

City of Fairview

BOARD OF COMMISSIONERS

April 4, 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, Johnson, Bissell, Carroll, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Pewitt, Harris, Cooper, Holsinger,
Paisley

1. Mayor Totty called the meeting to order at 7:03 p.m.

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

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Bissell seconded. Mayor Totty changed item 8E from 2013 Financial Audit to 2012 Financial Audit. Mayor Totty requested addition of 8H for discussion only of Ordinance 804. City Manager Hyatt requested that since there is no contract for entertainment to remove 8F and 8G since there is no insurance and replace it with discussion on how we would like to proceed with May Fest. Mayor Totty stated 8F Discuss and/or Take action on May Fest. All were in favor. Commissioner Bissell made a motion to approve the agenda with the changes. 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). –

A. Jon Cherry – He thanked everyone for all their efforts on the Business Expo and Job Fair. He thanked everyone involved. Commissioner Carroll stated that 18 people were there with booths and 80 signed in and stated that she co-chaired with Mayor Totty. Mr. Cherry stated that 48 of the 50 booths were filled and he has received a lot of positive feedback. He stated that he felt like this was a good idea to combine the events and this was the first year to do that. He stated that the Chamber picked up some new members, maybe seven new businesses and that he was very pleased with the results.

B. Victoria Feutes – She thanked the Board of Commissioners for all the great work that has been done to beautify Fairview and especially for the traffic light at Cox Pike and Hwy 100. She stated that she knows the Board usually hears from people who don't want to pay city tax, she stated that she feels everyone who lives in Fairview should pay city tax, everyone that lives in Fairview uses the roads, the police department, fire department and enjoys the businesses that are here. Roads need improving, and the Board of Commissioners and the Planning Commission are improving the quality of the buildings that are being built here so we can attract more businesses and people. She feels people should be proud to vote for the representatives and

commissioners. She asked if the yellow lines on Cox Pike and Northwest Hwy could be repainted, she stated that it is very hard to see at night and when it is raining. She asked if something could be done about the large ditches along Northwest Hwy going towards 96, it appears that the flood eroded the end of the road and is causing a dangerous situation when meeting oncoming traffic.

4. Awards and/or Recognitions –

- A. Mayor Totty stated that the Business Expo and Job Fair was a great success, the one thing she did see is moving forward is the collaboration between the Fairview Community Action Partnership Committee, the Chamber Committee and the schools, and the schools were very instrumental in helping. These three collaborations made a wonderful public service event. She thanked everyone for their help.
- B. Commissioner Carroll stated that the Host Group from the High School was a great help and wanted to recognize them for their help.

5. Public Announcements –

- A. City Manager Hyatt announced that City Hall will be closed on Friday March 29, 2013 in observance of Good Friday. There is a rabies clinic here at City Hall on Saturday March 30, 2013 from 1:00-3:00 p.m. given by Dr. Childs.

6. Approval of the Minutes –

- A. The minutes for the February 21, 2013 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. Mayor Totty asked if the minutes were in the packet. Mayor Totty made a motion to defer this until the Board is able to review them. Commissioner Carroll seconded the amended motion. All were in favor. This negated the original motion.

7. Old Business –

- A. Discuss and/or Take Action on City of Fairview Projects Workshop - City Manager Hyatt stated that we had a workshop this evening to go over the city projects.

The Greenway Project – we are waiting for a response from the State of TN for our amendment.

The Bowie Lake Road Project – begins on April 1, 2013 we'll see the widening project as it goes and enhancing that with sidewalks and street lamps.

Roadscapes Project – we have gotten approval from the State of TN on the amendment for a 12 month extension and are waiting on legal documents to be completed and are looking at a fall time table.

The Triangle School Project - we are in discussions with the Historical Society to see what we need to do next as far as the agreement that is in place.

The Bowie Park Forestry – we are speaking with the representative with the state forestry service sometime next week about marking the trees so we can go ahead and get that project out for bid.

The Welcome Signs – we are improving the one at the fire station on Hwy 96 and in a couple of weeks that project should start for replacement and we are looking at the third place for sign placement.

Safe Routes To School – the sidewalks, we are awaiting the environmental so we can move forward with that project and put that out for bid design as well as the MPO active transportation grant along Old Franklin.

The Paving Projects – we have coming up this summer and into next summer, we are going to be getting a list of roads to present it to the Board next month for approval, additions or changes to that plan.

