

City of Fairview

BOARD OF COMMISSIONERS

February 7, 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, Carroll, Sutton

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

Absent: Johnson

1. Mayor Totty called the meeting to order at 7:06 p.m.

A. The prayer and pledge were led by Mayor Totty.

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Bissell 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. Linda Young stated that she has lived on Overbey Road for over 20 years. She stated that she is 110% opposed for this development. One reason is the traffic from the church and back roads that lead to Hwy 100. She feels it is unreasonable to annex this property and that road but not her property and stated she did not want to be in the city. She said she didn't see any benefits to being in the city, she sees city taxes, sewer fees and these are not positive, motivating things for her to be in the city limits. She stated that this city needs to grow from the inside out not the outside in and asked the Board on behalf of her friends and neighbors on Overbey Road to please take a long hard look at what you are proposing with this development and do what's right for all of us as a community not just for the benefit of a few.

4. Awards and/or Recognitions –

A. City Manager Hyatt stated that Captain Sutton would like to recognize two new police officers. Captain Sutton introduced Russell Bernard and stated that he came to us from the City of Dickson. He then introduced Terry Amonette and stated that he is originally from Nashville, he then moved to Georgia and became a police officer and now has come to work for us.

5. Public Announcements –

A. City Manager Hyatt reminded everyone that the emission testing is on Tuesdays from 7:30 a.m. to noon at the Hwy 96 fire station.
B. Commissioner Sutton stated that he utilized this location this past week and spoke with the attendant and he stated that occasionally when it rains he has to shut it down if the wind blows and the equipment gets wet. He stated that

he spoke with the City Manager to look at possibly lowering some of the aluminum siding to help protect the equipment. He also stated that they are doing a good job at this location.

6. Approval of the Minutes –

- A. The minutes for the January 3, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. All were in favor.
- B. The minutes for the January 17, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. All were in favor.

7. Old Business –

A. Discuss and/or Take Action on Park Board Recommendations –

- (1) Mayor Totty stated that on February 4, 2013 the Park Board met and voted to recommend to the Board of Commissioners for approval the pine tree thinning graph #2. Commissioner Bissell asked how many acres were in this graph and Mayor Totty stated that it was 3.2 acres that is planned to subdivide into 3 test plots and that is roughly an acre each and it was 25 trees per acre and that this was under the recommendation to achieve the 60 basal, basal is a word used by foresters and by her brief explanation it was like holding a penny in a certain distance and counting the number of trees in that section. Commissioner Bissell wanted to clarify that this will still need to go to the conservation folks for approval and if approved then the city would determine whether to contract out or do it in house. Mayor Totty stated that all trees selected to be downed will be identified and marked by the forestry service. Commissioner Sutton asked what would happen to the logs from the cut trees. City Manager Hyatt stated that it was his understanding that they would just stay there to become part of the habitat, it will attract more animals and creatures and helps with the soil. Mayor Totty stated that with it being the test sites these would be logged to varying degrees with 1 plot reduced to 90 basal, one to 60 basal and the third to zero. Park Superintendent Keith Paisley stated that Mike Berkley suggested a cut and leave system. The tops of the trees would be cut off and burned or chipped and the logs would stay in place but not on top of each other. At another test site, they want to clear it out a little bit more and make it a prairie type area. The test sites are to see how the exotic invasives take over and which way we want to go with that and shows everybody a couple different options and that's why we are calling them test plots just to see if everyone agrees on going to straight 60 basal or going to not as many. Mayor Totty stated that this is a beginning step to say we are doing these items of the tests and then being able to come with a final plan that then would be a longevity plan of how we are going to maintain and work through the help of the park. Mayor Totty made a motion to approve. Commissioner Sutton seconded. All were in favor.
- (2) Mayor Totty stated that the second item on the Park Board Recommendations from the February 4, 2013 Park Board meeting is that they voted and approved to recommend to the Board of Commissioners to give the go ahead of the I-40 signage and promotion of Bowie Nature Park with the initial fee being paid by Mr. Mark Dietz and that the annual maintenance fee be paid from the Park Department budget as a line item of advertising and public relations. Commissioner Bissell made a motion to approve. Mayor Totty seconded. All were in favor.

