

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

January 21, 2016

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

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Cantrell, Daugherty, Johnson, Paisley

1. Call to order by Mayor Carroll at 7:06 p.m.

A. Prayer and Pledge by Mayor Carroll

2. Approval of the Agenda – Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Commissioner Crutcher requested items D and E be moved from the Consent Agenda to Old Business A and B. All were in favor.

3. Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).

A. Scott Lucas of 7260 Caspian Drive states he has lived in Fairview for 10 years and has become more aware of how the Board votes in the last six months. He has several issues of concern but will focus on one tonight. In October the auditor recommended nepotism must be addressed. Since that exact word was not used some choose to believe it doesn't exist but the citizens and auditor disagree. Quoting from the audit letter, Lucas states "the city has familial relationships between at least three Commissioners and employees of the City that have come to the attention of the State Comptroller's office and appear to create an inherent conflict-of-interest situation" or nepotism. The Board tasked the City Manager with creating a new policy based on the auditors recommendations two months ago. The citizens have heard nothing. What is the status of this policy and what has been the delay in getting the task completed?

4. Awards and/or Recognitions – City Manager Hall recognized Codes Inspector, John Bledsoe as Employee of the Quarter.

5. Public Announcements – City Manager Hall reminds of emissions testing every Monday and Tuesday from 7:30 am until noon. Hall asks to be watchful of incoming winter weather noting Public Works will work hard as always at clearing streets but don't get out if you don't have to.

6. Staff Comments –

- A. City Manager Hall (as Codes Director) states Hardee's has final approvals and the ball is in their court. Hall met with an engineer with Dunkin Donuts and they plan to add another location in the yellow building formerly Fred's pharmacy, a new franchise different from our existing location.
- B. City Recorder Johnson notes the current census count is 2,381 households and 6,369 individuals including the third mailing. In a recent meeting with Crisp we learned the amount of returns we have received is comparable to their other projects at this point in the process. We will meet soon to plan a door knocking strategy. We have borrowed the large sign from Williamson County EMA (free of charge) and hope it is a bright reminder to return the census forms.
- C. Finance Director Daugherty shared the December finance report noting the last couple pages are new and show the fund and cash activity for all accounts. Year-to-date revenues were \$2,960,335 and expenditures \$2,264,874 which leaves a surplus of \$695,460. Daugherty states he fully

expects all fund balances to be in the black next month which hasn't happened since he's been here. Crutcher verifies that all State Street Aid funds from this year are now in a separate account and Daugherty confirms. Carroll questions whether the stabilization plan will happen and Daugherty confirms noting he believes the 3 year plan can be accomplished in two years.

- D. Public Works Director Paisley notes in the recent storm they used 15 tons of salt and have about 20 tons still on hand with another 25 tons on reserve in Nashville. We have 2 snow plow trucks with salt hoppers and 4 employees working hard to clear the roads. Paisley asks everyone to respect the street crews in this upcoming storm by watching out for salt trucks and snow plows as they work. He notes a lot of the accidents are caused by speed.

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 January 5, 2016 Special Board of Commissioners meeting
- B. Approval of the Minutes from the January 7, 2016 Public Hearing
- C. Approval of the Minutes from the January 7, 2016 Board of Commissioners meeting

Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.

9. Old Business

- A. Bill #2015-40, Ordinance No. 905, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-102, "Role of the Planning Commission" – Items A and B were discussed as a single item – see minutes below
- B. Bill #2015-41, Ordinance No. 906, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-103, "Design Review Manual" - Mayor Carroll read the captions and Vice Mayor Sutton made a motion for approval with Carroll seconding. Commissioner Crutcher asks for a recap since there's been some time since the first reading. Attorney Cantrell states the Design Review Manual is a fluid document that gives developers a list of criteria to begin planning. It was never intended for changes to go before the Board of Commissioners because of the length of time it would add to the approval process. Commissioner Bissell states it was originally developed because there were no uniform guidelines and there was concern because all projects were approved on an ad-hoc basis. The Design Review Manual was created as a guideline (not an absolute) and the Planning Commission has the authority to grant a variance. There are some changes the legislative board should make but I'm not sure how to make the distinction. Vice Mayor Sutton made a motion to defer with Commissioner Bissell seconding and noting we need a distinction of major versus minor variances. After some discussion Commissioner Johnson amends the motion asking Cantrell to revise the ordinances to allow the Planning Commission to grant variances without coming to the Board of Commissioners but all future changes to the Design Review Manual should be approved by the Board of Commissioners, seconded by Commissioner Crutcher. All were in favor of the amended motion which negated the original motion and motion for deferral.

