

City of Fairview

BOARD OF COMMISSIONERS

March 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, Holsinger, Harris

Absent: Johnson

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

A. The prayer and pledge was led by Director Lovvorn.

2. Approval of the Agenda –

A. Commissioner Bissell made a motion to approve the agenda. Commissioner Carroll 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. Eva Harris of Forrest Glenn Road stated she was here on behalf of the Friends of Bowie Nature Park and that they would like to make a budget request to place money in the Bowie Trust fund for a future grand entrance and new road to the park. She stated it seems TVA pays the city for the power lines in the park and last year it was over \$80,000. She asked that the Board discuss this proposal during the next budget workshop. She presented handouts with an accounting of the Friends accomplishments and a breakdown of the financial assistance since it was formed in 1994. They have provided during that time on the final page a total donation of \$42,000 plus countless hours of volunteer work.

B. Jon Cherry – He stated that he is chairing the Fairview Chamber of Commerce Business Expo with 50 booths and looks like we will hopefully sell out. He asked for the City's support for the Chamber of Commerce.

4. Awards and/or Recognitions –

A. Chief Cooper stated that the training officer has many subjects to cover and various schedules to work with and the audit had one fire department in the county that had 100% and zero deficiencies and that was our very own Gunny. Mayor Totty thanked Gunny for his work and services. Gunny stated that the triplets are due in 5 to 7 weeks. Mayor Totty stated that the fire and police do good work and we feel well protected.

5. Public Announcements –

A. City Manager Hyatt reminded everyone about the time change on Sunday morning and to spring forward one hour.

- B. Mayor Totty announced that the ninth annual Fairview Chamber of Commerce Business Expo and the first annual Fairview Community Action Partnership Job Fair will be March 19, 2013 from 4:00 – 8:00 p.m. at the Fairview Middle School.

6. Approval of the Minutes – Deferred

7. Old Business –

- A. Discuss and/or Take Action on Revised Letter from the Land Trust of Tennessee Regarding the Forestry Management Plan – City Manager Hyatt stated that we have been working on a forest management plan for Bowie Nature Park as part of that plan we had to submit the plan to the Land Trust of Tennessee for approval. They have returned approval to work on the identified areas, in a 3.2 test plot area. Area 1 is one acre of clear cut, pine stand and replant as native prairie to be reseeded in a variety of native grasses and flowering plants. Test plot 2 is approximately 1 acre thinning of pine stand and plant with native hardwood trees and test plot 3 is approximately 1 acre thinning of pine stand and replant with native hardwood and trees. We are looking for approval to put out to bid or solicit quotes. City Attorney Cantrell suggested we put it out to bid. Commissioner Bissell made a motion to put it out to bid. Commissioner Carroll seconded. All were in favor.
- B. Discuss and/or Take Action on Contract on Diamond Rio – CFO Pewitt stated that she has the contract to be signed stating May 18th for \$20,000 and the City Attorney has reviewed it and he has a suggestion about extra insurance. City Attorney Cantrell stated that the city has TML coverage up to a certain amount per individual under the Tort Claims Liability Act. He suggested getting two quotes from a commercial insurance provider, one would be an umbrella policy that would start where TML left off and suggests we get quotes on a \$2 million policy and a \$5 million policy. The second thing the state has put a cap on what the Tort Claims Liability Act covers in lawsuits, TML covers that, this would be a separate policy to cover where that leaves off and he feels the premium will be low since a lot of these cases are unsuccessful. He stated that the only problem he had with the contract is the indemnification part and it was struck from the contract. Mayor Totty asked if this would cover the loss of revenue that Vice-Mayor Johnson was concerned about. City Attorney Cantrell stated that this was strictly a liability policy and instructed CFO Pewitt on what to ask for in this type of policy. Mayor Totty stated that what they voted on last meeting was not the contract but the funds. Commissioner Carroll asked about the air fare and Attorney Cantrell stated that should be stricken from the contract. Commissioner Carroll stated that there was a recommendation for ticket prices in the contract, the prices that Jenny said are a lot lower, asked if this ties us to anything. City Attorney stated that this should be stricken from the contract. Mayor Totty stated that with all the changes she does not feel comfortable voting on a contract that she does not know exactly what it says because it is not what was emailed. CFO Pewitt stated that we cannot start advertising until we have a signed contract. **Mayor Totty made a motion to defer until we have an official contract to review for voting. Commissioner Sutton seconded.** Commissioner Bissell stated that we had the standard contract that they provided and with the help of the city attorney we have marked through several items. CFO Pewitt stated that the indemnification and now the air fare has been stricken. Commissioner Bissell asked if we have gone back to them. CFO Pewitt stated that Jenny spoke to them and they said to