- B. Discuss and/or Take Action on Property Committee Recommendations - Commissioner Bissell stated that the Property Committee met and discussed the City Manager entering into negotiations to purchase the property west of City Hall and they discussed potential uses of the property. The Property Committee unanimously endorses allowing the City Manager to enter into negotiations with the property owner or their representative on the purchase of that property. Commissioner Bissell made a motion to authorize the City Manager to do just that. Mayor Totty seconded. Commissioner Sutton asked if there was a dollar amount put on that and Commissioner Bissell stated that there were some perimeters discussed and he will be getting with the City Manager on behalf of the Committee to discuss those perimeters and he will have to bring it back to the Board to approve and authorize the money, if an agreement is reached. All were in favor.
- C. Discuss and/or Take Action on City of Fairview Projects – Mayor Totty made a motion that the Welcome signs all be consistent. Commissioner Sutton seconded. All were in favor.
- D. Second and Final Reading on Bill #2013-03, Ordinance No. 798 – An Ordinance to Allow a One Time Variance to the City of Fairview, TN, “Policies and Procedures Manual” Adopted by Ordinance 615, dated April 6, 2006 – Mayor Totty read the caption. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.
- E. Second and Final Reading on Bill #2013-04, Ordinance No. 799 – An Ordinance to Amend Certain Sections of the City of Fairview, TN, “Policies and Procedures Manual”. The City of Fairview, TN, “Policies and Procedures Manual” was Originally Adopted by Ordinance 615, Dated April 6, 2006 – Mayor Totty read the caption. Commissioner Bissell made a motion to approve. Commissioner Carroll seconded. All were in favor.

8. New Business –

- A. Discuss and/or Take Action on Bids for Bowie Lake Road Project – City Manager Hyatt stated that on Tuesday February 5, 2013 we opened the bids here at City Hall at 2:00 p.m. We had 7 companies to bid on the project and we have the low bidders as TN Paving Company at the amount of \$111,897. The staff and the engineer recommend this and if the Board approves this to go forward we will discuss the appropriate bonds and insurance to be submitted for your approval and once that’s done and the contractor signs the documents with the city we will give them the notice to proceed. This should be about a 3 to 4 week process and the contract states that this should be substantially complete within 80 days for the notice to proceed. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. All were in favor.
- B. Discuss and/or Take Action on Bill #2013-06, Ordinance No. 801 – An Ordinance to Change the Zoning of Certain Property in the City of Fairview, TN, Located at 7355 Overbey Road, as shown on, the City of Fairview Geological Listing of Assessment Roll Map 46, Parcel 44.00, From RS-40, To RS-15 (Mixed use PUD), 108.41 Acres. Mayor Totty read the caption. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. All were in favor.
- C. Discuss and/or Take Action on Resolution No. 04-13 – A Resolution to set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Certain Property in the City of Fairview, TN, Located at 7355 Overbey Road, as shown on, the City of Fairview Geological Listing of Assessment Roll Map 46, Parcel 44.00, From RS-40, to RS-15 (Mixed use PUD), 108.41 Acres. Mayor Totty read the caption. Commissioner Sutton made a motion to approve. Commissioner Bissell asked when would the public hearing occur. Mayor Totty stated April 4, 2013. Commissioner Bissell seconded. All were in favor.

- D. Discuss and/or Take Action on Removing and Replacing a Member of the Industrial Development Board – Commissioner Sutton stated that there is one member that has not attended a meeting in over 2 1/2 years and we are asking that a replacement person be put on the Industrial Development Board. The Industrial Development Board recommended Mr. Ken Weaver who is already with the Chamber and already works for the City. Mr. Ken Weaver has not turned in an application at this time. Commissioner Sutton asked the City Manager to take care of placing an ad for applications for the Industrial Development Board. Mayor Totty offered her condolences to the Hoppe family for their loss and stated that Mr. Hoppe was very active in the community and served the community well. Commissioner Sutton made a motion to remove the member that has not been attending the meetings and move forward with the application process to replace that member. Commissioner Bissell seconded. All were in favor.
- E. Discuss and/or Take Action on Project for Farmer's Market – Commissioner Sutton stated that this has been discussed in the past and he made a motion to instruct City Manager Hyatt to move forward with the planning process, the cost factor and to get with Mr. Jones. The discussion has been for them to have a covered area to load and unload and to sell the products, discussion is needed to discuss how many spaces we will need, is there going to be a paved area and gravel on the outside for parking. The location is at the Triangle School area. Mayor Totty asked if this was part of the PUD and Director Lovvorn stated not right now. Mayor Totty stated that before we ask the City Manager to move forward we need to check to see what the PUD will allow. Dr. Rice stated that the PUD allows for an amphitheater and parking and this could tie in together. Mayor Totty stated that USDA offers a grant that says for municipalities to be offered for pavilion for that purpose. Commissioner Bissell seconded. All were in favor.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates - City Manager Hyatt stated that the first Board of Commissioners meeting in July falls on the 4th of July which is a holiday and just wanted to bring that to everyone's attention. Commissioner Carroll asked if we had come up with a date for May Fest. City Manager Hyatt stated that we had come up with the date of May 25th but there is a group that we are interested in and they are not available on that date so we are looking at possibly May 18th.
- B. Staff Comments –
 - (1) Captain Sutton presented the Police Department report for January.
 - (2) Chief Cooper presented the Fire Department report for January. He stated that all three SAFER grant employees should be on the job by March 19, 2013.
 - (3) Codes Director Lovvorn presented the January report. He stated that Mayor Totty wanted an update on the Road Scape Grant, the paper work taking out the Welcome Signs was turned in and Ms. Hazelwood stated that we would have to ask for an extension on the contract, we asked for 12 months and received the addendum to the contract today, and the contract expires April 25, 2014. They are in the process of providing the environmental documents for us and once they are completed they will give us a notice to proceed for design and preliminary engineering. Once we get that notice to proceed we will get with Lose and Associates for design and once we complete the design process and get that turned back in to TDOT for their approval, they will provide us with a notice to proceed with construction at that time we can start with construction and get reimbursed for the construction phase of the project. Mayor Totty requested that in the design phase that we have a workshop to possibly include our Arborist regarding the trees and a Master Gardener.

