

City of Fairview

BOARD OF COMMISSIONERS

March 1, 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

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

Absent: Sutton

1. Mayor Totty called the meeting to order at 7:04 p.m.

A. The prayer and pledge were led by Wayne Hall.

2. Approval of the Agenda –

A. Vice-Mayor Bissell made a motion to add to item 8F the stage at Bowie Park. Commissioner Johnson added 8G addition of special meeting and cancellation of a meeting. Commissioner Johnson made a motion to approve. Vice-Mayor 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. Bernie Sutinis of Sir Williams Drive and his wife Chris are very impressed with what they've seen here in their first year and three quarters. They have enjoyed their time here since their move from Amherst, New York. He stated that he realizes growth means money but let's think before we say no more taxes. Our taxes here are very reasonable. He asked about the library's involvement with the Tea Party's meeting, said he feels like that's inappropriate. He commented on MayFest having fees and limiting the number of vendors. He then stated that a driving range would generate money.

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 the Business Expo sponsored by the Fairview Area Chamber of Commerce will be at the Fairview Recreation Center on March 19, 2012 from 5 – 7 p.m. and is open to the public.

C. Vice-Mayor Bissell announced that Commissioner Sutton had surgery and that is why he is out and wished him a speedy recovery.

6. Approval of the Minutes –

- A. The minutes for the February 16, 2012 Board of Commissioners meeting were presented for approval. Vice-Mayor Bissell made a motion to approve. Commissioner Johnson seconded. All were in favor.

7. Old Business –

- A. First Reading of Substitute Ordinance #782 Bill #2012-03 “Rezoning of Lampley Property” – Vice-Mayor Bissell read the caption. Vice-Mayor Bissell made a motion for approval. Commissioner Johnson seconded. All were in favor.
- B. Reading of Substitute Resolution #02-12 “Setting a Public Hearing for Bill #2012-03” – Vice-Mayor Bissell read the caption. He then stated we need to change the April 5th meeting to March 22nd. Attorney Cantrell stated that we can pass this subject to making that change and he will make the change and submit it to the recorder. Commissioner Johnson made a motion for approval. Vice-Mayor Bissell seconded. All were in favor.

8. New Business –

- A. Discuss and/or take action on Upgrade for Court Software – Finance Officer Crystal Pewitt asked for the approval to upgrade the court software. Stated that it has not been updated since 1991, Local Government no longer supports current software, and it would save time because you would not have to enter the tickets twice. The new software runs on Windows which allows the use of laser printers instead of continuous feed. The old data will transfer to the new software. The initial upgrade will cost \$2,937.50 and the SQL server software will be \$1,037.07 and this can be used later to upgrade the accounting software. The annual support will be \$2,937.50, this is \$937.50 more per year than currently paying. Vice-Mayor Bissell motioned to approve. Commissioner Johnson seconded. All were in favor.
- B. Discuss and/or take action on Today In America Participation Agreement – City Manager Andrew Hyatt stated that a couple of weeks ago the City was approached by the Today in America program that is narrated and supported by Mr. Terry Bradshaw and aired nationally on Fox Business Network, Discovery Channel, 19 times on regional networks and ION TV broadcast networks and up to 15 markets as indicated on their website. They asked to come to Fairview to develop a documentary or an informative five minute commercial on Fairview. The agreement presented has a cost of \$19,800. Mayor Totty added that the program would educate viewers on “Cities of Distinction: Best places to live, work and play”, inform viewers about the quality of life, and the many amenities that the City of Fairview has to offer. City Manager Hyatt stated that we will get a complete licensed and insured production and scriptwriting team (field production, graphics, music, voice-overs, program editing, set design and lighting) for domestic taping and completion of feature for participant. All airings to occur 6:00 a.m. to 11:00 p.m. Vice-Mayor Bissell stated that we get all the rights to the production video to use as part of our local broadcast. He feels the marketing value is worth the cost and feels we should give it a try. Mayor Totty stated that we are required to sign off and approve the script and final edit segment; she asked them do we have rights to the production and we do have shelf life. City Manager stated the filming would take place Memorial Day weekend which is MayFest. Vice-Mayor Bissell moved to approve. City Manager stated that this is not in the budget and would have to come from reserves. Attorney Cantrell stated that there was nothing unusual about the contract. Commissioner Johnson stated that there are other production companies here in Tennessee that would do it for a third of the cost. Commissioner Carroll stated that if there is no urgency then we could hold off to another meeting or wait until next year’s budget to have the money. Mayor Totty

