

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS MEETING MINUTES

April 2, 2015

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, Humber, Daugherty, Johnson, Paisley

**1. Call to order by Mayor Carroll at 7:02 p.m.**

A. Prayer and Pledge led by Commissioner Johnson

**2. Approval of the Agenda –** Vice Mayor Sutton made a motion for approval of the revised agenda with Commissioner 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. Bob Brooks of Chester Road states city finances have come to a crisis situation. He states we are considering cutbacks and selling property noting that since 2010 the city has spent \$500,000 per year more than we brought in according to the auditors. The fact is we have overspent and if we do this as individuals it leads to bankruptcy. Brooks states he believes we need fundamental changes. He keeps hearing that our debt to asset ratio is good but businesses go bankrupt every day because there is no cash flow. Brooks continues that we need to analyze our absolute needs and evaluate if we are overstaffed or have any extra resources. If we just do that to balance this year's budget we are being short-sighted and need to look at the bigger picture. Brooks suggests we form a committee of experts in all areas from outside of Fairview. He states the city can't ask for a second job but they can ask for a raise and we need to look at absolute necessities and not what we think we need. Brooks concludes that we need structural change.

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

**5. Public Announcements –**

- A. City Manager Hall reminds everyone of emissions testing every Monday and Tuesday from 7:30 a.m. until noon.
- B. Chief O'Neal announces a mock crash scene at Fairview High School on Thursday, April 9 starting at 9:00 a.m. to prepare for prom. The crash will include responses from EMS, Fire, Police, Sheriff's Department, and Life Flight. O'Neal notes that the school system will alert parents to the happenings and he is making the public aware.
- C. City Manager Hall notes that Special Olympics will have a meet at Fairview High School on Wednesday, April 15 from 9:00 a.m. until 1:30 p.m. and volunteers are needed.
- D. Mayor Carroll announces the Job Fair put on by the Fairview Area Chamber of Commerce on April 7 from 10:00 a.m. until 2:00 p.m. at the Rec Center and the Chamber has their annual Business Expo on Saturday, March 18 (check the Observer for details)
- E. Commissioner Crutcher states Crosspoint Church will conduct a service day at Treehouse Playground in Bowie Park and will also foot the bill for half the cost of the mulch. He invites anyone to come assist with spreading the new mulch.

**6. Staff Comments –**

- A. Frank Humber, Codes Director states he had a meeting last week with Regent Homes and they are looking at a small project in town but he thinks they are also looking to complete bigger projects in the future. He states we had a good meeting today with TDEC with positive comments about Fairview getting ahead of the game with decentralized sewer.
- B. Tom Daugherty, Finance Director notes we are getting into budget season and the joint Finance Review Committee/Board of Commissioners meeting this week went well and we discussed ideas for the upcoming fiscal budget.
- C. Keith Paisley, Parks Director announces a star party next Friday, April 10<sup>th</sup> from 7:30 until 10:00 p.m. and summer camp signups are ongoing until spots are filled.

**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 5, 2015 Public Hearing
- B. Approval of the Minutes from the March 5, 2015 Board of Commissioners Meeting
- C. Approval of the Minutes from the March 19, 2015 Board of Commissioners Meeting
- D. Second Reading of Bill #2015-07, Ordinance No. 872, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located on Old Nashville Road, Owned by Timothy R. Mangrum and Wife, Jessica Mangrum, as Shown on, the Fairview Geological Listing of Assessment Roll Map 042, Parcel 065.12, 1.03 Acres, From RS-10 to RM-12

Vice Mayor Sutton read the captions. 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 Approval of Resurfacing Bid Contract Contingent Upon 2015 Wage Rates Being Incorporated into Contract Documents by Change Order – Vice Mayor Sutton asks Codes Director Humber for details on this item. Humber notes we approved the bid but need to make it contingent upon this change order. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

