

City of Fairview

BOARD OF COMMISSIONERS

January 17, 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, Johnson, Carroll, Bissell, Sutton

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

1. Mayor Totty called the meeting to order at 7:07 p.m.

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

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Carroll 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. Jon Cherry stated that he is newly elected to the Chamber of Commerce Board and he will be chairing the Business Expo and Job Fair on March 19, 2013 at the Middle School. He asked if the city would consider as part of the budget to designate a line item for the Chamber in the amount of \$25,000 a year. The Chamber helps to promote the city and existing businesses as well as recruit new businesses.

4. Awards and/or Recognitions – NONE

5. Public Announcements –

A. City Manager Hyatt announced that City Hall will be closed on Monday January 21, 2013.

B. Mayor Totty announced that the Economic Development Task Force will meet on Monday January 21, 2013 at 6:00 p.m. at City Hall to review the 2012 goals and accomplishments and look at the 2013 goals and needs.

6. Approval of the Minutes –

A. The minutes for the December 20, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

7. Old Business –

A. Discuss and/or Take Action on Requesting City Attorney to Prepare Rezoning Ordinance on Property Located at 7355 Overbey Road, Map 46, Parcel 44.00, 108.41 acres, From RS-40 to RS-15 Mixed Use PUD, Kathy Beata Owner - Director Lovvorn stated that this was a recommendation that came

from the Planning Commission, when it got to the Board of Commissioners it died for lack of a motion. The developer has asked to bring this back to the Board for your consideration again. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. Vice-Mayor Johnson made an amendment that something is put on there, as long as the Water Authority of Dickson County signs off on the sewer system. Commissioner Carroll seconded. All were in favor of the amendment. All were in favor of the original motion.

- B. Updates on City of Fairview Projects – City Manager Hyatt stated that he sent an email to the State asking about the Greenway but hasn't got a response, we did return the amendment in September 2012 and we should be hearing something back from them fairly soon. The Bowie Lake Road project, the ad was placed for bid on January 14, 2013 so in 22 days we will be getting our bids back and the bid opening is February 5, 2013 at 2:00 p.m. On the Triangle School project, we have completed the structural part of that and Donn has scheduled to go out and meet with an architect next Thursday to go over the electrical and water. There was discussion on whether or not the historic registry included inside water. City Manager Hyatt mentioned that there was a Project Workshop set up for February 7, 2013 at 6:00 p.m. and Donn can gather more information about the water situation and bring it to the workshop. City Manager Hyatt stated that we have almost completed sign 2 and the total cost for all 3 signs including materials and engineering fees is \$21,161. The engineering fees were \$8,023. Mayor Totty stated that she wanted to address the sign on Hwy 96 and wanted the Board to give their thoughts regarding the changes and feels like consistency is very important, the consistency of the logo on the sign, the consistency of the colors, and the consistency of the front and the back. Commissioner Carroll stated that her opinion is they need to match and the sign on Hwy 96 is a little confusing to whether it is a Welcome to Fairview sign or advertisement for the fire hall. Vice-Mayor Johnson stated that he did speak to the City Manager and if that is the general consensus of the Board, the fire department can be taken off and matched up and put the fire department logo on the building. Commissioner Bissell stated that he felt like the signs were consistent except the color and he was ok with that but he could see changing the back of the sign to match the first sign and somehow replace the fire department sign. Mayor Totty stated she wanted the color of the letters to be the same on all three signs and the same logo and to remove the fire logo from the sign on Hwy 96. Mayor Totty stated that we are still looking for a location for the 3rd sign and are open to suggestions. City Manager Hyatt stated the work has begun at Evergreen Park but the weather has slowed us down. Commissioner Sutton asked Mr. Hyatt to bring the cost of changing the sign on Hwy 96 and adding the logo to the building to the meeting.

Donn Lovvorn stated that on the Roadscapes project, he had emailed Monique Hazelwood regarding the scope change and they agreed to the change, we have received notice to proceed for the environmental. TDOT has started the environmental phase but not sure when it will be completed, when this is completed we can move on to the design phase.

