

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

March 17, 2016

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, Interim 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 led by Mayor Carroll

- 2. Approval of the Agenda** – Commissioner Bissell made a motion for approval with Commissioner Crutcher seconding. Vice Mayor Sutton requested the removal of Item C from the consent agenda and Attorney Cantrell requested the item be moved to Old Business as 9B and the addition of Item 10K under new business of an Interlocal Agreement between Fairview and the Williamson County Board of Education to be heard out of order prior to item 9B. Vice Mayor Sutton made a motion for approval as amended with Crutcher seconding. All were in favor.

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

A. Wayne Thomasson of Hickman County asks if the city has any projected growth area outside of Williamson County. Thomasson states he is from a group trying to incorporate a section of East Hickman and there is a three mile limit for encroaching any neighboring city limit. He requests approval for East Hickman growth area to the county line. Mayor Carroll states they cannot approve this request without some study and further information and asks Mr. Thomasson to contact City Manager Hall about appearing on a future agenda.

4. Awards and/or Recognitions – NONE

5. Public Announcements –

- A. City Manager Hall issued a reminder of emissions testing every Monday and Tuesday from 7:30 a.m. until noon
- B. Vice Mayor Sutton noted City Hall will be closed next Friday for Good Friday
- C. Mayor Carroll announced the Lions Club pancake breakfast this Saturday morning
- D. City Manager Hall announces his resignation as City Manager, transfer to Codes Director and Assistant City Manager while offering to remain as Interim City Manager during the process to find a replacement.

6. Staff Comments –

- A. Codes Director Hall announced he has spoken with management from Bowie Commons and several new tenants are forthcoming including a dentist office, restaurant and hair salon. Hall notes he heard from Hardee's this morning and he hopes to get information on their plans to move forward in the near future.
- B. City Recorder Johnson states we expect the firm to be in town to verify our census counts very soon and will post information as soon as we know exactly when to expect them. They will verify first and last name and address just like what was submitted for the special census.

- C. Finance Director Daugherty states we will open Audit Proposals on Monday at 2:00 p.m. and he will forward the proposals to the Board with his recommendations. Daugherty presents the February 2016 Finance Report noting February was a big month. Revenues came in at \$1,041,116, which is \$100,229 above the projected amount of \$940,887 for a total revenue above projections YTD of \$304,132. Expenditures were \$25,094 below the projection of \$357,021 at \$331,927 for a YTD below projections by \$149,572. We have a surplus of \$1,441,734 and an estimated fund balance of \$2,161,719 which is over a 300% increase from where we started this fiscal year. Mayor Carroll asks if State Street Aid has been separated and Daugherty confirms that it has other than the amount budgeted for this fiscal year and going forward incoming funds will be placed in the separate account other than what is appropriated for the current budget.
- D. Parks Director Paisley notes summer camp sign-ups are ongoing.

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 March 3, 2016 Board of Commissioners Meeting
- B. Approval of the Minutes from the February 25, 2016 Special Board of Commissioners Meeting
- C. (item removed from consent agenda and moved to 9B under Old Business)

Vice Mayor Sutton makes a motion for approval with Commissioner Crutcher seconding. All were in favor.

9. Old Business

Vice Mayor Sutton made a motion to suspend the rules and hear item 10K out of order seconded by Johnson. All were in favor.

- A. Discuss and/or Take Action on Resolution 04-16, A Resolution Requesting the State of Tennessee General Assembly Amend Tennessee Code Annotated Sections 6-20-101 and 6-20-201, Both of Which are Charter Provisions of the City of Fairview, Tennessee – Vice Mayor Sutton read the caption and Commissioner Crutcher states he asked the city attorney to draft this resolution and rather than having the attorney make the changes he has edited himself noting he thinks everyone should have the amended resolution. Crutcher makes a motion to approve the amended resolution seconded by Sutton. Cantrell states he has no problem with the amendments noting the bill writers will likely change the verbiage anyway. Bissell questions how this will affect November's election and Cantrell states the third place finisher would be subject to the two year term. Term limits would also be addressed by referendum vote to limit to 2 consecutive 4-year terms of either commissioner or Mayor. All were in favor.
- B. Second and Final Reading of Bill #2015-45, Ordinance No. 910, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located off Tiger Trail, Owned by Benny Sullivan, as Shown on, Williamson County, Tax Map 042, Parcel 28.03, From RS-40 to R-20, PUD Overlay – Mayor Carroll read the caption. Commissioner Bissell made a motion for approval with Commissioner Crutcher seconding. City Manager Hall notes Huntly Gordon is present to represent the property owner. All were in favor.