Commissioner Sutton asked Director Lovvorn if there was anything he could share regarding Wal-Mart. Director Lovvorn stated that the general contractor is DBS out of Chattanooga, there will be a pre-construction conference next Tuesday at 10:00 a.m. and they will probably start mobilizing equipment between now and then. We have their TDEC and TDOT permits in place and DBS will be ready to go after the pre-con meeting.

- C. City Attorney Comments – Mr. Cantrell stated that regarding the public hearing being on April 4, 2013 this is due to the new state statutes relative to annexations and zoning changes. The public hearings have to be pushed out so that the companion bills can fall in between them.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton stated that he appreciated the job that everybody does, welcomed the new police officers and stated that he gets positive comments about the direction the city is heading.
- B. Commissioner Bissell stated that they voted rather quickly on the first reading of the rezoning and that is kind of the way we do things. There will be a public hearing where you will get to express your opinions and then there will be some deliberation by the Board on the second reading. He stated that the Board is elected to represent the people of the City of Fairview. We've got to make our decisions based on the plus and minuses for the City of Fairview. He stated that it always bothers him to hear people say they don't want to be in the City of Fairview. He thinks it comes from the fact that they don't want to pay the city taxes. He stated that the average house in the City of Fairview is around \$175,000 and that is about \$300 a year in city taxes, not only are the citizens paying for their police department, their fire department, their street department, Bowie Park, the historical village restoration, the economic development of Publix, Wal-Mart and the other peripheral things that are coming in here and provide support to the schools, all of these things benefit the citizens outside the city too. He encouraged everyone to think about the benefits of being in the city and the one benefit that you are not getting is the Board has a responsibility to the citizens of the city not the county and would love to have you join us.
- C. Commissioner Carroll thanked everyone for coming and being involved in your community and stated that your opinions and comments always matter to us and it is important that you know we can't always make the decision you want us to make but it is important to us that we know what you think and what you want. She sent out condolences to Mr. Phillip Johnson's family.
- D. Commissioner Sutton wanted to add that regarding the Overbey Road rezoning, there was a brief meeting with the WADC and the gentleman over that department and he stated that he is more than willing to come to any of our meetings to answer any questions you may have and he does understand there are many concerns. He announced that the reason Vice-Mayor Johnson was not here tonight is that he had surgery and is doing fine and is on the road to recovery.
- E. Mayor Totty stated that there is a follow up meeting with MTAS and asked the City Manager to schedule that for either the 22nd or the 26th. She announced that the Fairview Chamber of Commerce Business Expo and the Fairview Community Action Partnership Job Fair will be March 19, 2013 from 4:00 – 8:00 p.m. at the Fairview Middle School. This is a meet and greet to meet the area businesses and an opportunity to get help with your resumes, a support system of where there are jobs and a career coach available. She announced that the 14th is Valentine's Day and wanted to let everyone know that she loves them.

11. Mayor Totty asked for adjournment.

- A. Commissioner Sutton made a motion to adjourn. Commissioner Bissell seconded. All were in favor. The meeting adjourned at 8:08 p.m.

Theresa Porter
City Recorder