground, the better it's going to be, especially for the kids coming in and start planting those trees later on. One thing that does like that disturbance is evasive exotics. I serve on the board of the Tennessee Exotic Pest Plant Council and it's a non-profit organization that recognizes and educates on the problems we are having with evasive exotics. One of the things I noticed when I first walked into that park was how clean,

relatively clean it was in relation to evasive exotics, a little bit of privet in a couple of areas, the dome used to have kudzu on it, but as far as other city parks, very clean, very pure. And we want to keep it that way. If we start disturbing too much in there, we are going to open up a whole new can of worms with the evasive exotics coming in. And then the Grow Fairview project, whether it's years and years in the making, will be for naught, because the invasive exotics, especially privet, will take over. So what I'm proposing is that we make a couple of changes on the original letter that says branches and limbs would be stripped away and burned and I say we should not do that. And also, in the area that was to be treated for invasive exotics, it was to be disked and I think disking the soil would be a terrible thing to do. I promote disking when I am installing prairies, that's on flat ground, no trees, no stumps. Disking is a cleansing to get rid of any evasive exotic plant before you put in prairies. Where we are proposing to put in prairies grasses it would not be conducive to something like that. That's two things I would like to see changed on the management plan. We need to proceed. In the letter it says we will start planting fall of 2013. It's January and the trees are still up. There are about 150 trees sitting over in the park in 3 gallon, 7 gallon and 15 gallon pots. Some of these are 6 to 7 feet tall. They are ready to be planted. They are of the species that not only historically occur in this park but also the genotype which is what the Grow Fairview plan is all about. To collect seed off of this area and, with the school kids, plant those back for generations. I believe that we need to get with the logger, whoever is going to be the logger and systematically fell these trees in ways that we can work around planting the trees. I am a big proponent of not planting like soldiers, like the forest service does. We are going to be naturalizing this and this is not a landscape, it is a restoration, so it doesn't have to look perfect. With the 15 gallon trees you are going to be digging a 2 foot by 2 foot hole. It takes my guys about 30 minutes to plant one of those trees. What I would say is according to this the City was going to be spending the time and money to limb those trees. I would recommend the time of the City employees be used to plant those trees instead. We are not going to have the trees from the schools ready until next year but with probably 160 trees that makes an impact and considering that as soon as you cross the dam you are facing that 3.2 acre test plot. So I am advocating that we go forward as soon as possible. This is a good planting time. We plant trees all through the winter in our business. We do it because they are dormant, you can't hurt them. When they bud break in the spring, they are rooting out at the same time. So, planting them now or planting them in the fall, it doesn't matter but we need to get started on them as soon as possible. Then we can start working with the schools and the chance of having another greenhouse. I also want to touch on, there has been some concerns on the prairie area and disking and reseeded that. I don't think that disking should be done in that area. I think that hydro-seeding is the way to keep the disturbance down and that can be done by tanker trucks that sprays out 30, 40, 50 feet. We have used those before and there is an outfit here in Fairview that does prairie installation that way and that is to keep disturbance to a minimum. In closing, I just wanted to say one other thing. Last month I got a letter from a concerned citizen about what I was going to say tonight because I said the word change about the park. I'm almost 60 years old with a ponytail, I'm going to have controversy following me the rest of my life, I guess. Whether I agree with the letter or not doesn't really matter but what I got out of that letter was the passion that a lot of people have about this

