

City of Fairview

**BOARD OF COMMISSIONERS**

**March 15, 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

Absent: Chief Harris and Chief Cooper

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

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

**2. Approval of the Agenda –**

A. Vice-Mayor Bissell added 8J “Purchase of new tractor for the park”.

B. Mayor Totty added 8K “Resolution 03-12 “A plan to widen Fairview Blvd”.

C. Commissioner Johnson made a motion to approve the agenda as amended.  
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) – NONE**

**4. Awards and/or Recognitions – NONE**

**5. Public Announcements –**

A. Mayor Totty announced that there will be a Town Hall Meeting March 29, 2012 at 7:00 p.m. for the Budget Presentation to the Public and invited everyone to attend.

B. Mayor Totty announced that the Board of Commissioners Meeting for April 5, 2012 has been cancelled.

C. Mayor Totty announced that the Business Expo will be on Monday the 19<sup>th</sup> from 5 – 7 p.m. at the Recreation Center and invited everyone to attend.

D. City Manager Hyatt announced that there will be a Rabies Clinic at City Hall on March 31<sup>st</sup> from 1 – 3 p.m. and that there have been changes at the emissions on Hwy 96 to allow more cars in line and he reminded everyone the new day for emission testing is Tuesdays from 7:30 a.m. to Noon.

**6. Approval of the Minutes –**

A. The minutes for the March 1, 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 Clarification on Deadline for Non-Profit Funding - Mayor Totty stated that the deadline to receive the funding is June 30, 2012. There was a first and a second at the February 16<sup>th</sup> meeting but no vote. Mayor Totty called for the vote. All were in favor.

## 8. New Business –

- A. Discuss and/or take action on Location Change of the Street Light on Cumberland Drive – Donn Lovvorn stated that Mrs. Cashin requested the light be removed from the pole closest to her house and moved to her neighbor's pole, Ms. Cashin state that she has spoken to her neighbor and they are o.k. with the move. Vice-Mayor Bissell made a motion for approval. Commissioner Carroll seconded. All were in favor except Commissioner Johnson who abstained. Commissioner Johnson made an amendment to the motion to follow suit on everyone with the same request. No one seconded so the amendment failed. Commissioner Sutton motioned to resend the amendment. Commissioner Johnson seconded with open to discussion. Attorney Cantrell stated that the Board will be setting a practice precedent. Vice-Mayor Bissell stated that in this case the homeowner's offered a solution. Mayor Totty called for a roll call vote to ascend. **For:** Sutton **Against:** Bissell, Carroll, Totty Commissioner Johnson abstained. Motion carried. Commissioner Johnson called a point of order that some of the commissioners were going against what the lawyer advised. Attorney Cantrell stated that if the pole is on public property you do not need anything in writing from the homeowner.
- B. Discuss and/or take action on Reducing or Eliminating Housing Development Fees for Habitat for Humanity of Williamson County – Mayor Totty stated that Habitat for Humanity of Williamson County has requested that we reduce or eliminate housing development fees. Commissioner Johnson moved for approval to remove all fees for this year. Mayor Totty stated that we would be setting a precedent for all non-profit organizations. Attorney Cantrell stated that the Board could vote on each non-profit organization individually. Donn Lovvorn stated that the fees associated with housing development are Building permit, Mechanical permit, Plumbing permit, Facilities tax and Impact fees. He stated that the impact fees were for Williamson County and they would not waive the \$2.00 per sq ft fee. Commissioner Johnson amended his motion to remove permit waive able fees up to a 1,275 sq ft home, starting now and that facilities tax are not removable. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or take action on New Fee Structure for Park and Purchase of Automated Fee Payment Machine – Vice-Mayor Bissell asked to defer this to a later date.
- D. Discuss and/or take action on Changing of Ordinance to Allow Park Staff to Decide Proper Closing Time for Bowie Park Based on Conditions and Darkness – Vice-Mayor Bissell turned this over to Director Hooper. Director Hooper asked the Board to consider changing the ordinance that governs the hours of operation at the park. The staff would like to set a particular time, a set time, to close the park and post it at the gate. Vice-Mayor Bissell made a motion to delegate to the director of the park or his designee the ability to set the closing time of the park. Commissioner Johnson seconded with discussion and for the staff to bring a schedule with time closings. Commissioner Johnson made an amendment to the motion to bring this back when Vice-Mayor puts 8C back on the agenda so we can put the automatic fee payment machine and various types of machines and the one with the gate will take care of the problem and the staff will not be involved at all. Commissioner Carroll seconded. Mayor Totty called for a vote. **For:** Sutton, Johnson, Carroll **Against:** Totty, Bissell Amendment carries. Mayor Totty stated we have a first and a second on the original motion as amended, all those in favor say "I". **Against:** Totty, Bissell **Present but not**