10. New Business

- A. Discuss and/or Take Action on Bill #2016-05, Ordinance No. 919, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 2652 Fairview Boulevard, Owned by Gary Jaworski and Wife, Glenda Jaworski, as Shown on, Williamson County, Tax Map 69, Parcel 32.00, From RS-40 to CG (Commercial General) – Hall notes the Jaworski's are present and they are requesting the change in zoning. Glenda Jaworski explains they want the rezoning just to prepare for the future because of their location. Commissioner Johnson made a motion for approval with Commissioner Bissell seconding. Commissioner Crutcher reads notes from the city engineer review noting this property is across from Stop n' Save next to Fairview Elementary and is bounded on 3 sides by RS-40 zoning which is our largest residential lot. Crutcher continues if we rezone we will need to amend the land use plan and he has concerns of the adjacency to the school and inconsistencies in the land use plan. Mayor Carroll understands the desire to rezone but has concerns over the residential areas adjacent and once zoned CG anything can go there so it's easier

to know what it is being rezoned for. Commissioner Johnson questions whether the Board has had any comments from citizens on this project and none have. Johnson states this area was built out in the 1980's before sewer was in the area and larger lots are required for septic tanks. Johnson questions where on the highway do we have commercial areas that don't back up to residential developments noting he doesn't see how we can penalize the property owner for their location. It was noted that all adjacent property owners will be notified prior to the public hearing so they may voice their opinions. Commissioner Bissell states we keep running into issues with the land use plan which was developed when the current issues were never envisioned. He doesn't like to constantly change the plan but maybe we need to re-evaluate the land use plan noting Highway 100 is our main boulevard for commercial development and if he owned land there would be looking to do the same thing. Crutcher states he doesn't want to infringe on the property owners rights but he is prepared to move to the next step. FOR: Bissell, Crutcher, Johnson, Sutton; AGAINST: Carroll. Motion carried.

- B. Discuss and/or Take Action Resolution No. 03-16, 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 at 2652 Fairview Boulevard, Owned by Gary Jaworski and Wife, Glenda Jaworski, as Shown on, Williamson County, Tax Map 69, Parcel 32.00, From RS-40 to CG (Commercial General) – Vice Mayor Sutton read the caption. Attorney Cantrell states this is to set the public hearing and asks the Board to note a date change from April 7 to April 21 due to time for notification. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.
- C. Discuss and/or Take Action on Recommendation from the Planning Commission on Rezoning of Property off Cox Pike From RS-40 to R-15/CG Mixed Use PUD (Residential/Commercial General Mixed Use Planned Unit Development), Map 43, Parcels 30.01 and 31.00, 32.19 Acres, Denny, Proctor and Welch Owners – City Manager Hall notes Tom Smythe is present to represent the property as well as Lisa Anderson, Chairman of the Planning Commission. Tom Smythe notes a brief history of the project and presents where it stands currently. Noted changes include: alleys for rear parking for 40 of 89 homes, added 8' parking lane on one side of road, increased size on front-loaded lots and decreased size of rear-loaded lots. Smythe notes Polston Place approvals have been moving forward and the few comments he received at the last Planning Commission meeting from PC Member Matt Beata indicate a desire for 2.2 density (R-20) rather than 2.9 (R-15). Commissioner Crutcher indicates concern over the unanimous vote not to approve by the Planning Commission once again. Crutcher invites the Planning Commission Chairman, Lisa Anderson, to speak regarding the project. Anderson notes several Planning Commissioners spoke regarding this project at the meeting and this side of Cox Pike is low density while the other side is medium density and this is the biggest issue. Planning Commission member Brandon Butler adds they have discussed the lot sizes quite a few times and comparatively the Polston Place lots run average 9,700 square feet and this is 4,750 square feet. Commissioner Crutcher makes a motion to approve the Planning Commission recommendation seconded by Vice Mayor Sutton. Smythe states he has been working toward R-15 for a year based on feedback and now that's not good? He thinks we have problems that haven't ended here. Anderson and Butler concur that density is the issue and they want to see the project closer to R-20 zoning. Hall reminds Smythe that he may still submit changes to the Planning Commission. All were in favor.
- D. Discuss and/or Take Action on Bill #2016-06, Ordinance No. 920, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget – Vice Mayor Sutton read the caption. Finance Director Daugherty noted this is for the Roadscapes project out of the Tree Bank fund as we have to pay all up front and will be reimbursed for 80%. Commissioner Crutcher made a motion for approval with Commissioner Bissell seconding. All were in favor.
- E. Discuss and/or Take Action on an Ordinance that Prevents Door to Door Calling by For-Profit Businesses after 6:00 p.m.- Commissioner Bissell states wants to prohibit visitors who want to sell for a for-profit business after 6:00 p.m. Bissell states he believes this is a fair cut-off time noting the practice is disruptive, a security issue and he doesn't believe it's a good practice. Bissell makes a motion to request the city attorney draw up an ordinance to prohibit for-profit solicitation after 6:00 p.m. Cantrell notes items from the municipal code that deal with this issue and suggests a workshop 1 hour prior to the next meeting to discuss the parameters. Bissell suggests holding a workshop at 6:00 prior to the next Board meeting and the Board concurred.

