

City of Fairview

BOARD OF COMMISSIONERS

February 16, 2012

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

Present: Totty, Bissell, Carroll, Johnson, Sutton

Others Present: Hyatt, Cantrell, Porter, Hooper, Pewitt, Lovvorn, Cooper

Absent: Harris

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

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

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Carroll seconded. Mayor Totty stated that there were additions to the agenda. 7D Discuss Street Lights Phase 2 and add 8F Resolution to set a Public Hearing for rezoning the Lampley property. Vice-Mayor Bissell made a motion to approve the agenda with the additions. Commissioner Johnson 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. Renee Cashin of 7411 Cumberland Drive stated that they have lived at this location for 25 years. She gave the Board pictures of her house and stated that the bedroom windows face the street and that there have been no accidents on this stretch of road, there's no curve and no other houses that are affected by the street light. She stated that they strongly oppose the street light in front of their house. She respectfully asked the Board to look at the situation and please consider removing the street light.

4. Awards and/or Recognitions – NONE

5. Public Announcements –

A. City Manager Hyatt reminded everyone that the emission testing has been moved to Tuesdays at the same location on Hwy 96 at the Fire Station from 7:30 a.m. to 12:00 p.m.

B. Mayor Totty announced that Monday, February 20, 2012 at 6:00 p.m. the Fairview Economic Development Task Force will be meeting at City Hall. The group discusses opportunities for working with future commercial developers and light industrial developments and working on ideas on how to market the City of Fairview. Mayor Totty announced that City Manager Andrew Hyatt will be speaking on the State of the City Address on Tuesday at noon at the Fairview Recreation Center, you can register for that luncheon with the Fairview Chamber of Commerce.

- C. City Manager Hyatt announced that City Hall will be closed on Monday to observe President's Day.

6. Approval of the Minutes –

- A. The minutes for the February 2, 2012 Board of Commissioners meeting were presented for approval. Vice-Mayor Bissell made a motion to approve. Commissioner Carroll seconded. All were in favor.

7. Old Business –

- A. Discuss and/or take action on Non-Profit Funding Requirements and Clarification on Qualifications and Deadlines – Attorney Larry Cantrell stated that TCA 6-54-111 lays out the requirements for municipalities to appropriate funds to Non-Profit Charitable and Non-Profit Civic. The Attorney General issued an opinion back in 1991, 1991-52, states that 6-54-111 does not say that the audit does not have to be accomplished by a CPA or a PA. The TN Accountancy Act TCA 62-1-101 lays out what constitutes an audit and who can do an audit, it states that you have to have a license. It goes on to say there are other people that can do an audit and that you as the Accountancy Board that is set up in this statute TCA 62-1-113H will include what is called some safe harbor language to protect those people who have those opinions on these things so they don't run a fowl of the act. The Board of Accountancy came up with some safe harbor language and that is found in the State Board of Accountancy Chapter 0020-4-.06. A defensible position is to ask the Board to authorize the City Manager and the CFO to issue checks to those approved based on them supplying the following documents: a fully executed copy of IRS form 990, 990N or 990EZ for this year, an affidavit from the tax preparer or an officer of the entity that prepared the tax form stating that they have reviewed the form and the entities records and found no evidence of any actions contrary to the statement contained therein, it would need to contain the safe harbor language to protect them. We will also need an agreement from the entity receiving the funds signed by the chief officer of that entity or whoever they designate to conduct financial matters, which reviles the distribution of funds that is received by the City as each disbursement is made until they have disbursed an amount to equal the amount received by the City. A copy of all these documents will be kept in the City Records file along with a copy to the CFO. Larry stated that he would be glad to provide samples of the documents required. He also stated that if an entity is not required to file a 990 form they can provide an affidavit stating that they qualify under C6 under 26 501 C6. Commissioner Johnson made a motion for approval. Mayor Totty seconded. All were in favor.

- B. Discuss and/or take action on Recommendation from Philanthropy Committee – Vice-Mayor Bissell stated that the Committee used the criteria of trying to touch as many people in the community as possible, we wanted some reasonable reassurance that the money would go to Fairview citizens. The Committee was made up of Allen Bissell, John Stark, David Mayberry who was the Financial Officer at that time and City Manager Andrew Hyatt. Vice-Mayor Bissell made a motion to vote on each entity individually. Commissioner Sutton seconded. All were in favor.