**voted:** Sutton, Johnson, Carroll Attorney Cantrell stated that we have a City ordinance that nothing can pass unless you have 3 votes. The original motion as amended did not pass. Mayor Totty called for a vote on the original motion.

**For:** Bissell **Against:** Sutton, Johnson, Totty, Carroll

- E. Discuss and/or take action on Rezoning Application for Map 47 H, Group A, P/O Parcel 19.01, from RM-12, to CG Commercial General. Ray Mikhael Owner – Donn Lovvorn stated that the planning commission voted on February 14, 2012 to forward the rezoning to the Board of Commissioners to authorize Attorney Cantrell to prepare the documents for the next meeting. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. All were in favor.
- F. Discuss and/or take action on Tree Board Recommendation – Mayor Totty stated that at the March Tree Board meeting, Mike Berkley brought to the Tree Board concerns that MTE was not following as posted on their website their trimming and tree removal guidelines. Mr. Lynch from MTE took to the podium and stated that their current policy is to maintain their 40 ft right of way of 20 ft on either side of their primary line. Attorney Cantrell stated that MTE has every right to trim within their easement. Commissioner Johnson stated that Mr. Berkley is not a City employee. Commissioner Carroll asked Mr. Lynch if there was any physical contact with the homeowners from MTE before the work began. Mr. Lynch stated that a planner marks the area and goes to the door and if no answer he will leave a door hanger with the information. Director Hooper asked how long does it take to get the brush debris off of the site. Mr. Lynch stated that they like for it to be picked up in a week and he said anyone could call at 1-877-777-9020 and ask for the right of way department. He then gave his direct line of 1-877-414-7685. City Manager Hyatt stated that our staff has been picking up some of the brush left behind from the MTE crews and that has increased our brush pick up tremendously. Director Hooper stated that our brush pick up is over our normal pick-ups by 150 and it is only mid month. Commissioner Carroll stated that she has noticed our area looks chopped up compared to other areas. Mr. Lynch explained that MTE does a cut every two year for the problem trees and every six years they do a full cut. There was no motion.
- G. Discuss and/or take action on Permit Approval for 5K with Health Fair Coordinated by Fairview Area Chamber of Commerce – Mayor Totty introduced Dr. Jake Meseck passed out a pamphlet to the Board. He stated that they were considering combining the Health Fair with the 5K and that in the past the Health Fair has been at the Recreation Center and they were considering moving it to Bowie Park. The run is 3.1 miles and it could start at the park and go down Hwy 100 towards the business district to Cox Pike and then back to the park. Commissioner Johnson moved for approval but to return with date and course layout. Mr. Meseck stated that the dates considered are this November or next Spring. Vice-Mayor Bissell stated that he is concerned with the construction and feels like it needs to be completed before the 5K run. City Manager Hyatt stated that he and the Police Chief are concerned with closing the highway and asked what would be the time frame. Mr. Meseck stated the time frame would be approximately 2 hours. Attorney Cantrell stated that we would need a resolution to acknowledge that the event is taking place, where and when. Commissioner Sutton stated that we would need a release form for the participants. Commissioner Carroll seconded. All were in favor.
- H. Discuss and/or take action on TDOT Resurfacing Contract #110112 Cumberland Road and Cox Pike – City Manager Hyatt stated the project cost is \$341,500 and that 80% (\$273,200) would come from TDOT and 20% (\$68,300) would come from the city out of state street aid. Commissioner Johnson moved to approve. Mayor Totty seconded. All were in favor.

