

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

March 3, 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, Harris, O'Neal, Paisley

1. Call to order by Mayor Carroll at 7:00 p.m.

A. Prayer and Pledge by Mayor Carroll

2. Approval of the Agenda – Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. City Manager Hall requests the removal of Item 10G. All were in favor.

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

A. Donna Brooks of 7315 Chester Road states while she and Bob don't have direct involvement with the employees they have developed a perception of how some might feel given the circumstances and drawing from their own experiences. We also know how many citizens feel. In order to keep employees and citizens from having to come forward if they are afraid to or to pay for focus groups I am going to tell you what our perception is. We do not have direct knowledge of all of these and we hope you will not take advantage of that to say that they aren't true. Perception is reality until proven otherwise. People believe that Mr. Hall is the puppet of some on the Board. Those employees that have a relationship to the BOC or Mr. Hall get promoted and get raises. The departments with connections are given special considerations at budget time. If employees do not go along with the status quo or raise questions they are pushed out. Citizens believe there are those with connections that get variances, that discrepancies in the codes are looked at one way for one builder and another way for others. If a committee does not go along with the status quo the committee is discontinued or ignored. If someone volunteers for a committee and they are not on the approved list, you as a Board will withhold the nominations until you can stack the committee. Citizens are afraid of the police department and we have heard of cases of harassment and intimidation. The perception is they are allowed to do whatever they want to do with no oversight. During elections businesses are threatened if they support the wrong candidate. People's livelihoods are threatened. A church was even threatened for allowing citizens to meet in their fellowship hall. When someone tries to point out problems they are either ignored or ridiculed. Something or someone led employees to believe the citizens are against them. That is totally not true. We appreciate each and every one of them. They have done an outstanding job during the last three years as we try to turn our situation around. They are the glue holding the city together. If there are any citizens or employees that want to share their first hand perspectives we hope you come forward at the time of the hearing. If you can't we totally understand. If you want me to present it without your name attached I will be happy to do that. From our perspective there are a few things that will help bring everyone together again. Start with the investigation. Half of the town is going to believe you came to the right decision if you were tough. The other half are going to believe you caved to politics especially the employees involved or vice versa if there is no finding of wrongdoing. Given the circumstances the least that should be done is have an independent outsider look over the investigation and give their opinion. That should reinforce our

standing if there are lawsuits. Next, take the list that was printed in the Observer, create a report showing how each decision was correct or a mistake. Show if you followed policies and provide the policies. Even if we promote from within the position should be posted where any employee with the qualifications can apply. When discretion was used and it goes against policy I think those decisions should be redone. I know that affects employees lives but you can never set things straight with a cloud over your head and since Brandy is here I will use her as an example. She might be the best recorder we have ever had but she will never be able to overcome the perception she got the job based on Mr. Hall owing Commissioner Johnson. Post the positions again. Current employees can apply. Have an independent consultant make the decisions or have a citizens group along with the City Manager make the decisions. If the current employee is not selected give them at least a month severance. You may say this is unfair to the employees but at the time the decision was made it was unfair to qualified applicants. We have citizens that are qualified to run for the Board but are probably hesitant to do so because of the past dirty tactics. We have already seen some of this just be someone saying they might be interested. You as a Board can call it out when it happens. If we want what is best for our city we must rise above this. Create job descriptions with legitimate qualifications and follow them. If policies need to change, whether employee related or zoning, don't do it when the situation arises. Look them over and change them now. Our decisions should be based on our vision and our needs not individuals or projects. And last, but certainly not least, follow the policies and procedures that are created.

4. Awards and/or Recognitions – NONE

5. Public Announcements –

- A. City Manager Hall introduces Kristin Ertel, manager of Graceworks West since June 2014. Ertel explains the types of assistance provided including food, clothing, utility and rent, transportation, seasonal needs and educational needs. From July 1, 2014 to December 31, 2015 they filled 5,438 requests for help and filled 1,887 food carts valued at over \$400,000. She thanked the community for their support in the way of donations, volunteers and financial support. Ertel stated the goal in stepping forward with their program is relationship building through mentors and engaging the community to bridge the gap from crisis to self-sufficiency.
- B. City Manager Hall issues a reminder of emissions testing every Monday and Tuesday from 7:30 am until noon

6. Staff Comments –

- A. City Manager Hall (as Codes Director) notes that planting for the Roadscapes project should begin in the next couple of weeks. He was part of a conference call today with TDOT on the Safe Routes to Schools project and sidewalks are coming, hopefully this spring. Tiger Trail is now officially part of our interlocal agreement with the county so the development can hopefully move forward.
- B. City Recorder Johnson gives the census final numbers. Crisp counted 2,254 homes and 8,020 individuals which is an increase of 300 over the 2010 census. Crisp noted some challenges specifically with our census. They did 3 rounds of mailings, 2 rounds of phone calls and door knocked the non-responsive list at least once and some up to five times. Still, they had 223 non-responsive households plus 29 households who refused to provide any information. Mayor Carroll gives thanks to Johnson and other employees for volunteering to door knock and their work with the census.
- C. Finance Director Daugherty states the additional 300 citizens will yield \$125 each annually starting in October 2016. This means for a \$38,000 investment we will net \$111,500 over the next four years. Daugherty notes he was impressed with Crisp's work and Upper Cumberland will begin the verification process in the next couple of weeks and they must verify 5% of the census. As of February 29 we have collected 94.4% of 2015 property taxes with \$517,827 collected in February for a total of \$1,604,660. Sales tax collected for Christmas totaled \$155,974.01 which was \$19,000 above projections and included county local option, state local option and state sales tax. Daugherty is pleased to announce that \$582,400 has been moved from the checking account into an LGIP account to fully fund the school facilities fund.
- D. Mayor Carroll states she is glad to see Chief Harris back and asks for a comment. Harris states he thanks the community and the Board for their support noting his actual retirement date was tomorrow. Carroll thanked Fire Chief O'Neal for stepping in to assist the Police Department.