8. New Business –

- A. Discuss and/or Take Action on Bill #2013-01 Ordinance No. 796 – An Ordinance to Annex Overbey Road, Givens Cut Road and the Existing County Road Right of Way into the City of Fairview, Tennessee. All the Proposed Roadways for annexation Lie Within the City of Fairview, Tennessee's Growth Boundary. Vice-

Mayor Johnson read the caption and made a motion for approval. Attorney Cantrell stated that due to the new statues on annexations he would like to ask Director Lovvorn if he has made all of the notifications for items 8A, B, C & D. Director Lovvorn stated that the county has been notified because they own the roads and the property owners have been notified as well. Commissioner Bissell seconded. All were in favor.

- B. Discuss and/or Take Action on Resolution No. 02-13 – A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Annex of Overbey Road, Givens Cut Road and the Existing County Road Right of Way into the City of Fairview, Tennessee. All the Proposed Roadways for Annexation Lie Within the City of Fairview, Tennessee's Growth Boundary. 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 Bill #2013-02 Ordinance No. 797 – An Ordinance to Annex Certain Property, Located at 7355 Overbey Road, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee; Belonging to Kathy E. Beata. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary. Vice-Mayor Johnson read the caption and made a motion to approve. Commissioner Sutton seconded. All were in favor.
- D. Discuss and/or Take Action on Resolution No. 03-13 – A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the annexation of Certain Property, Located at 7355 Overbey Road, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee. All the Property Proposed for annexation Lies Within the City of Fairview, Tennessee's Growth Boundary. The Property to be Annexed is Located in Williamson County, Tennessee, City of Fairview, Tennessee Geological Listing of Assessment Roll Map 46, Parcel 44, Containing 108.41 Acres, Belonging to Kathy E. Beata. Vice-Mayor Johnson read the caption and made a motion to approve. Commissioner Sutton seconded. All were in favor.
- E. Discuss and/or Take Action on Appointment of Board of Zoning Appeals – Director Lovvorn stated that there is one vacancy on the Board of Zoning Appeals to replace Mr. Seaborn and we have received one application from Mr. Wayne Hall. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- F. Discuss and/or Take Action on New Lease Agreement on four New Copier/Fax/Printer/Scanner for Administration, Fire, Police and Park – CFO Pewitt stated that back in April she brought this to the Board and at the time we did not have the funds for it and we deferred it until we did have the funds for it and now we do. She stated that the police department's copier and fax are on the outs and they are so old that they can't be fixed. The fire, park and police departments are all old and having problems. She introduced Will Canterbury for him to go over the proposal. He stated that as these machines get older they become more expensive to maintain and fix and he presented his proposal for the four machines and stated that they were able to come in under budget. He stated that all the machines are network friendly. Commissioner Bissell made a motion to approve. Vice-Mayor Johnson seconded. Mr. Canterbury stated that his boss decided to wave the first months bills because we have been a customer of theirs for many years. All were in favor.
- G. Discuss and/or Take Action on Bill#2013-03 Ordinance No. 798 – An Ordinance to Allow a One Time Variance to the City of Fairview, Tennessee, "Policies and Procedures Manual" Adopted by Ordinance 615, Dated April 6, 2006. Vice-Mayor Johnson read the caption. Attorney Cantrell stated that when the COLA was passed with the budget it was stated to go into effect on January 1, 2013,

this is just a house cleaning ordinance because ordinance 615 states that all pay raises go into effect on July 1st. This will allow for a one time variance and we can discuss any other changes at the next budget. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.