stated we should budget to do this but it is a great idea to do this type of project. City Manager stated that we should compare prices and he too feels this is a great idea to do this type of project. There was no second. The motion dies. Mayor Totty made a motion to do research and price compare. Commissioner Carroll seconded. **For: Totty, Johnson, Carroll Against: Bissell** Motion carried three to one.

- C. Discuss and/or take action on Contract for MayFest Entertainment – Director Wade Hooper stated that the City has a contract with The Bobby Roberts Company if approved would begin the process to bring Pam Tillis to Fairview for our headline for MayFest. He feels this is a great step up for our 2nd year event. Attorney Cantrell has reviewed the contract and the cost is \$7,500 and that is in this year's budget. Vice-Mayor Bissell made a motion to approve. Commissioner Johnson seconded. Mayor Totty asked Crystal if \$9,302 was in the events budget. Crystal confirmed and the City Manager stated that we would be looking for other sponsors to offset the cost. Attorney Cantrell stated that he has reviewed the contract and the only objection is the language to the references the City will indemnify and hold harmless. The City cannot indemnify and hold anyone harmless, it violates the state constitution, it violates the City Charter and it's outside the limits set by state statute and only the legislature can waive that and the City Manager said he thinks he can work that out. He also mentioned to the City Manager the safety of the stage and suggested getting the City engineer to look at it and make sure it is safe especially in light of the storm incident that happened at a state fair a few months ago. Vote was called and all were in favor.
- D. Discuss and/or take action on Special Events Beer Permit for MayFest – City Manager Hyatt asked what the Board's pleasure was on having alcoholic beverages in the park. According to the Tennessee Land Trust and Conservation Easement there is no alcohol in the park but you as the Board can waive that. Attorney Cantrell stated that this would be different than what we did on the Fourth of July in that the restrictions in the deed that conveyed the property to the City of Fairview that were carried into the Conservation Easement that the City of Fairview shall not permit except upon specific approval which is the specific approval of this Board the sale, distribution, and or utilization of alcoholic beverages and non-prescription drugs on this property. Before a vendor could receive a permit to sell beer they would have to have approval first by this Board and then the Beer Board before the permit can be issued. Vice-Mayor Bissell asked if we had any request pending and the City Manager said no. Vice-Mayor then stated that he had the right to vote nay if he felt like the person would not be a suitable vendor. He then stated that assuming the same level of control and the same type of system administering it as the Fourth of July event then personally he has no problem with it. Commissioner Carroll asked if this would be a onetime use that we could approve just for MayFest. Attorney Cantrell stated that this would be a special event permit, not special events in general. Commissioner Johnson asked if the City could be the vendor and Attorney Cantrell said they could if that's what they wanted to do but they would have to follow the same steps. Commissioner Carroll stated that it would open up a different type of event and the Conservation Easement was put in place for a reason and I understand we want to draw people to our community. Commissioner Johnson made a motion that the City be the vendor. Vice-Mayor Bissell seconded. Mayor Totty stated that the Conservation Easement has a statement for no alcohol in the park and she does not have an interest in having alcohol at the event. A roll call vote was called. **For: Carroll, Bissell, Johnson Against: Totty** Motion passed three to one.
- E. Discuss and/or take action on Superior Fire Protection Contract for Fire Alarm Update and Inspection – Safety Director Roy Russell spoke about the issues

with the fire alarm system and monitoring the system at the Fire Station, City Hall and the Nature Center. Mr. Russell asked the Board for approval on the contract between the City and Superior Fire Protection, Inc. Total of the contract is \$2,195 and is to come out of the Repairs and Maintenance budget from the appropriate departments. Commissioner Johnson made a motion to approve. Vice-Mayor Bissell seconded. All were in favor.