**10. New Business**

- A. Discuss and/or Take Action on Request for Funding for Local Schools – Bissell turns the item over to Brent Oakley, principal of Fairview Elementary School. Oakley notes they appreciate the addition to the agenda and discusses the summer school program of Fairview ONE (Onward Never Ending) that combines students from all Fairview schools and is currently the only program of its kind in Williamson County. The purpose behind the program is to build stronger relationships and expose students to culture who normally would not receive that type of exposure. Dr. Oyer, principal of Fairview High School, discusses a need for funding for their program as their largest previous donor has dropped out this year. Oyer notes the amount of funding provided by the district and Title I funds and the amount of remaining need is \$15,806. Commissioner Johnson asked how students were selected and Oyer stated at risk students are chosen for the program. Vice Mayor Sutton asked how much is in the school fund and CFO Daugherty replied around \$477,000 but we still have the payment due to the library. Vice Mayor Sutton made a motion for approval of the \$15,806 with Mayor Carroll seconding. Carroll states these are typical summer school students and transportation is an issue for a lot of parents. Commissioner Bissell asks Oyer for a deadline of when they need an answer and Oyer states mid-April because the program begins early June. Bissell also asked if they had asked MTEMC as they have a grant program for things such as these. Oyer states she has not but will do. Sutton asks how much under the estimate the library bid came in and Daugherty estimated around \$27,500 less. Carroll states that is a good point and we could use our savings there to cover but we just had a meeting about where we stand in our budget. Bissell makes a motion to defer until we have a chance to further discuss at the joint meeting next week. Sutton withdrew his original motion and Carroll withdrew the second adding a second to Bissell's motion. All were in favor.

- B. Discuss and/or Take Action on Griggs & Maloney as Engineer for Local Subdivision – Sutton turns the item over to Bill Griggs of Griggs & Maloney, Inc. Griggs states they very much enjoy working with the City of Fairview noting they have also done work with 18 other firms and recently were approached by Ragan-Smith Associates, Inc. to work on the decentralized sewer system for the Brownlyn Farms subdivision. Griggs states he was going to just turn down Ragan-Smith because they do not want to jeopardize their relationship with the City in any way but Mr. Hall asked him to ask the Board for their approval. Griggs states they have worked with Ragan-Smith in the past and have also designed several other similar systems with them. The wastewater collection system is not reviewed by the city as that aspect is reviewed by TDEC and WADC so it is not in the Fairview chain of command. Griggs & Maloney would still handle the review of other aspects of the project as usual. Griggs adamantly stated that if anyone had any doubts he would tell Ragan-Smith they could not do the job. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell states he did some research on the professional code of conduct for architecture and engineering examiners noting that only two items related at all. The first being that all parties must agree in writing if a professional receives payment from more than one party on a project and the second that they shouldn't solicit a contract which they did not do. Cantrell asks who will pay for Griggs & Maloney's work on the wastewater system and Griggs replied Ragan-Smith as we are a sub-contractor for them on this project. Cantrell suggests preparing a short letter to disclose the agreement in writing and obtain signatures for approval by the City of Fairview, Griggs & Maloney and Ragan-Smith. Griggs asked if the City Attorney might prepare the letter for them and Johnson asked Griggs if he would be willing to pay and he agreed. All agreed that Griggs & Maloney's expertise in designing the decentralized sewer systems would be beneficial to the city and all involved in this project. All were in favor.
- C. Discuss and/or Take Action on the Finance Committee Budget Execution Recommendations for the Remainder of the Fiscal Year – Commissioner Bissell defers to CFO Daugherty who defers to Finance Review Committee co-chair Donna Brooks. Brooks notes three problems; 1)projecting to spend around \$200,000 more than we are going to bring in, 2)unassigned deficit will be around \$500,000 (including last year's deficit), and 3)continue to have a cash flow problem. Brooks states we are legally required to fully fund all restricted funds which are State Street Aid, Facilities Tax and Drug funds. The FRC/BOC agreed on the following solutions: 1)city staff is to cut back on as many expenses as possible for the next three months (estimated in the range of \$20,000 to \$60,000), 2)around the middle of May if necessary will shift staff salaries and benefits to State Street Aid, park staff to Park Fund and one policeman to the Drug fund. If necessary, we will transfer money from the Tree fund. We are proposing to sell the Deer Ridge property and the out-parcel on Dice Lampley Road and if sold, the proceeds will fully fund accounts and start reserves. Mrs. Brooks asks City Manager Hall if he obtained appraisals on the two properties. Hall states he got rough estimates from a local real estate agent of Deer Ridge at \$120,000 and Dice Lampley at \$250,000. Mayor Carroll asks what the difference is from the end of the last meeting and today. Brooks states we are trying to address the end of year deficit and one figure was counted twice. Daugherty states we are looking at all department heads for cuts. Commissioner Crutcher asks how we will make next year's budget starting with a negative balance. Commissioner Johnson asks where we began this budget year and Brooks replies around \$160,000 in the hole. Carroll asks if there are any other assets we might liquidate and the reply was no. Brooks noted another joint meeting is scheduled for next Thursday night to review the process for next year's budget. No action.
- D. Discuss and/or Take Action on Bill #2015-09, Ordinance No. 874, An Ordinance to Amend the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Police ATV from Drug Fund) - Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Commissioner Bissell states he will answer questions but will not be voting on this item because he would be a direct recipient of the benefit. Bissell states this is for an ATV to be purchased out of the drug fund for use in the park, search and rescue efforts, event control and the like. They had two ATV's but one is broken down and we just purchased a new one for the Programming Department of the Parks. The other one is being used by the Maintenance department and is really not in good shape and not dependable for rescue. The total amount requested is \$12,000 and part of that is for the vehicle and part for the equipment. Bissell concludes that the money is there and the item is needed noting he is not opposed. FOR: Carroll, Crutcher, Johnson, Sutton; ABSTAIN: Bissell. Motion carries.