- F. Discuss and/or Take Action on an Ordinance that Prohibits the Delivery of Flyers, Phone Books, etc. by Placing Those Items in Driveways (Newspaper Delivery Excluded) – Mayor Carroll notes this item will be addressed at the above noted workshop prior to the next meeting as well.
- G. Discuss and/or Take Action on Resolution 05-16, A Resolution Requesting the Fairview, Tennessee Municipal Election be Held in Conjunction with the November 8, 2016, Presidential Election – Mayor Carroll read the caption. Attorney Cantrell notes this is standard procedure for our elections. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.
- H. Discuss and/or Take Action on Xerox Contract – Finance Director Daugherty stated a few meetings ago the Board voted to discontinue our contract on a laminator we are not currently using. Daugherty spoke with the territory manager and Mayor to review the options and as we toured the current equipment discovered the plotter turning in the laminator and replacing the plotter with one that is reliable, fast and affordable at a lower monthly cost than currently paying. Mayor Carroll pointed out the annual savings as noted in the paperwork of \$1,056.83. Commissioner Johnson questioned the number of 700 color copies per month and made a motion for approval increasing the number of color copies to 1000 per month and eliminating the overage charge. Batey explains it's always possible to review the numbers noting he didn't want to put the city in a bracket where we wouldn't use all the copies and recommended 750 per month. Johnson's first motion had no second and he made a new motion to approve based on including 750 color copies per month with no overages with Commissioner Crutcher seconding. All were in favor.
- I. Discuss and/or Take Action on City Manager's Employment – Mayor Carroll noted in light of Mr. Hall's announcement she would like to make a motion to accept the resignation of the City Manager and his move to Assistant City Manager and Codes Director to finish out the fiscal year while we search for a new city manager, ask MTAS to consult on the process and form a citizens committee to assist and there be no change to his salary while he serves as interim with Bissell seconding for discussion. Bissell states he has no objections with including some citizens on the committee but thinks the BOC should be part of the ranking process and amends the motion that 2/3 of the BOC be part of the committee (no 2nd, motion dies). Johnson states he thinks all the Board members should be on the committee unless someone doesn't want to be and Bissell states he wants to see all the applications. Commissioner Crutcher appreciates Hall's resignation noting his role as interim codes director and city manager has been humanly impossible as those are two vital roles. He has concerns about the motion noting he doesn't think the Board has the authority to appoint a codes director and would like to hear more about the assistant city manager position but has concerns that is an additional expense not needed at this time and it's not appropriate for either the Board or Mr. Hall to create a position. Crutcher also states concerns over maintaining Hall's current salary. Mayor Carroll states a lot of people don't know how much time it takes to go to all the outside meetings and the progress that Mr. Hall has made rebuilding relationships. She thinks Hall is the perfect candidate for Assistant City Manager and Codes Director and is thankful for him. Bissell states maybe tonight isn't the best time for decision making with all the emotion but we do need to start the process of hiring a new city manager and setting the parameters on the process. Vice Mayor Sutton makes a motion to accept Hall's resignation and move to Codes Director while remaining as Interim City Manager and that we move forward expeditiously in the search for a replacement seconded by Commissioner Johnson. Crutcher has concerns over how either position gets its needed full attention with Hall maintaining both. Bissell suggests moving forward expeditiously to alleviate this issue. After some discussion on the level of involvement for MTAS in this search and comparisons to the last couple of City Manager hires, Vice Mayor Sutton requested repeating the motion and called the questions. All were in favor.
- J. Discuss and/or Take Action on Interim City Manager – need for item alleviated by vote on previous item
- K. Discuss and/or Take Action on Interlocal Agreement Between City of Fairview and Williamson County Board of Education – City Attorney Cantrell notes as this property on Tiger Trail was brought forward for development it was discovered that the street was not recorded as a city street even though the minutes documented it as such. It was listed on the deed as county property and we have worked with their attorney, Jason Golden and our school board representative, Ken Peterson to have it deeded to the city. Cantrell requests the Board view this item as an exigent circumstance to add to the agenda because 1) the Board passed the first reading in November and 2) the school board is approving this quit claim deed and if the Board approves tonight will record tomorrow so we can move forward with the rezoning. Commissioner Crutcher makes a motion to add to the agenda based on Cantrell's arguments with Vice Mayor Sutton seconding. All were in favor. Cantrell states this is a