- (1) Boys and Girls Club, \$2,000 **For: Sutton,Johnson,Totty,Bissell,Carroll**
- (2) Fairview Middle School, \$1,000 **For: Sutton,Johnson,Totty,Bissell,Carroll**
- (3) Meals On Wheels, \$3,000 **For: Sutton,Johnson,Totty,Bissell,Carroll**
- (4) Fairview JROTC, \$2,000 **For: Sutton,Johnson,Totty,Bissell,Carroll**
- (5) Helping Hands, \$3,000 **For: Sutton,Johnson,Totty,Bissell,Carroll**

- (6) Fairview Area Chamber of Commerce, \$2,000 - Commissioner Sutton stated that he did not feel that the Chamber meets the #19 requirement that 100% of the clients funding benefits low to moderate income families in the community. He also stated that the Chamber is a great organization but he did not feel this is what the money was intended to do. **Against: Sutton** Commissioner Johnson asked for Larry Cantrell's opinion on whether or not the Chamber met the requirements. Mr. Cantrell looked at the application and stated that in his opinion according to the #19 requirement the Chamber would not qualify. **Against: Johnson For: Totty, Bissell.** Commissioner Carroll asked where the application came from and the City Manager said that David Mayberry pulled it from the Tennessee information website that deals with non-profits. Commissioner Carroll stated that the Chamber does great things and gives scholarships to the students of Fairview. **For: Carroll** Commissioner Johnson stated that the City shouldn't give money to an entity for scholarships when the City could give away their own scholarship money. Vice-Mayor Bissell stated that he didn't see the request as a request for scholarship money but as a request for operating funds because they do not have access to the scholarship money and the application is the City's own creation and not mandated by the state.
- (7) Friends of Fairview Public Library, \$1,000 - **For: Sutton,Johnson,Totty,Bissell,Carroll**
- (8) Fairview Senior Citizens, \$1,000 - **For: Sutton,Johnson,Totty,Bissell,Carroll**
- (9) Mayor Totty made a motion that the time frame be the fiscal year. Vice-Mayor Bissell seconded. Commissioner Johnson asked the City Manager the value of the office space the City gives the Chamber. He also stated that he feels the \$2,000 could have been split between the Public He also stated that he feels the \$2,000 could have been split between the Public Library and the Senior Citizens to have given them more money because he feels the City is giving the Chamber over \$10,000 a year in office space. City Manager Hyatt stated he would need time to get the square footage. Mr. Cantrell stated it was his opinion that the application didn't comply but anything that is not mandated by statute or ordinance this Board has the authority to wave and by your vote you waved it.
- C. Discuss and/or take action on Public Officer for the Slum Clearance Ordinance – Attorney Larry Cantrell stated last month the Board received the suggested requirements that the Public Officer would need. This is a mechanism to implement prior ordinance pasted three or four months ago. The only action is for the City Manager to be allowed to advertise in the paper for applications for the position of Public Officer. Commissioner Johnson moved for approval. Mayor Totty seconded. Vice-Mayor Bissell made a motion to amend to include a stipend for the amount of compensation to equal the planning commission pay. Commissioner Carroll seconded. Commissioner Johnson confirmed the pay to be \$100 a month. All were in favor for the amendment. All were in favor for the original motion.
- D. Discuss Street Lights Phase 2 – Commissioner Carroll asked to consider a workshop for a clearer visual for the homeowners to review. Mayor Totty set up a workshop for sometime in April.

8. New Business –

- A. Discuss and/or take action on Pilot Presentation of Live Streaming Video for Board of Commissioners Meetings – Mr. Tim Slade presented his Pilot Program.

He stated that CouncilCast.TV provides both live streaming and on demand viewing. It allows uploading related documents to be associated to the meeting. You can index the meeting to tag certain items at the meeting. He proposed to the City the Pilot Program which is a free three month trial period and as part of the free trial the City will give them feedback. At the end of the trial period the City has the option to purchase or they pull the equipment out. The equipment includes recording appliance, physical server, live streaming service, web portal, training and on-going support. The Advantages are 24/7 access to recordings, watch on various devices, automated distribution, add documents related to recording, add indexing to videos, and increases the City's exposure. Mr. Slade recommended to increase the lighting and to upgrade the cameras. There is a one-time hardware and labor cost of \$4,780 and the annual service charge is \$5,898 if paid in advance. Commissioner Johnson made a motion to approve the pilot program as soon as we have the upgrades in the Board room adequate. Mayor Totty seconded. Vice-Mayor Bissell requested to get the capital improvements on the next agenda. City Manager Hyatt stated that some changes have been made. All were in favor.