handwrite the changes and initial our changes just as the City Attorney has asked. Commissioner Bissell stated that before we can vote we need to know that they accept our changes. CFO Pewitt stated that we have to sign it first. Commissioner Bissell asked if we had a deadline to provide back to them. CFO Pewitt stated that the first payment is due on March 18, 2013. City Manager Hyatt stated that we will send the contract back and have them initial the changes and bring this back to the Board at the March 21, 2013 meeting. All were in favor.

- C. Discuss and/or Take Action on City of Fairview Projects – City Manager Hyatt stated on the Triangle School Project that he will turn this over to Director Lovvorn. Director Lovvorn stated that the Lowe layout has a kitchenette and a handicap accessible unisex bathroom and with this design the restrooms can be open when the rest of the school is closed and locked. If this is something the Board would like to move forward with, he can get back with Mr. Lowe and tell him the floor plan looks good and he can move forward with the mechanical and electrical. Director Lovvorn stated that he is working on getting a flat fee rate to do the rest of the plans instead of an hourly fee. Mayor Totty had a question about the install hurricane clips to fasten rafters to top plate along the eve that was one of the engineering comments that we chose not to do, has that been brought up again. Director Lovvorn said no it has not, Mr. Lowe took Mr. Warren's plan and drew in with red the concept that he is planning on doing. Mayor Totty stated that she has a copy of the contract. Director Lovvorn requested a copy of the contract and stated that if the Board wants to proceed with this design he could send a copy to the person in the contract for approval. Mayor Totty said it is the state of historical registry and could probably be googled. Commissioner Sutton made a motion to move forward with the information pending approval of the historical society. Commissioner Carroll stated she wants to consider costs, if we did this how much, how much more of a delay. Director Lovvorn said if the Board is comfortable with this design, he can email Mr. Lowe to give us a flat fee that the plans we have asked him to do will cost us and this is not telling him to go ahead and prepare them, this is what we need to know to make sure we are coming in under the budget that we have and you approved \$4,000 for that budget. Commissioner Bissell confirmed that what Director Lovvorn was asking is if the placement of the kitchen and the restroom are ok with us. Director Lovvorn said yes sir. Commissioner Bissell stated that then you all are going to get the information ironed out about the historical impact, and if it's not going to cause a problem there then you are going to go to the architect and you are going to ask what is the flat fee for drawing the plans and it's ok to put the bathroom and the kitchen here. Director Lovvorn said yes sir. Commissioner Bissell said so what we will be approving if we choose to approve is getting a quote from the architect if the historical folks say it won't impact the historical part of that. Mayor Totty stated that she has the historical committee contact as Patrick McIntyre his number is 615-532-1550 or email to ask.tdec@tn.gov. **Commissioner Bissell made a motion to approve the placement of the restroom and the kitchen pending a favorable response from that state agency on its impact to the historical. Commissioner Sutton seconded. Mayor Totty amended the motion that the historical association get to look at the plan presented to make sure that it's not in an area designated for something special that we are not aware of because of non-communication. Commissioner Carroll seconded. For: Totty, Carroll, Sutton Against: Bissell** Mayor Totty called for vote on the original motion. All were in favor. Director Lovvorn presented the master development plan