- E. Discuss and/or Take Action on Interlocal Cooperation Agreement 21<sup>st</sup> Judicial District Drug Task Force – Commissioner Johnson makes a motion for approval with Vice Mayor Sutton seconding. Johnson asks Attorney Cantrell if he has reviewed this item and Cantrell says he has and the only change was they listed Mr. Hall as Mayor and Ms. Brandy made that revision. Johnson asks if this is just the renewal of an agreement, correct? Cantrell replied yes, a very old agreement. Commissioner Crutcher asks what capacity we participate in this agreement. Bissell replies we pay a \$5,000 fee to participate and we get 2 District Attorney's who are specialized in this type of work. We do not get a share of the revenue but we do receive support in the form of assistance with warrants, expertise and legal advice in prosecution cases and forfeiture hearings. Carroll states she would like statistics on the cases they help us with to make sure we are getting enough bang for our buck. Bissell continues that we have seen a lot more benefits working on our own that we didn't see before but we do need this experience in our drug cases. All were in favor.
- F. Discuss and/or Take Action on Ordinance 876, an Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs." Chapter 4, Tree Planting and Protection," Section 13-404, "Duties of the Tree Commission, Section 13-409. "Community Tree Plan," Section 13-411. "Trees on Private Property," Section 13-419. "Appeal from any Recommendation(s) of the Tree Commission."- Vice Mayor Sutton read the caption and deferred to Attorney Cantrell for explanations of proposed changes. Cantrell states recommendations of the Tree Commission should be provided in writing, the community tree plan, tree list and tree protection plan shall be submitted annually in April to the Planning Commission for approval, meetings shall be upon the call of the Planning Commission chairman or codes director, community tree plan to be approved by the Planning Commission, trees on private property causing obstruction may be sent to the codes department and they have final decision on removal, appeal process for Tree Commission recommendation is not necessary but appeals of Codes Director or Planning Commission's decisions may be made to the Board of Commissioners. Cantrell confirms that the Tree Commission will no longer hold regular meetings but will only be called by the Planning Commission chairman or the Codes Director. Mayor Carroll states she doesn't agree with any of it and doesn't know why we keep hashing it out. She states it was put in place for a reason and you're taking the process away. She asks for the thought process behind this proposal. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Sutton states we have been going back and forth about their duties for some time. Carroll states we typically used their opinions to help make decisions why are they a hindrance for trying to do their job? Carroll continues about how beautiful our community looks and states it is working. Crutcher asks what has occurred to necessitate a change. Sutton notes the way the Planning Commission has worked with recent commercial developments and it should be the direct responsibility of the Codes Department. Commissioner Bissell states this puts the Tree Commission in line with other commissions in terms of authority. There were items they made the final decisions on and the change is they make recommendations to the Planning Commission or Director of Codes who are already making decisions for the City. The revisions articulate a reporting channel and directs the frequency of meetings. Crutcher states it sounds like you are adding steps to the appeal process rather than streamlining it. Johnson recalls several developers who have had issues with the Tree Commission in the past several months alone. Crutcher notes the items in question were not on the agenda. Bissell states that's not how this Board operates noting several items were added to this agenda tonight. He states we are trying to turn around the perception of how we do business, align their duties with other commissions and review of the plans now goes to the Planning Commission who has variance authority so the whole process is streamlined. Carroll states we have been reviewing the codes process to take liability off the Planning Commission so why do we want to add back to it? We shouldn't blame the problems with the process on volunteers who are investing in their community and making it beautiful. Johnson concedes that half the blame for some of the issues mentioned fall on city staff. He continues that the Codes Director sets the meeting and agenda as needed so that should clear that issue up. Sutton states it clears up who they report to. Carroll states she sees value in the Tree Commission and the process works. She doesn't want to keep throwing things out the window because you don't want people to have too much of a say. This is a good opportunity to bring citizens in. Crutcher makes an amended motion to refer this to the Codes Review Committee for further review with Mayor Carroll seconding. Vote on the amended motion: FOR: Carroll, Crutcher; AGAINST: Bissell, Johnson, Sutton. Motion fails. Vote on the original

motion: FOR: Bissell, Johnson, Sutton; AGAINST: Carroll, Crutcher. Motion carries. Cantrell states he will add back in the two paragraphs for the second reading.