- B. Discuss and/or take action on Report from Park Board – Vice-Mayor Bissell stated that there is nothing to take action on at this meeting. He added that he has met with Wade Hooper and the City engineer and discussed widening of Bowie Lake Road, ranger building and maintenance building. The hope is to finish this up at the next meeting on March 1, 2012 at 5:30 p.m.
- C. Discuss and/or take action on Board of Commissioners request to Park Board on New Task Review, Renew and Update the Park Master Plan – Mayor Totty made a motion for the Park Board to take on a new task. Look at it for reviewing, renewing it, updating it and getting input from the citizens. Vice-Mayor Bissell seconded. All were in favor.
- D. Discuss and/or take action on Proposal for City Arborist – City Manager Hyatt stated the Tree Commission wants to pay our City Arborist. He asked the Board for approval to submit advertisement for an Arborist; the ad has to be open for 22 days. Vice-Mayor Bissell made a motion for approval. Mayor Totty seconded. All were in favor.
- E. Discuss and/or take action on Re-Zoning Earl D. Lampley Property for Map 40, P/O Parcel 82.00, 20.65 from RS-40 to CG Commercial General- Commissioner Johnson read the caption for Bill #2012-02 Ordinance #781. Commissioner Sutton made a motion for approval. Vice-Mayor Bissell seconded. All were in favor.
- F. Resolution to set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Earl D. Lampley Property for Map 40, P/O Parcel 82.00, 20.65 from RS-40 to CG Commercial General - Commissioner Johnson read the caption for Resolution #01-12. Vice-Mayor Bissell made a motion for approval. Commissioner Sutton seconded. Director Donn Lovvorn stated that the public hearing would be on March 1, 2012 and that Mr. Cantrell said you can have a second reading no less than seven days of the first reading. Mr. Cantrell stated you can't have a second reading on an ordinance in less than seven days from the first reading. The ordinance will not be final until fifteen days of the first reading. All were in favor.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hyatt stated that the Welcome to Fairview signs information has been turned over to the City engineers. Director Donn Lovvorn stated that Will has been working on the construction documents.
- B. Staff Comments –

- (1) Finance Officer Crystal Pewitt presented the February 2012 Budget summary. Commissioner Carroll stated that she would like to see the numbers compared to last years and she would like to see dollar amounts not just the percentages.
 - (2) Director Wade Hooper stated that the City engineer brought plans to go to the state for approval on Lake Van Trail and City Center Greenway. Commissioner Carroll asked that the plans be displayed in the Nature Center and on the website.
- C. City Attorney Comments – None

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton asked everyone to shop local to support local businesses and his impression on the non-profit funding was to give the money to people who need it, the citizens, not for operating budgets for organizations. He said he is very disappointed.
- B. Vice-Mayor Bissell stated that the Committee did a good thing by appropriating money to the list. He feels like the Committee did exactly what they were charged to do and that there needs to be more up front planning. He stated that he respects his fellow Commissioner's opinions.
- C. Commissioner Carroll stated that the Committee voted these in and believes the Chamber will use the money for purposes that will benefit everybody in the city. She said she went back and read the minutes and it said a donation line. There was nothing that said how to spend the money. She stated that this was the first year and it was a great learning experience.
- D. Mayor Totty stated that she had the distinct honor to visit with USDA, Rural Development, TVA and MTE. They were applauding our very own Grow Wild. Several months ago they received a grant from the Solar Institute and installed solar panels on their property on Hill Hughes Road. That electric grid or electric power plant with solar panels is now producing revenue and she applauds their efforts. She is looking into meeting with USDA to discuss programs for future clean energy. She reminded everyone that the City Manager will be giving the State of the City address at the Chamber luncheon. She stated that the application for the non-profit funds was prepared by the City and the Chamber answered honestly and directly pointed out that answer was marked non-applicable. She stated the Chamber does not charge non-profit organizations. The discussion with the Board was the marketing of the City and the Chambers assistance. She feels it's a partnership and that we all work together to benefit the citizens, to grow the community and to make it healthy and that's what our intentions are and that's what our mission is and that's what she'll continue to do because it's the right thing to do.

11. The meeting adjourned at 8:34 p.m.

Theresa Porter
City Recorder