park, and it makes sense. This is a gift, a jewel. I'm glad she passed that on to the city. And this kind of passion, I think we can use that for getting...I was telling John this is history in the making. We've been working with parks at the City, State and Federal level for years in our work and I've never known any park to do restoration, reforestation this way. Where they are not actually planting the trees that deserve to be there, the species, but using the local genotype and to have the kids do it. Maybe we're not going to see those trees in fruition but some of those kids when they are our age are going to look up and see that oak and say I planted that. The sooner we get started, the better. This is something that was passed last year and I think a lot of us will never forget the enthusiastic presentation that Dr. Oyer gave that evening about the Grow Fairview project. I'm very excited to be a part of it. Any questions? Commissioner Bissell asked that when the trees are logged how much of a stump will be left behind? Berkely responds there is nothing in that letter that says. He states that he has had trees taken down and purposely left high stumps for the woodpeckers and one of the reasons we are doing what we are doing is restoration for habitat as well. But for the safety of the kids going in and out of there it needs to be low. Bissell states he would like to see some kind of recommendation for that included. Bissell also notes there is some aesthetic involved with taking the logs down and is in full support of the recommendation to just let them fall. Bissell asks how long will those average trees lay there in that state before when you look out into the woods you won't see a bunch of trees lying around. Berkely responds 20 years. This same thing happened up on the Cumberland Plateau. It was total devastation from the Pine Beetle. I remember going up to Big South Fork recreation area and there were warnings at the trail heads to watch for dead falls because they were just everywhere. You can go up there now, this has been 20 years, you can go up there now and hardly see anything has happened. So, nature has its way of taking care of it. You speak of aesthetics – this will not be pretty. It will be a long time before it's pretty. We are used to seeing this beautiful evergreen stand. Acres and acres of evergreen throughout the park. And now we know that is not a healthy forest. It will be years before it's come back. Bissell notes that he just wanted to get that on the record because that was his understanding that it's not going to be very pretty for a long time. People may come along and say that wasn't a very good idea but what you have presented is a very sound, ecological way to go about it. Berkely notes that Keith and I understand that we are going to have to educate the public about it. We need interpretive signage out there at that plot because like I said it's right across the dam. Everybody that hikes back through there or walks their dog back through there, they are going to walk right by this and they are going to say what in the world is going on here. And we need to have signage out there that explains this is history in the making. Commissioner Sutton asks about the beetle that is expected to arrive and if they would arrive in 2 years, 5 years? Berkely states he thinks it will be longer than that. Sutton asks what kind of devastation he thinks it will incur, I've heard a lot? Berkely notes total, it will wipe out all the pines, and not just Loblolly's. The uniqueness of what happened on the Cumberland Plateau is that it was monoculture up there but that was a naturally occurring pine. Loblolly's, of course, are not indigenous to this area, and that may be a good thing. My biggest fear again, serving on the TNEPSEE Board is that if we wiped everything out and even if we had the financial set to fix it, the physical, I don't see how it could happen. If it wiped us out, it would be invasive exotics coming back in here. If we are

saying the park is not a pristine Eastern Hardwoods forest now, it will not look anything like a native forest at all. No Loblolly Pines and no Hardwoods because that's how aggressive these invasive exotics are. But I don't see it happening, and you know, we get a hard winter like this, and any boring insect, that's a good thing. They were talking about the Ash Borer they have coming in from the North and a lot of us are real concerned about Ash trees. That's a predominant species on this Highland Rim. We say that's a good thing because nature is killing back this insect that is killing our ash trees. Vice-Mayor Johnson asks if there are any other questions. Commissioner Bissell asks what action we need to take. Johnson states none whatsoever the way I understand it. Commissioner Sutton asks if we need to change the wording on anything as far as the limbs go. Interim City Manager Hall notes that his concern has been the safety factor for the kids coming in to plant the trees plus the fact that if you go in and chip all of them it's not only dangerous to the children, but dangerous to our employees dragging all these limbs out. Basically tonight is just Mr. Berkely's discussion to y'all. Commissioner Bissell asks if they just need to make a motion to adopt the arborist's recommendations and move forward? Johnson states we have already done that I think he needs to include that. Bissell asks for him to make his modifications? Johnson responds I'm not sure we can make a motion tonight since it's on here just for discussion purposes. Could you advise us on that, Larry? Attorney Cantrell responds that it would have to be put back on for action because it says just discuss it. Bissell asks if put on the first meeting of February. Commissioner Carroll and Vice-Mayor Johnson note it has already been approved. Johnson states he can just add it to his letter and we can move forward. Carroll confirms you can just give it to the City Manager to take your recommendations and move forward without it having to come again. Carroll asks if we have a deadline? Hall responds he has an estimate and the Board has approved cut and drop so all he has to do is contact the logger.