Evergreen Park – we have been moving along quite well but we have more work to do as far as clearing some brush and getting a few of the logs removed that were downed by the beavers. We are going to purchase a few picnic tables and benches to be placed there hopefully in the next few weeks along with gravel for parking and more gravel on the road.

The Park Five Year Strategic Plan – is being worked on by the Park Board.

The Transportation Plan – we have gotten information on that for tonight and will be discussing that as an agenda item.

Farmer's Market – we are looking at changing the layout of the plat, we are looking at moving some things around so we can get a Farmer's Market maybe a slash combination amphitheater, we got a quote and it is somewhere in the neighborhood of \$13,000 for that type of structure to be put up.

The City Center Overlays – we will be talking about that later.

The City Surveys – sent to the Board two or three weeks ago and there will be more discussion as time goes, hopefully will get feedback and will present at a future meeting.

Mayor Totty made a motion to refer the History Village PUD to the planning commission. Commissioner Carroll seconded. All were in favor.

B. Second and Final Reading on Bill #2013-05 Ordinance No. 800 – An Ordinance to Amend City of Fairview, Tennessee, Municipal code, Title 8, "Alcoholic Beverages," Chapter 2, "Beer," Sections 8-220 and 8-222. "Prohibited Conduct or Activities by Beer Permit Holders and Suspension and Revocation of Beer Permits." Mayor Totty read the caption. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. City Attorney Cantrell stated that there were two typos that he said he would correct and they were corrected and in the packet. All were in favor.

8. New Business –

- A. Discuss and/or Take Action on Bowie Lake Road Widening Project Change Order #1 Utility Relocation – City Manager Hyatt deferred to Street Supervisor Kevin Holsinger. Mr. Holsinger stated that change order number one was part of the base scope but at the time of bid there was not adequate time to coordinate with all the existing utilities on how to locate them on the outside of the right of way. This change order is basically to cover the race ways for the existing utilities. AT&T and Comcast will provide the manpower and their materials and we will be providing race ways for Middle TN Electric and they will be providing their materials but we will have to purchase the transformers, which we have already been working with them on this. This was put out for bid and TN Valley came in the cheapest on the bids. Mayor Totty confirmed TN Valley would be the General in charge. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. Mayor Totty commented on the insurance that is required on utilities and if there is a need for additional to make sure that is done, if needed. Mr. Holsinger stated that he does have executed copies from the engineer's contract and once we sign them we can send them on to the contractor for final approval. Mayor Totty confirmed that we are still under budget and Mr. Holsinger said yes ma'am. All were in favor.
- B. Discuss and/or Take Action on agreement with Mark's Pops Inc. for Fireworks Display – City Manager Hyatt stated that this gentleman is the same gentleman that did our fireworks display this past year, the price is the same, nothing has changed. Last year there were a few that didn't pop and he gave us a refund, he is very honest and forthcoming and we recommend we go with this. This will be

July 3, 2013, similar to what we did last year, it will be on a Wednesday night, we get a better price by doing that and we thought we would get it kicked off around 4:00 or 5:00 o'clock, the main things happen after church and this shouldn't interfere with that and this would help bring more people out. We feel like this has been successful the last two year and would like to continue it. Commissioner Bissell made a motion to approve. Commissioner Carroll seconded it. Commissioner Sutton asked what the price was and Mr. Hyatt answered \$5,500 and it is budgeted. Mayor Totty stated that \$10,000 was budgeted. All were in favor.