pretty standard interlocal agreement and with items to address such as school zone signage and if the road should continue to Cox Pike, Cantrell suggests the developer should be liable for additional school zone signage on Cox Pike. Commissioner Crutcher makes a motion for approval with Commissioner Bissell seconding. All were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – Interim City Manager Hall states he appreciates the confidence of the Board noting he has an excellent staff to support him. Vice Mayor Sutton applauds Scott Tucker and Ron Rowe for volunteering to assist with codes related items in the past few months.
- B. City Attorney Comments - NONE

11. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell thanked Mr. Hall for his past, current and future service noting he believes Hall will continue to give 100%. Bissell appreciates Hall's self-evaluation noting it is very difficult but believes he does it with a heart for the city.
- B. Commissioner Crutcher states he wasn't involved in the process when Hall was hired but believes he was the right person at the right time for the job. He is very excited about where we are financially and thanks all who had a part in getting there noting the citizens who incurred the tax increase are often neglected to be appreciated for the dramatic change in position.
- C. Commissioner Johnson thanks Mr. Hall for re-uniting the employees stating he has done a tremendous job. Johnson states the citizens don't know what goes on every day and Hall deserves a lot more credit than he has been given.
- D. Vice Mayor Sutton states he is only agreeing to Hall's resignation because it is what he wanted. Sutton notes Hall has done a great job and he has to think about his family and his health. Sutton had more calls today about Hall's leaving than anything else in a long time and that says a lot. Sutton appreciates Hall's offer to remain through the process and knows he's had a tough time.
- E. Mayor Carroll states she can't thank Hall enough for his service and, though she doesn't understand totally, she has experienced a lot with him. Carroll recognizes Hall has had the weight of the world on his shoulders and nothing could have prepared him for the challenges he has faced. Many citizens don't know the details but the Board was in disarray, the former City Manager had painted a pretty picture, there were unhappy employees, finances were dwindling, key positions were leaving, the previous CFO told Daugherty she hoped he made payroll. Hall did what needed to be done. He put the brakes on spending and built employee stability. Carroll shared the scripture James 3:17 noting she shared this with Mr. Hall knowing he was the right person for the job. Hall is a peacemaker and Carroll respects him. He is a noble man who has worked hard and loved this community. Carroll thanks Hall for staying with us and wishes him well in his new role stating she will remember his time as City Manager as the time Fairview was saved.

- 12. Adjournment** - Vice Mayor Sutton made a motion for adjournment seconded by Commissioner Johnson. Meeting was adjourned at 9:31 p.m.

Brandy Johnson
City Recorder