- I. Discuss and/or take action on Removing the Cap on the Number of Liquor License Issued – Commissioner Johnson requested this item be removed and moved to next month.
- J. Discuss and/or take action on New Tractor for the Park – Vice-Mayor made a motion to purchase a replacement tractor in the park for trail maintenance and other park usage as needed. Director Hooper asked the Board to authorize this as an emergency purchase rather than go through the bid process and forego the state bid process as well. The state requires the purchase of a New Holland model and the cost is \$28,000 with a front bucket and a backhoe attachment for the rear to allow trail repairs. If we get quotes with a different model it could be as much as \$5,000 less than the state bid purchase. The funds would come from the Bowie Park fund. Attorney Cantrell suggested the Board request bids from 3 or 4 vendors and the Board would have to declare it as an emergency purchase. Vice-Mayor Bissell restated the motion that the Board authorize the purchase of a new tractor by the parks department for a compact tractor complete with shovel in the front and backhoe in the back to use for trail maintenance, up keep and widening of the trails, to authorize as an emergency purchase requiring 4 bids, to analyze bids and purchase the vehicle that best meets their needs and establish a cap of \$25,000 which will come from Bowie Park Reserve Funds. Commissioner Johnson seconded. **For:** Sutton, Johnson, Bissell **Against:** Totty, Carroll Motion passed.
- K. Discuss and/or take action on Resolution 03-12 “A Plan to Widen Fairview Blvd, State Route 100, from Bowie Lake Road to Hwy 840” – Vice-Mayor Bissell read the caption and made a motion to approve. Commissioner Carroll seconded. All were in favor.

#### **9. City Manager Items for Discussion –**

- A. Miscellaneous Updates –
  - (1) City Manager Hyatt asked the Board to consider having the 4<sup>th</sup> of July fireworks celebration on Tuesday July 3<sup>rd</sup> instead of on the 4<sup>th</sup> which is a Wednesday, this would be at a discounted rate and would not interfere with church events.
  - (2) The cost to rent a stage for MayFest is approximately \$1,700 and the quote to build a permanent stage is \$9,951. The stage would be a multi use structure. The lights and sound would be around \$800.
  - (3) Regarding the traffic light at Cox Pike, Donn Lovvorn has spoken with TDOT to change the plans to include concrete and conduit at the cost of the City.
- B. Staff Comments –
  - (1) CFO Crystal Pewitt presented the February financial statement numbers.
  - (2) Director Wade Hooper asked for clarity on closing the park. Commissioner Johnson stated that he has the same authority as before this meeting.
- C. City Attorney Comments – Mr. Cantrell stated that on item 8I Removing the cap on the number of liquor stores allowed in the city, there will be 2 applicants on the April 19<sup>th</sup> agenda and only one opening. He expressed the importance of making a decision on the applicants within 60 days of completed Certificate of Compliance to avoid anyone going to the state because of passing due to inaction from the Board.

#### **10. Communications from the Mayor and Commissioners –**

- A. Commissioner Carroll stated that she would like it if the Board not veer away from the bid process and she mentioned that she was excited about Helping Hands and thanked everyone for staying through the meeting.
- B. Vice-Mayor Bissell - none
- C. Commissioner Sutton thanked everyone for coming out and requested a budget committee update.

- D. Commissioner Johnson – none
- E. Mayor Totty – none

**11. Mayor Totty called for a motion for adjournment –**

- A. Commissioner Sutton made a motion for adjournment and Commissioner Carroll seconded. All were in favor. The meeting adjourned at 9:18 p.m.

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**Theresa Porter**  
**City Recorder**