10. New Business

- A. Discuss and/or Take Action on Cox Pike Development (development of Tom Smythe) – City Manager Hall asked Attorney Cantrell to update the Board. Cantrell states Smythe's attorney had planned to meet with he and Mr. Hall yesterday but all decided it was better for Mr. Cantrell not to get out. They have rescheduled their meeting for January 27th and he would like to ask the Board to defer until February 4. Commissioner Johnson made a motion for deferral until February 4 with Vice Mayor Sutton seconding. All were in favor.
- B. Discuss and/or Take Action on Board of Commissioners Member Appointment to the Park Board – Hall states we need to replace Commissioner Bissell on the Park Board. Commissioner Johnson nominated Commissioner Crutcher and Vice Mayor Sutton seconded. All were in favor.
- C. Discuss and/or Take Action on Bill #2016-03, Ordinance No. 917, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Appropriate City's 20% funds for Resurfacing Project)- Vice Mayor Sutton read the caption and Finance Director Daugherty asked for approval on this amendment to complete the project. Vice Mayor Sutton made a motion for

approval with Commissioner Johnson seconding. Commissioner Crutcher asked about Daugherty's email to the board and Daugherty responded he should have appropriated all funds from the original bid amount but this has been a new experience for all. Crutcher asked if this will affect this year's audit (like last year) and Daugherty replied no – this is the end of the cleanup. All were in favor.

- D. Discuss and/or Take Action on Revision to Comcast Contract – Sissy Taylor stated this is a revised contract from Comcast that includes an additional phone line for Codes and fax line for the Detectives. Commissioner Bissell made a motion for approval with Commissioner Johnson seconding. Bissell asked for confirmation that we can afford the increase in cost and Daugherty affirmed the cost difference was included in a previous budget amendment. All were in favor.
- E. Discuss and/or Take Action on Recommendation from the Planning Commission for Rezoning of Property Located off Cox Pike (Polston Place II) From RS-20 to R-20 PUD Overlay, Map 21, Parcel 61.06 (40.69 Acres), Map 43, Parcel 32.04 (2 Acres) and Parcel 37.01 (.5 Acres), Billy Pomeroy, Owner – Mayor Carroll read the caption. City Manager Hall states this is to give Attorney Cantrell permission to prepare the documents. Cantrell states he can have them prepared for the next meeting if he receives the current deeds from the developer. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall reminds the Board of the special meeting next Tuesday, January 26 at 7:00 pm regarding Drag Strip Road. Hall states the citizens in Leverette Meadows will be excited to know they are getting security lights installed in their neighborhood. Hall notes he has prepared a conflict of interest policy and has a HR specialist reviewing it (at no charge) and is waiting on their response. He hopes to have this on the agenda by the second meeting in February. Hall reminds citizens he has an open door policy and they are always welcome to ask questions or discuss any concerns with him.
- B. City Attorney Comments - Attorney Cantrell states he received a motion today on behalf of Holland Paving Company naming Fairview as defendant between Holland and a bank. The tentative date of February 4 has been set and he immediately notified the City Manager and TML. He will keep everyone apprised of the progress. Mayor Carroll asked Cantrell to explain the executive session procedures. Cantrell states the purpose is to discuss legal issues between the Board and legal counsel. In this instance options will be discussed. No votes are taken, no policies formed and no minutes are kept. All that is discussed is privileged and should stay between those attending the meeting.

11. Communications from the Mayor and Commissioners –

- A. Commissioner Johnson – NONE
- B. Vice Mayor Sutton – NONE
- C. Commissioner Bissell states it is time for us to complete the annual review for the City Manager and I have a form based on MTAS prototype. Bissell distributes the form and encourages the Board complete the review and give feedback to Mr. Hall with a goal of the end of February for completion of this task. Bissell noted he will review his feedback with Mr. Hall personally encourages the rest of the Board to do so as well prior to a public review.
- D. Commissioner Crutcher noted there is a good chance he will be in federal court for the special meeting so he would like to share his concerns on the proposed rezoning; 1) zoning request is not consistent with the master plan and would be residential zoning surrounded by commercial, 2) process of this request as we have tried to accommodate the developer with different designations, his stipulations on time, always seems a rush and that doesn't give time for due deliberation. This will be the second special meeting for this project and he is not for the rezoning stating we don't want to lower our standards just to accommodate everyone.
- E. Mayor Carroll - NONE

- 12. **Adjournment** – Vice Mayor Sutton made a motion for adjournment seconded by Commissioner Johnson and meeting was adjourned at 8:29 p.m.