- G. Discuss and/or Take Action on Budget Development Process – Bissell defers to CFO Daugherty who notes he had hoped to present this information at the last meeting. Daugherty presents a plan to streamline the budget process and prevent the Board from having to review the entire budget line by line. Daugherty outlines the plan as follows: FRC will present the BOC with end of year revenue projections to be used in the upcoming budget. The BOC will be presented with the following major expenditure items for approval; salaries & taxes, debt service, stabilization plan (reserve funding), insurance (health, liability, property & workers compensation), capital projects and fixed payments (EOC, health department, animal control, etc.). The City Manager will take the difference between the revenue budget and the major expenditure items back to the CFO and department heads to develop departmental operating budgets. These departmental budgets will be presented to the BOC with single line item expenditures exceeding \$10,000 highlighted for explanation. The City Manager and CFO will provide the complete budget for Board approval at the first May meeting. The first reading of the budget will be at the second meeting in May and the second reading at the first meeting in June. Any end of year surplus will be rolled into the unassigned general fund category. Commissioner Crutcher made a motion for approval with Commissioner Johnson seconding. Mayor Carroll asks if this is a recommendation from the Finance Review Committee and Daugherty replies yes. Carroll asks when it was decided on and Daugherty replies probably two months ago. Carroll asks Daugherty if he feels good about the plan and if the department heads will have any money left. Daugherty states yes and we will cross that bridge when we get there. All were in favor.
- H. Discuss and/or Take Action on Bill #2015-10, Ordinance Nol. 875, An Ordinance to Aid in Establishing a Healthy Workplace for the Employees of the City of Fairview, Tennessee, by Addition to the Municipal Code, Title 4, of a New Chapter and Sections, Chapter 5, Section 5-101, “Healthy Workplace Act” and 5-102 Model Abusive Conduct Prevention Policy – Vice Mayor Sutton read the caption, Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell notes this is updating the interim policy passed by the Board a few months ago based on the model policy from the state. All were in favor.

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

- A. Miscellaneous Updates – City Manager Hall wishes everyone a Happy Easter and asks all to remember the purpose of the season. Hall states City Hall is closed tomorrow and thanks the FRC and BOC and all directors for their efforts in trying to bring the budget where it needs to be at a time when we really all need to come together.
- B. City Attorney Comments – Attorney Cantrell apologizes for not knowing the difference between animal control and drug task force. He states he will give an update on the progress of proposed legislation on the consent agenda as it’s his understanding that it has passed the Senate and will be heard by the house soon.

#### **11. Communications from the Mayor and Commissioners**

- A. Commissioner Bissell – No Comments
- B. Commissioner Crutcher wished everyone a Happy Easter
- C. Commissioner Johnson asks Attorney Cantrell for an explanation on why his proposed agenda item on the tree bank was deleted. Cantrell explains that is part of the Design Review Manual and state statute gives final say to the Planning Commission on the Land Use Map, Sub Regs and Design Review Manual. Any committee can make recommendations to them. The item in question will be on an upcoming Planning Commission agenda. Johnson continues that a reason behind requesting the change is Walter Rudd was told by former codes staff that a property he was with a developer on would cost over \$800,000 for removal of trees. It seems that is penalizing a developer because he has a wooded lot. Of course in this instance the developer said no way. I believe the fees are way out of line with other cities and need revising would aid development. Cantrell notes the Planning Commission only requires 1 reading so the revision would be effective upon passage. Johnson states he feels we are running people off and that is certainly not where we want to be.
- D. Vice Mayor Sutton (skipped)
- E. Mayor Carroll states it is a different day and people will pay to get here. She states it is ok to set a standard because we have the ability to make this community something we can be proud of. She

continues that it is beautiful and we have the park as the number one draw noting we can't keep living in the past but the system has worked. There's nothing wrong with evaluating our systems but we can't sell our souls. Happy Easter.

- 12. Adjournment** – Commissioner Crutcher made a motion for adjournment with Commissioner Bissell seconding. All were in favor and meeting was adjourned at 9:36 p.m.

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**Brandy Johnson**  
**City Recorder**