- C. Discuss and/or Take Action on the Fire Truck Loan Documents – Daugherty states that everything is how they said it would be 2.3%, 5 years. Commissioner Bissell makes a motion for approval. Commissioner Sutton makes a second for discussion and asks the City Attorney if he has reviewed the documents. Cantrell responds he has and this is the same organization we worked with on a previous one and they took out most of what he had a problem with before. Some indemnification language and he included that in his opinion letter. I would ask that the Board direct him whether you want to do insurance or want to be self-insured. Sutton asks if he wants to present that on insurance versus self-insurance. Daugherty states that last time we filled out a form for self-insurance. Cantrell notes that the Board needs to give direction that is the way they want to go tonight. Commissioner Bissell amends his motion to include that we be self-insured and Commissioner Sutton seconds. All were in favor of the amended motion and original motion.

9. New Business –

- A. Discuss and/or Take Action on Securing Tablets for the Board of Commissioners. Commissioner Bissell notes that we are spending money and perhaps could have better way of spending it. Most of us are experienced with tablets and asks Nik Day to come to the podium. Bissell notes he had a conversation with Mr. Day, IT, about this but didn't give him very much time so he doesn't have a package for us yet, but what I'd like to authorize him to do is

go out and put together a couple of packages that would basically eliminate this paper. We would all have tablets, have access to old minutes, old videos at the touch of a finger if there was something that wanted to be distributed it could be distributed immediately even during the meeting if we wanted a copy of something we could research it. And for cost, I think we would save enough on paper the first year to pay for the cost. The equipment is fairly reasonable. Nik, would you kind of talk about what we talked about? Day states he would get together a couple of price plans. We could go a cheap route, a free route and up to \$529 per tablet and that would be the route I would recommend. Being into technology, you would want to go with the better one, wanting the information at your fingertips. I could set up a drop box account for you guys and you could pretty much eliminate paper. Whatever you wanted to you could put into the app and view whatever any of y'all load up on it. Bissell states he would like to make a motion to ask the City Manager to ask Nik as the IT Technician to put together a package for us to review for cost and possible implementation sometime this fiscal year as our funds allow us to do that. Vice-Mayor Johnson notes we have a motion, do we have a second? Commissioner Sutton seconds for discussion and asks that when we do that study we look back and see what the total savings would be on that. I personally have a linen closet that is packed with the packets. We are talking about trees earlier and there's no telling how many we could have saved. Probably by now we could have another Bowie Park. It's also the cost savings for the Police Department to have to deliver them to our homes, make sure we get them in a timely manner, there's some mailing involved in it. I got one three page document the other day that was like \$14. If you multiply that times 5 it doesn't take long to see that the savings it would incur with this, economical cost saving and put us on a green motion cause it's ridiculous the amount of paperwork that we have and that would also save the time for generating that paperwork. I would like to ask you get with Brandy and whoever does that so we can see it's actually a cost savings. All were in favor.

- B. Discuss and/or Take Action on City of Fairview Personnel Policy Concerning Minimum Educational Requirements for Employment – Commissioner Bissell states that most are aware we have had some discussion and/or discrepancies about our personnel and Policy Manual. And though it implies certain things, it does not specifically state in there that someone must have a high school education in order to work for the City. I would like to make a motion that we ask the City Manager to change the personnel policy concerning minimum education requirements to specifically state that in order to work for the City of Fairview you must have a high school diploma from an accredited Or a GED. Vice-Mayor Johnson states we have a motion, is there a second? Commissioner Sutton seconds. Johnson asks for any discussion. Commissioner Sutton asks if everyone that works here now has a high school diploma or a GED? Bissell notes that it wouldn't be retroactive. Sutton states that everyone who works here now would be grandfathered in and he didn't want it to be detrimental to anyone already here. Commissioner Carroll states that she doesn't see it as necessary. You have the ability to change the policy I just don't see why we need to direct him because the way our charter is written, he has the authority to change this for the hiring. If you feel it necessary to recommend he change this I'm okay with it, just really don't see why it's necessary, we have no say in the hiring and firing process. It's the way our charger is written and so I don't see why it would be now necessary for us to tell

you how to do it. Attorney Cantrell states that the Policies and Procedures Manual is approved by this Board by ordinance. Carroll states that even when Mr. Hyatt made changes to the handbook it has to go back in front of us? Cantrell responds the Policies and Procedures Manual was originally approved by the Board and any changes, I won't say any changes, there may be some in there that is inherent in the Policies and Procedures Manual, in other words, the hiring and firing by the City Manager is statutory and the Board can't change that. The Policies and Procedures Manual is approved by the Board and if you're going to make an education change and have it in the Policies and Procedures Manual, then it would have to be a change made and approved by the Board. Carroll asked if the job description update that hasn't come before them is different. Cantrell notes that they are probably not in the Policies and Procedures Manual but if they are it should come before this Board. All were in favor.