- H. Discuss and/or Take Action on Bill #2013-04 Ordinance No. 799 – An Ordinance to amend Certain Sections of the City of Fairview, Tennessee, “Policies and Procedures Manual”. The City of Fairview, Tennessee, “Policies and Procedures and procedures Manual” was Originally Adopted by Ordinance 615, Dated April 6, 2006. Vice-Mayor Johnson read the caption. City Manager Hyatt stated that this was housekeeping as well and that with the new pay plan we did away with the incentive pay, so we need to take that out and re-print that page. Also we changed the vacation plan and this needs to be changed as well and this ordinance will allow for those changes. Commissioner Bissell made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- I. Discuss and/or Take Action on Allocating \$35,000 from General Reserve to be used on Improving the Current Firing Range or Building a Temporary Range at the NW Hwy Location – Commissioner Bissell stated that he would like to defer this to a later date because due to his illness they were not able to meet with the WADC about the possibility of getting our firing range back either by lease or by purchase from the WADC and would rather not have the discussion until he knows what the options are. He stated that he will request this to be put back on the agenda after he has met with the WADC.
- J. Discuss and/or Take Action on Allocation \$35,000 from General Reserve to be used on the Development of the Fire Training Complex on Deer Ridge Road – Commissioner Bissell stated that Captain Hughes developed a packet for a training site with a seven year plan and would like to be able to allocate funds to begin the process this year. Captain Hughes presented his plan and stated the training site would be for both the fire department and the police department. Captain Hughes stated that the Deer Ridge Road site is 7.5 acres with a tin building and dirt floor. The first year’s proposal is to build a concrete pad to allow for long term storage for both the police department and the fire department and the start of construction of a training building and to put in a gravel road and gravel pads to support the weight of the fire trucks. The training building would be built out of shipping containers with most of the work being done in house to convert it into the training facility. The intent in the first year is to get us to a second story with the ladder and get onto the roof and train. Captain Hughes presented the build out plan for the following six years. Commissioner Carroll stated that we should put this in the next budget. Commissioner Bissell stated that the money is in reserves and we could transfer funds with a budget amendment. Commissioner Bissell made a motion to move forward and to allocate funds now. Commissioner Sutton seconded. Commissioner Carroll made an amendment to go to a budget workshop. Commissioner Sutton seconded and stated that he hasn’t heard any input from the police department. *For the amendment:* Totty, Carroll, Sutton, Johnson *Against the amendment:* Bissell *For the original motion:* Bissell *Against the original motion:* Carroll, Sutton *Abstained:* Johnson
- K. Discuss and/or Take Action on Authorizing City Manager to enter into Negotiations for the House Adjacent to City Hall – Commissioner Bissell stated that there is a for sale sign up on the property next door and we have talked informally in the past about securing that piece of property. Commissioner Bissell made a motion to authorize the City Manager to contact the owner or agent to get a price to purchase that house. Mayor Totty made a motion to defer this to the property committee. Commissioner Carroll seconded. *For:* Totty, Carroll, Sutton, Johnson *Against:* Bissell

- L. Discuss and/or Take Action on CouncilCast TV Contract – City Manager Hyatt stated that Mr. Slade of 323 Link provides the streaming of the meetings. The contract is for the purchase of the equipment, maintenance and services for the first year with a pilot program discounted cost of \$10,678. Currently we are not able to do live streaming, we can do the on demand, but after Windstream installs the bandwidth we will be able to do the live streaming. The \$5,800 is not in this year's budget, \$4,780 is a one-time equipment charge and then maintenance of \$510 for May and \$510 for June. Mayor Totty asked Mr. Slade for an extension and he said he could go another 30 days for the on demand to be reviewed. Mayor Totty made a motion to defer this for a 30 day extension of the trial period. Commissioner Carroll seconded. All were in favor.
- M. Discuss and/or Take Action on Williamson County Natural Hazard Mitigation Plan Letter of Agreement – City Manager Hyatt stated that this is a requirement under Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and it allows us to apply for and get federal disaster assistance should we have a disaster, this goes with their plan which is already in place and is a very thick document. Vice-Mayor Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor.
- N. Discuss and/or Take Action on Tennessee LOGO Sign Program for Bowie Nature Park – City Manager Hyatt stated that this sign would be on the interstate and we would get an East and West sign under the attractions billboard and a mileage sign once you got off of the interstate telling the distance to Bowie Nature Park. He stated that the cost would be a one-time fee of \$648 and an annual maintenance fee of \$524. This would come out of the public relations budget with a current balance of \$2,594. City Manager Hyatt stated that it could come out of the Park budget and suggested that after the city gets it going maybe we could alternate the annual maintenance fee with the Friends of Bowie Park. Commissioner Sutton made a motion to move forward. Mayor Totty seconded. Vice-Mayor Johnson stated that this is park related and it needs to come out of the Park budget. Commissioner Bissell made a motion to defer this to the Park Board so they can come up with the appropriate recommendation on how this will be funded. Vice-Mayor Johnson seconded. *For the deferment:* Sutton, Johnson, Bissell *Against the deferment:* Totty, Carroll
- O. Discuss and/or Take Action on Order Issued by Tennessee Department of Environment and Conservation (TDEC) – Attorney Cantrell stated that back in 2011 the city had five vehicles that the compliance report was not received by the Tennessee Department of Environment and Conservation by September 1, 2011, TDEC stated they were received on December 2, 2011. On February 10, 2012 a letter was received by Ms. Pewitt stating these vehicles failure to comply. He stated that this was not Ms. Pewitt's fault in anyway. On January 3, 2013 a letter was received with a civil penalty of \$750. Attorney Cantrell stated that this was a relatively small fine; they could have fined the city \$25,000 per day for each day of violation. After his review the city didn't file for an extension of time on these vehicles and he doesn't feel an appeal would be justified. Ms. Pewitt has implemented some provisions to be sure this doesn't happen again. Ms. Pewitt stated that we have to have all the vehicles tested by August 31st; they have to be stamped before September 1st. The emission tests are good for 90 days and we can start testing 90 days prior as long as they don't expire. She stated that she gave everyone the \$10 fee in mid-July and asked them to return the emission compliance report within two to three weeks and if the vehicle failed they were to go to our mechanic Mr. Beck immediately. Ms. Pewitt stated that she sent all the reports via email on August 31st and it was confirmed on September 13th that we were in compliance. Commissioner Carroll stated that this \$750 could have been used for office supplies or any budget item. City