- E. Community Services Director Paisley reminds everyone of the Star Party tomorrow night from 7:00 until 9:30 and the Weed Wrangle on Saturday from 9:00 am until noon.

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 26, 2016 Public Hearing
- B. Approval of the Minutes from the January 26, 2016 Special Board of Commissioners Meeting
- C. Approval of the Minutes from the February 18, 2016 Board of Commissioners Meeting

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

9. Old Business

- A. Discuss and/or Take Action on Ballot Measures – Commissioner Crutcher stated he requested information from the attorney at the last meeting concerning the process for a charter change on term limits and electing 2 commissioners at the time of the Mayor election. Attorney Cantrell notes these changes can only be made through a charter change and the only way to do that is to have our state representative and senator propose a bill to amend the statute. Cantrell states he will prepare the resolutions for review and send to the Board for a preliminary review. Mayor Carroll asks if we should review the Charter for additional changes at this time and Cantrell states we can but there is a time constraint to get things on the ballot for November's election. No vote but consensus for attorney to move forward on the resolutions.

10. New Business

- A. Discuss and/or Take Action on Nashville Running Company's Bowie Park 6-Miler – Parks Director Paisley states the Nashville Running Company has applied for the 4th annual Run Wild Bowie Park 6-miler run. They donate 25% of their profit to the park and are always a great group to work with and do an excellent job cleaning up. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- B. Discuss and/or Take Action on Bill #2016-04, Ordinance No. 918, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located off Cox Pike, Owned by Billy Pomeroy and Robert Pomeroy, Jr., as Shown on, Williamson County, Tax Map 43, Parcel 32.04, (2.0 Acres) and Map 21, Parcel 61.06 (40.69 Acres) and Map 021MA, Parcel 37.01 (0.5 Acres) from RS-20 to R-20 PUD Overlay – Vice Mayor Sutton read the caption and it was noted this is the first reading. Daniel Woods was present to represent the property. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Bissell asked what the Planning Commission vote was and Recorder Johnson stated it was unanimous. Mayor Carroll asked to refresh what project this is and Mr. Hall replied Polston Place II. All were in favor.
- C. Discuss and/or Take Action on Resolution No. 02-16, 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, Tennessee, Located off Cox Pike, Owned by Billy Pomeroy and Robert Pomeroy, Jr., as Shown on, Williamson County, Tax Map 43, Parcel 32.04 (2.0 Acres) and Map 21, Parcel 61.06, (40.69 Acres) and Map 021MA, Parcel 37.01 (0.5 Acres) from RS-20 to R-20 PUD Overlay – Vice Mayor Sutton read the caption. Commissioner Johnson made a motion for approval with Vice Mayor Johnson seconding. Daniel Woods was present to represent the property. All were in favor.
- D. Discuss and/or Take Action on Recommendation from Planning Commission to Rezone Property Located at 2652 Fairview Boulevard from RS-40 to CG, Map 69, Parcel 32.00, 1.1 Acres, Owners: Gary & Glenda Jaworski – Mayor Carroll read the caption. Commissioner Bissell made a motion for approval with Commissioner Johnson seconding. FOR: Bissell, Johnson, Sutton; AGAINST: Carroll, Crutcher. Motion carried.
- E. Discuss and/or Take Action to Enact Authorization to Employ Outside Independent Legal Counsel Relative to Matters of Contracts and/or Operations with Third Party Providers – Hall yields to Cantrell who states this probably won't happen very often but when the city needs to take action with a third party provider whether the attorney may be conflicted or in operations with those who provide services to the city and don't want staff to have any more involvement than they have to. There is a need for independent legal counsel and at this point we need to approve the concept so we can act quickly in the future. Commissioner Johnson makes a motion for approval with Commissioner Bissell

seconding. Commissioner Crutcher questions whether we are approving a concept or contract. Cantrell states the way it is written you can approve as contract and as written are actually approving as concept and contract. Carroll questions whether it will come back before the Board for contract and Cantrell states all contracts, by Charter, have to come before the Board. All were in favor.

- F. Discuss and/or Take Action on Chipper – City Manager Hall notes we have already made you aware of the major breakdown of our chipper and defers to Community Services Director Keith Paisley states the cost estimate for repair of our 9 year old chipper is \$17,736.78 and there is no guarantee that the welds won't break and that's just for the back end of the chipper, not the motor. Paisley requests permission to go to bid for a new chipper. Commissioner Johnson made a motion for approval with Commissioner Crutcher seconding. All were in favor.

~~G. Discuss Plan for Hiring of Assistant City Manager and Development of Human Resources Department – Hall~~ REMOVED FROM AGENDA

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states he doesn't want to steal Tom's thunder with his great news and was happy to hear good news on the census as well.
- B. City Attorney Comments - NONE

11. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell – NONE
- B. Commissioner Crutcher – NONE
- C. Commissioner Johnson – NONE
- D. Vice Mayor Sutton – NONE
- E. Mayor Carroll states she is excited to have Chief Harris back. Carroll notes the City Manager released a statement that Jeff Long, Williamson County Sheriff, will be investigating and we will report when this is complete. Carroll is thrilled that the school facilities fund has been removed from our checking account and is fully funded.

- 12. Adjournment** - Commissioner Johnson made a motion for adjournment with Vice Mayor Sutton seconding and meeting was adjourned at 7:57 p.m.

Brandy Johnson
City Recorder