for the Triangle School area. Director Lovvorn stated that this is the zoning of the property, the buildings, sidewalks and the parking areas are exactly where they have to go, this is what was approved when the property was rezoned to the HOD, overlay district for historical zoning, this is what was turned in with the rezoning application. Commissioner Bissell directed his question to Commission Sutton regarding the farmers market and amphitheater he asked if he could show us where this is on the plans. Director Lovvorn stated that it was next to the word future close to Deer Ridge Road the square next to the word future is the amphitheater. Commissioner Bissell asked if this was to double for both the amphitheater and the farmers market. Director Lovvorn stated this plan does not allow for a farmers market and for that to be done the plans need to be revised and rezoned for a farmers market and sent back to the planning commission.

Bowie Lake Road Project - Director Lovvorn stated that in the pre-construction meeting on Wednesday, the construction of the excavation work will coincide with the opening of the asphalt plants on April 1st. The contractor's schedule, April 1st they will start the excavation work, mid April they will complete the excavation work, late April they will start doing the pavement out of concrete, the substantial completion date is May 17th barring any weather activity that would keep them from getting it done. The contract time begins on the 11th and the bonding is for 80 days and the contract has to go the full 80 days and the contractor is confident that they will get it done prior to May Fest.

Welcome To Fairview Signs – City Manager Hyatt stated that it has been wet and hard to get out there and wanted to know if the Board wanted to spend the \$1,500, we never did get the final approval, we are ready to go. Mayor Totty asked if we got the quote from Signs and Wonders and City Manager Hyatt stated that they will not give us a quote to fix someone else's work and it would void the warranty. Mayor Totty stated that she has a problem spending the citizen's money on something that never should have happened. Commissioner Sutton stated that we are where we are and feels we should spend the \$1,500. **Commissioner Sutton made a motion to move forward with it so we can get the signs complete.** Commissioner Carroll stated that if we are going to spend the money then let's do it right. **Commissioner Bissell seconded.** Commissioner Carroll stated if we need a fire station sign make it a fire station sign and build another welcome to Fairview sign, make it match, do caddy corner and move on. Commissioner Sutton asked if spending the \$1,500 would make the sign match and City Manager Hyatt said yes sir. Commissioner Sutton confirmed with the City Manager that to build another sign would cost around \$4,300. Commissioner Carroll stated that she feels the current sign looks like a fire station sign the way it's located and maybe we didn't pick a good location and we could change it to a fire station sign and do a welcome to Fairview sign, move the shrubbery and move on, if we are going to spend more money than let's make it work. Commissioner Bissell stated that we have spent enough time and effort on these signs, he feels it is consistent, we did not give the charge that the signs should be identical, we asked the staff to do it, we have now expressed that the signs be identical, he doesn't feel it's worth \$1,500 to modify the existing sign, if we need to change the fire station side I would think it would be substantially less. City Manager Hyatt said it would be \$500. Commissioner Bissell stated that the purpose of the sign was for visitors to our city and he just doesn't see spending the \$1,500 to change it and regarding the other Hwy 100 sign the Board should give instruction that it be identical to the existing Hwy 100 sign. Commissioner Carroll stated she feels

this decision should be made with a full Board and stated the Board voted for them to match. Commissioner Bissell stated that the vote was to be consistent. **Mayor Totty amended the motion for the \$500 figure, the Fairview fire part to be taken off and the drive safely be put consistent as the other sign.** Mayor Totty stated that she feels the \$1,000 to replace the plastic letters on the other side is quit an over charge. **Commissioner Bissell seconded the amendment. For: Totty, Bissell, Sutton Against: Carroll** Commissioner Sutton withdrew his original motion. **Commissioner Bissell withdrew his second on the original motion.** The amendment stands to change the back of the sign on Hwy 96, the fire department sign be removed, the drive safely be put in consistent. There is to be no changes to the pillars and the third sign still needs a location. Traffic Light at Cox Pike - Commissioner Carroll asked for an update. City Manager Hyatt stated that we are working with them on dirt removal. Street Supervisor Holsinger stated that he met with the contractor and they are putting in the foundation for the master arms and the master arms will not be delivered until mid April. Lake Van Trail – City Manager Hyatt stated that was referred to the Park Board and there was discussion on coming up with an alternate, if there was other areas, maybe move it out to Evergreen Lake or to go part of the way so they are looking at some options to come back to us. Roadscape Project – Director Lovvorn stated that we haven't heard back from the state yet, once they got the signed contract back from us they were going to start the environmental stage.