- C. Discuss and/or Take Action on Trading the Current Dump Truck for a Smaller Dump Truck. Hall states this piece of equipment has been here for a little over three years now but is not very serviceable, especially with the width of our streets. If you have had a chance to read the letter Keith made an awful good presentation. It's a piece of equipment that has had a total of 3,000 miles put on it in a total of 3 years. The only time I have actually seen it in use was in a collapsed road part that we actually used that for hauling away gravel and dirt from that collapsed area. Other than that I haven't seen it used. It sits out there in the garage and it's a very impressive truck but as far as the use of it, we don't get a whole lot of use of it. I have talked to Mid-Tenn Ford, they are the ones it was purchased from originally and it's only got 5500 miles on it now so what I'd like to do is I've got a difference price on a brand new truck, even though it's a 2011 model, it's only got 400 miles on it. It's 4 wheel drive, it's a smaller dump truck and for \$7500 I can make that trade. I understand that it's within my authority but this is an asset to the city and y'all have to give me the approval to do so. And this would also free us up to have two salt trucks on the road at the same time. Commissioner Bissell makes a motion for approval and Commissioner Sutton seconds. Commissioner Carroll asks where the money is coming from. Hall states it's in the Street Aid Fund which is a line item used Equipment there is \$17,000 left in there. Carroll questions if the size of the truck is not working for what you need. Hall notes it's so large that when you get on these streets you can't even use the snow plow on it and when we try to use it on the street it's so far out in the road that we have to have a flashing truck in order for other people to get around. It doesn't have the power and is not four wheel drive like the new truck and has already gotten stuck several times. Sutton, Bissell and Johnson for and Carroll against.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates –
- (a) City Manager Hall has no comments
 - (b) CFO Daugherty presents the report for the month of December 2013. Revenues increased this month. Overall revenues exceeded expenditures 2 to 1 but revenues still lag behind expenditures. Based on his research, as Wal-Mart revenues start to come in it should start closing the gap. Some of the earlier budget predictions were considering Wal-Mart opening sooner so that is the reason for the sales tax discrepancy. Commissioner Sutton asks Daugherty to check on the amount of hotel/motel taxes collected by the

County that Fairview currently does not get a share of to see why and if we can receive a portion of that tax. Daugherty states expenses overall at 55 percent of our target of 50 percent and that several of the discrepancies are early payments such as property and liability insurance as well as outlay such as street improvements that were not shown in the budget. Most of the departments were right on track except for finance dept working with Blue Cross Blue Shield on HRA payments.

- B. Staff Comments – none
- C. City Attorney Comments – Information statement for the Board, several months ago and the city of Fairview was not named in the lawsuit, an inmate at Williamson County Jail filed a lawsuit citing he was being held illegally, that the jail was dirty, a laundry list of stuff and he was joined in that by another inmate. The reason that the City was even on the information list was because one of the people who was sued was a former police officer for the City of Fairview and Commissioner Sutton I'm sure is aware of this lawsuit but he sued the Sheriff's department, sued the jailhouse, sued the workhouse, sued the workhouse staff and a couple of days ago the Federal judge in the Middle District of Tennessee in Nashville granted an order to dismiss the lawsuit stating no claim on which relief could be granted. A couple of points I found interesting was the judge made a rather extensive statement about you can't sue a jailhouse, you can't sue a workhouse. That they are not entities that are capable of being sued. He said if you stretch it far enough, he could have sued the county saying that they were responsible for this but you have to allege a violation and apparently no violations were listed so the judge granted dismissal for failure to state a claim. I just wanted to put that out as information to the board that although the City was not named as a defendant it did have a connection to the City.

11. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had no comments.
- B. Commissioner Carroll wanted to give a couple clarifications to Mr. Hall with the truck I don't believe your recommendation is valid, it's more about timing. Even though you say you have the money to cover it, it is still a real concern to me about where we are in our budget and how we are spending our money so that was my only concern. Even with the i-pads, I know a lot of cities have them and it's a real advantage for the Commissioners to have everything at their fingertips but also I don't think we're in the state to buy but since you preface it's when we get the money, the research wouldn't hurt to go ahead and do. Some of the times when you have these meetings and you are taking loans out for firetrucks, even though it was decided on a long time ago, now when push comes to shove, you have to do this. We have a big budget this year, banked a little bit on Wal-Mart and it's all going to be okay but it is that time. We've probably made Mr. Daugherty a little nervous coming in when he did about tax money and it makes me a little nervous. But it is how the government money works and our budget comes from taxes and property taxes. Thank you for coming out. Appreciate everybody's phone calls and concerns and I just encourage you to keep being involved and pay attention to what is going on. So excited, Mr. Berkely, seeing that go forward and having your opinion. Sometimes the hardest thing in government things are really slow and sometimes painful to watch but in essence, it is for us, too, especially when you want to see something happen. I do think this is going to be in the good of our community and I'm glad we are all at a place we can see this happen and just

how exciting it is to actually get the kids involved and invest in the future of Fairview and I'm thrilled about that.

C. Commissioner Sutton am excited about Wal-Mart but the other night when my wife came out and told me how much she spent I was a little distraught but it's better than driving 50 miles to get the same result. I am excited for the savings and the jobs and the tax relief it's going to offer us at the same time. Make sure we go out there and buy what you need to buy. All the places in Fairview. If we bought all the things we needed in the City of Fairview that's available to us, every business here would be successful, without a doubt. With every business here and all the people here and we are getting close to being self-sufficient on the materials and needs that we have. And with the growth that we are going to have we are going to see even more of this. So, large or small, make sure that you still support these people. I've got two brief comments on the citizen comments. I want to thank Ms. Brooks for standing up and giving us her opinion but I do want to correct the timetable on that. The timetable was the first question on the property was asked in August. A month and a half after that was when the newspaper article came out, it wasn't the other way around. That was the correct way and I've been asked that many, many times that's the way the events happened, not the other way around. Mr. Cothran, I know he's home listening. He's probably home listening and trying to watch the ballgame at the same time, knowing him. We are always going to look for the right thing to do and if there's a problem on something and if it's our fault, we want to fix it. We're not going to turn a blind eye to it, not going to look away, put the blame on somebody else. But, if there's a problem with something, the people in the subdivision, in this example over here, they deserve to have their public notice so they can stand up and speak just like we did tonight and voice their opinions about something. They weren't given the opportunity to do that. We failed to do that. Whether somebody else should have caught it and brought it back up I don't know. It is caught and brought back up and we are going to do it the right way. Everybody out there deserves the same opportunity to stand up and talk about what they believe in. I think what we've done tonight will correct that matter in that subdivision out there. I want to thank everybody for coming out and I appreciate it.

D. Vice-Mayor Johnson stated that Ms. Brooks we don't want you to feel nervous when you come to the podium. I am going to speak for the entire board, and I probably shouldn't do that but we are approachable. You can call us on the phone, you can email us. We have several openings on various boards that have been created with people's terms expiring and people who have resigned their seats and we want the citizens to know that they can go to the city website and apply for those and there is no deadline on those. We are taking those applications all the time. And with that being said, I'm going to read a letter that was given to the City Manager and addressed to the Mayor. Dear Ms. Mayor, as I enter into the new year of 2014 I have to pause and reflect on the past and focus on the future, which includes obligations, commitments, schedules and conflicts. Once I identified these items I had to categorize them into priorities, which will be a part of my life and my families for the future. Based on the results, it is with regret that I inform you that effective January 31, 2014, I hereby resign from the positions that I hold on the City of Fairview Planning Commission, Park Board and the Industrial Development Board. Sincerely, Robert D. Benson. So there is another series of openings on various boards

that we welcome people to apply for. We need good people like Mr. Benson that has served our city for many years. We are always looking for new people who are willing to do that.

Commissioner Sutton made a motion to adjourn. Commissioner Bissell seconded. All were in favor. The meeting adjourned at 8:51 p.m.

Brandy Johnson
City Recorder