

## BOARD OF COMMISSIONERS

March 18, 2010

Ken Brison, Mayor  
 Stuart L. Johnson, Vice-Mayor  
 Eddie Arney, Commissioner  
 Allen Bissell, Commissioner  
 Toney Sutton, Commissioner  
 Andrew Hyatt, City Manager  
 Larry Cantrell, City Attorney  
 David Mayberry, Recorder

Present: Brison, Johnson, Bissell, Arney, Sutton

Others Present: Cantrell, Lovvorn

**1. Mayor Brison called the meeting to order at 7:00 p.m.**

A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.

**2. Approval of the Agenda –**

A. Mayor Brison proposed to add a Proclamation as Item D under New Business. Vice-Mayor Johnson made a motion to approve the agenda as amended. Commissioner Sutton 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 – NONE**

**6. Approval of the Minutes –**

A. Presented for approval were the minutes of the Board of Commissioners Meeting held on March 4, 2010. Commissioner Sutton made a motion to approve the minutes as presented. Vice Mayor Johnson seconded the motion. All were in favor.

**7. Old Business –**

A. Discuss and/or take action on report from Property Ad-Hoc Committee – City Manager Hyatt presented a request for 2 additional cubic yards of concrete to mount the radio tower at the new fire station at a cost of \$193. Vice Mayor Johnson made a motion to approve the change order, with Commissioner Sutton seconding. All were in favor.

B. Second and Final reading of Bill #2010-01: Rezoning of Certain Property at 2431 Fairview Blvd – This item was deferred to the April 15<sup>th</sup> meeting due to insufficient time to have a public hearing.

**8. New Business –**

A. Discuss and/or take action on open application periods for certain boards - City Manager Hyatt informed the Board that there were 2 openings for the Tree Board. He added that they were going to a year-round application process for boards and contact the applicants when there was an opening.

- B. Discuss and/or take action on changes to Policies and Procedures manual- Attorney Cantrell presented a request from Fire Chief Cooper to implement a policy for Fire Department employees to prohibit the use of tobacco products while on duty. Cantrell pointed out that there were 2 problems with the current policy. First, the Fire Department employees work side by side with County EMS employees that are not allowed to use tobacco on shift. Also, he pointed out the potential for contact with members of the public who have a sensitivity to tobacco smoke. Commissioner Arney then asked the City Manager if this policy should be implemented City-wide. Hyatt stated that would be preferable since it would be a more consistent policy. Commissioner Bissell then asked Cantrell how this would apply to employees that were on lunch or other scheduled breaks. Cantrell advised the board that they could prohibit use during the employees' shift, including their breaks and lunch. He then clarified that if they wanted to be on the cautious side, they could allow employees to smoke during their lunch break if they were off of city property and not in a city-owned vehicle. Commissioner Arney then suggested banning smoking on City property. Vice-Mayor Johnson then questioned the enforcement of the policy, asking how the City would handle it. Hyatt stated it would have to be handled the same way as any other disciplinary item, by the supervisors of the City. Commissioner Sutton then stated that this was something that we needed to look at closely before we implemented and felt the City should provide people with support if they want to quit using tobacco. Vice-Mayor Johnson then asked for clarification as to whether employees would be allowed to smoke on their breaks. Cantrell replied that it would be questionable legal grounds to ban smoking for employees that were off city property on their breaks. Commissioner Bissell then discussed the policy at his workplace, which banned smoking on the property at all, where employees had to walk to the edge of the property to smoke. Cantrell suggested that the City might want to have a workshop to discuss this if they wanted to implement a new policy. Commissioner Arney suggested that they take some time to look at a policy before they implemented it, but to allow Cooper to put a policy in place for the Fire Department in the meantime. Cooper stated that he would like to implement the new policy when they moved into the new station. Cantrell informed the Board that to change the Policies and Procedures manual by an ordinance, but he could provide a policy for the Fire Department without an ordinance. Mayor Brison suggested that if they did it for one department they should do it City-wide. Commissioner Sutton then followed up on the suggestion to have a workshop to discuss this further before implementing a plan. Commissioner Arney then mentioned that a new policy would likely also affect members of the public that were on City Property. Attorney Cantrell stated that it could be handled with two ordinances, one for employees and one for the public. The Board then agreed that Cooper could make a policy for his department, all he needed was the City Manager's approval. A workshop was then scheduled for March 30<sup>th</sup> at 7p.m.
- C. Discuss and/or take action on TML Interlocal Agreement – Vice Mayor Johnson read Resolution 03-10, agreeing to participate in the TML Pool. Commissioner Bissell seconded. Cantrell explained to the board that this was basically a housekeeping thing requested by TML so the language in all their policies was the same. All were in favor.

- D. Helping Hands Proclamation – Vice-Mayor Johnson read the Proclamation, which declared April 24<sup>th</sup> as Helping Hands and Linking Arms day, which encouraged all community service organizations in the County to work together. Johnson made a motion to approve the proclamation, with Commissioner Arney seconding. All were in favor. Commissioner Bissell then clarified that this was not related to the local organization of the same name.

## 9. City Manager Items for Discussion -

- A. Miscellaneous Updates – Hyatt updated the Board on the Lake Van trail project. The surveyor had been to the site and provided information to the City Engineer, who would be able to provide recommendations and a cost estimate for planning purposes. He also informed the Board that he was requesting TDOT re-examine their need for a traffic light at Bowie Lake Road and Fairview Boulevard. He mentioned that he was meeting with the Parks Advisory Service about a proposed greenway from City Hall to the Park. Commissioner Bissell expressed desire to close the current entrance to the Park and create a new one. Hyatt then presented an option of creating an entrance to the Park through the Library's parking lot.
- B. City Attorney Comments – None.

## 10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell commented on the list of delinquent taxpayers published in the newspaper. He noted that there were several contractors on the list and encouraged them to pay their taxes. He also reminded people to give the right-of-way to pedestrians and to be safe on the roads. He then mentioned the April 17<sup>th</sup> Clean Sweep day, expressing frustration at always picking up the same areas that people continued littering on.
- B. Commissioner Sutton then discussed working at the Helping Hands Food Drop-Off program, commending the people that worked there, and noted that they had helped around 140 families with free food.

## 11. The meeting adjourned at 8:28 p.m.

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Ken Brison  
Mayor

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David Mayberry  
City Recorder