- F. Discuss and/or take action on Capital Improvement Projects for Commissioners' Chamber and Stage at Bowie –
- (1) Vice-Mayor Bissell stated that there is a concern about the structure of the stage and the safety for the performers. The discussion has been to rebuild the stage in a new location that allows for more on the ground seating before MayFest and contract it out. Vice-Mayor Bissell made a motion to get estimates for building a new stage. Commissioner Johnson seconded. Mayor Totty made an amendment to limit the spending to \$10,000 or less. Vice-Mayor Bissell seconded the amendment. Commissioner Carroll made an amendment to the amendment to get estimates for renting a stage to compare with building a stage. Mayor Totty seconded the amendment to the amendment. **For: Carroll, Johnson, Totty Against: Bissell** The amendment to the amendment passed three to one. On the amendment **For: Carroll, Johnson, Totty Against: Bissell** The amendment passed three to one. All were in favor of the original motion.
 - (2) Vice-Mayor Bissell made a motion to get bids on needed cosmetic changes to the Commissioners' chamber to include improvements on lighting, adjustments to the podium and any other changes deemed necessary and to have the bids available for the 2nd meeting in April. Commissioner Johnson seconded. All were in favor.
- G. Discuss and/or take action on Special Meeting of March 22nd – Vice-Mayor Bissell stated that due to Spring Break the Commission will not have a quorum to conduct business on April 5, 2012. Vice-Mayor Bissell made a motion to cancel the April 5th meeting and called for a Special Meeting for March 22nd at 7:00 p.m. to hold a Public Hearing and to discuss and/or take action on Bill #2012-03 and substituted Resolution 02-12. Mayor Totty seconded. All were in favor.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hyatt stated that we are aware of the tree trimming that is going on in the city and we are in contact with Middle TN Electric. He also stated in an earlier meeting he was asked about the rental space for the Chamber of Commerce at City Hall, he and Donn measured the square footage and found that to be 45 sq ft and the value is between \$20 a sq ft at Bowie Commons and 60 cents a sq ft at the old Cash Express building.
- B. Staff Comments –
- (1) Director Wade Hooper stated that the Park staff has put in a lot of time for the MayFest preparation this last month and also planning for the Summer Camps. They have also finished doing some extensive upgrades to the Park's restroom plumbing, clearing brush and limbs for the Lake Van and City Center Greenway projects and the plans for Lake Van and the Greenway have been submitted to the state. He also gave the Street Department report.
 - (2) Chief Harris gave the Police Department report.
 - (3) Director Donn Lovvorn gave the Planning, Zoning and Codes Departments report.
 - (4) Chief Cooper gave the Fire Department report. He is currently looking into prescribed burning for the Park from the Forestry Division. Whippoorwill Hill was closed for eight hours due to an accident. The Fire Department made a decision not to cut the fiber optics lines in order to open the road sooner. If they had cut these lines there would have been no credit card purchases, no

cell phones, no telephones and no cable television for several days and the repair bill would have been into six figures. He also thanked the Public Works department for their help during this accident.

- C. City Attorney Comments – Mr. Cantrell stated that regarding the beer permit for MayFest, if the City decides to do this, he suggests that the City Manager contact TML to see if the City's insurance will cover this type of event.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Johnson – None
- B. Commissioner Carroll – None
- C. Commissioner Bissell – None
- D. Mayor Totty – Thanked the Fire and Police Departments for all that they do.

11. Mayor Totty called for a motion for adjournment –

- A. Vice-Mayor Bissell made a motion to adjourn and Commissioner Johnson seconded. All were in favor. The meeting adjourned at 8:40 p.m.

Theresa Porter
City Recorder