Manager Hyatt stated that at that time we didn't have a full time mechanic to help fix the vehicles but now we do. Commissioner Bissell made a motion to approve the payment. Commissioner Sutton seconded. *For:* Bissell, Carroll, Sutton, Johnson *Against:* Totty

- P. Break for Executive Session on Order Issued by Tennessee Department of Environment and Conservation (TDEC) – Attorney Cantrell stated that he wanted this on the agenda in case it was needed but it is not needed.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates - City Manager Hyatt stated that the Strategic Plan session for Friday night has been postponed until next Friday night the 25th at 5:00 p.m. at Bowie Nature Center, there is a Project workshop on February 7th at 6:00 p.m. and the Town Hall meeting is on January 31st at 7:00 p.m.
- B. Staff Comments –
- (1) CFO Pewitt presented the financials for December, the revenues over all are at 43% and the expenses over all are at 52%.
 - (2) Fire Chief Cooper stated that our ISO rating was a class 6 and now we are a class 5 missing class 4 by 2.5 points. He said that all the homeowners should call their insurance company on April 1st and let them know that we had a change in our ISO rating and we are now a class 5.
 - (3) Street Supervisor Holsinger stated that the cap stones for the sign are here and as soon as he can get a vehicle in there the caps will be completed. We've had lots of rain and he and one other employee were out checking and cleaning drainage ditches and then when the sleet, freezing rain and lower temperatures came in they went to 24 hour shifts and had just under 100 low hanging branches in the roadways that had to be trimmed and hauled away.
- C. City Attorney Comments – Mr. Cantrell thanked the City Manager and CFO Pewitt for their help with the TDEC letter, he stated that they were very honest and forthcoming about the situation. He also thanked Donn Lovvorn for his cooperation on the new annexation statues and on getting all the notices out.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had no comments.
- B. Commissioner Carroll shared with us that she has been selected to serve on an Ambassador Board for Williamson County Schools over the next five months, meeting once a month getting to tour schools and learn about the inner workings. She said it is a great opportunity to have a voice and she can't wait to represent the community and to go to the School Board and tell them what some of our needs are out here. She congratulated her daughter Shelby for being inducted into the Beta Club.
- C. Commissioner Sutton thanked everyone at the Fire Department for all the work that they have done and said it will not be passed over and that he looked forward to approving that sometime in the future. He asked the City Manager to put this back on the agenda for February 7, 2013 and put the signs for the interstate back on the agenda.
- D. Vice-Mayor Johnson announced that the Town Hall meeting will be January 31, 2013 and confirmed that Mayor Totty won't be here and stated that he will preside over that meeting and hoped it will not be his last thing he does for the City government because he will be having hip replacement surgery on February 4, 2013 and will not be at the February 7th Board meeting but hoped to be back for the February 21st Board meeting. He asked everyone to wish him well.
- E. Mayor Totty announced that we will have the Town Hall meeting as stated by Vice-Mayor Johnson and with the information we received from the storm she wanted thank the Street Department and let them know that we appreciate them

being out there watching for water damage, ice damage and things of that nature and thanks for their readiness. She thanked the police and fire for always being there to protect us.

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 9:12 p.m.

Theresa Porter
City Recorder