8. New Business –

- A. Discuss and/or Take Action on Resolution 05-13 – A Resolution Adopting Consultant Selection Policy for Projects Funded in Whole or in Part with Funds Provided by the Federal Highway Administration or the Tennessee Department of Transportation – Mayor Totty read the caption and made a motion for approval. Commissioner Sutton seconded. All were in favor.
- B. Discuss and/or Take Action on Fire Alarm Contract – CFO Pewitt stated that this is our annual inspection contract, last year we went with The Superior Fire Protection Company, and they charged us \$1,030. This year we got bids from a couple of different companies and the Safety Committee has selected the one they recommend being the Fire Equipment Service Center. For \$450 they will do fire alarm inspections at the nature center, fire department building and city hall and the sprinkler system at city hall. They will do this in April and each department will do this out of their building maintenance budget. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. Chief Cooper stated that you had to be state licensed to do the sprinkler systems, to check the fire extinguishers and to maintain the fire alarm system. All were in favor.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates - City Manager Hyatt reminded everyone of the strategic planning session #2 tomorrow here at city hall at 10:00 till noon.
- B. Staff Comments –
 - Chief Harris - presented the police department report for February.
 - Chief Cooper - presented the fire department report for February. He reported that the three new safer grant employees were all working on days. He thanked everyone involved with getting them on board.
 - Director Lovvorn - presented the codes and planning departments report for February. Mayor Totty requested that the codes administration check into the

open face commercial trash bends on Hwy 96 and Hwy 100, she feels this is against codes. Director Lovvorn stated that they have sent letters out to at least two places. The one on Hwy 96, they are working on getting this corrected.

Street Supervisor Holsinger – announced that as of tomorrow street department employee Greg Dewire will be moving to the codes department and we are actively accepting applications.

- C. City Attorney Comments – Mr. Cantrell thanked the city manager, city recorder and the CFO for meeting with him earlier tonight for him to go over a case from another city that was filed regarding the open records act. That city didn't strictly comply with the seven days, and to avoid this you have to give notice within the seven days that you can't comply in the seven day and give them a time estimate for when you can comply.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had none.
- B. Commissioner Carroll stated that we have been in the news a lot lately and not necessarily for good things. She feels this is a great community and very thankful for our police and fire departments. Praised the fire department for the job they did at the high school. She stated that Fairview is a great place to live and hates any bad press and we are a good town. She stated that she is excited about the upcoming Job Fair Expo, she thanked Mr. Cherry for coming tonight and stated she knows everyone has worked hard on the event and feels it will be a great event.
- C. Commissioner Sutton thanked the city for the overall job that they did with the two fires this week. He stated he was glad for the beer meeting and the citations; we went from 16 cases to 4 and got a lot of welcomed feedback. He stated he wanted to get the farmers market back on the agenda with the planning commission. He thanked everyone that worked on the Job Fair and the Business Expo. He stated that we've had a couple of real bad wrecks in the last week a couple of people have lost their lives and he asked everyone to please be safe and please slow down.
- D. Mayor Totty offered her condolences to the Allison family for their loss and asked that we please slow down and be aware of school zones and the construction work going on. She requested a city project workshop at 6:00 p.m. before the March 21st meeting. She reminded everyone of the Job Fair and the Business Expo and asked if you know of someone looking for a job to tell them about the Job Fair on March 19th at the middle school.
- E. Commissioner Sutton stated that Vice-Mayor Johnson is still recovering from his surgery and has suffered a few minor setbacks and our thoughts and prayers go out to him and his family and he does plan on being here next meeting.

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 8:20 p.m.

Theresa Porter
City Recorder