- C. Discuss and/or Take Action on Town Center Overlay District – Commissioner Sutton asked City Manager Hyatt to help out on this. Mr. Hyatt stated that Donn has done some work on this, we wanted to talk a little bit about what we've done and we expect to do. Mr. Hyatt asked if everyone got a copy of the master plan and Director Lovvorn answered yes. Mayor Totty asked that it be put up on the screen. Mr. Lovvorn stated that there are several different aspects of the town center overlay district that is now on the ordinance with specific design districts, specific zoning districts and different neighborhoods within the town center which the town zoning ordinance refers to. The plan hasn't been followed totally from what has been laid out in this town center overlay district zoning ordinance, it calls for different road alignments and things of that nature that hasn't been followed. To update the plan with some minor revisions and or to update it with the changes that have already been made, the quote was \$2,500 to \$5,000 depending on the scale. If you want to totally revamp it, anywhere from \$30,000 to \$40,000 that would be one aspect of it. The other aspect would be the road alignment, we were asked to show a few of the road alignments. Mr. Lovvorn presented on the overhead and pointed out that the main road that was supposed to come into the town center, the actual master development plan called for a circle to go all the way around city hall and this main boulevard would tie into that circle and line up with which is now Grand Blvd which was supposed to line up with Tiger Trail, which that was an amendment when Western Woods came in, the first residential development, they realigned the road to Lake Road. So this alignment right here will line up with the road from Wiley Circle over to Grand Blvd which will line up with Lake Road, to tie into 96, the plan calls for a roundabout in this road section, the road would turn back and you could create a more block type system which is what most town centers have, a distinguished block and grid system. This road system would break up into several different quadrants and you could have several different developments inside those quadrants and also a road would line up with Boone Street and Boone Street would continue down and then we would run another road over from Chester Road over to Boone and then over to line up with the new traffic light at Cox Pike. And then a road to continue on through the park and over to road being built for the new Wal-Mart development. Mayor Totty asked about having a roundabout on the TVA right of way. Mr. Lovvorn stated you could as long as you don't have any vertical structures as long as it is just pavement you can pave under the power lines. Commissioner Carroll asked if that road was going through the actual part of the park and Mr. Lovvorn stated it is the development part of the park. Commissioner Sutton stated that it is time to move forward on this that it has been on the plan for ten years with nothing being done about and if we need to get the change then so be it and we need to take the necessary steps to do that and we can't have a cost structure until we get that. Mr. Lovvorn stated that you could go with the road layout which was part of the original plan that is coming down from 96 to Wiley Circle and we wouldn't have to redesign that road design because it is in the master plan. City Manager Hyatt stated that with this road design, it lends itself to a cost savings

of creating a different entrance to the park that wouldn't be as expensive as coming from Hwy 100 and money could be diverted to a smaller grand entrance. Mayor Totty stated that Lake Road being an existing road identifying the needs for expansions and auditing the roads, which is along the same lines as how to make that a better road as well as a connector road that we see is needed as traffic elimination. City Manager Hyatt stated that as you go down Lake Road about 1,000 to 1,500 feet you could almost extend Tiger Trail from that point instead of extending it from further up and make more of an intersection a little further down coming out Tiger Trail a little further down Lake Road and at less cost because there are no houses at this particular area, it's just wooded area that goes from Lake Road to Tiger Trail. Commissioner Sutton asked if there would be any problems since this was school property. City Manager Hyatt said he didn't think so since it was the original plan. Mr. Lovvorn stated that it was the original plan for that road to line up with Tiger Trail but when that first development came in, the developer couldn't acquire the property that would align the road with Tiger Trail, the only thing is if you want to put traffic down to the Tiger Trail the city would probably want to acquire that road as city property instead of it being a county road. City Manager Hyatt stated that a traffic light could be installed to help the school. Commissioner Carroll stated that she had heard some concerns about the traffic and this would have to be taken into consideration. City Manager stated that as part of the inventorying and auditing we would need to consider that how you develop it, how you extend it and as a road out here that has traffic calming devices with medians and sidewalks it could be really enhanced but he has heard the same arguments that it increases our traffic, it increases traffic during the day while our kids are at school but he submits that Fairview Elementary is on the busiest two roads of any school in town but they will accomplish it. Commissioner Sutton stated that another aspect to look at it is with Chief Cooper it gives us another emergency access to Westwood and he has heard comments that it would be nice if we had another way in and out but one of his main points is that we discuss and take action on moving forward with it letting Donn have permission to move forward with it on what we need to do and what the cost factors will be, however we need to determine that. City Manager stated that at some point and time we need to have a community charrette to have some designs and say this is what we are thinking about and have the community be able to come at different times at the schools, set up something to have the community come in at an open type atmosphere and offer suggestions and comments. Commissioner Sutton stated that we know right now that we are going to have to widen Lake Road we are going to have to acquire the property and look at the property deeds that go to the middle of the road. Commissioner Sutton reiterated that we need to move forward on this and get started on Phase I. Mayor Totty called the meeting back to item C and asked Director Lovvorn when he gave them the district regulations was he looking for anything for them to discuss or any of the districts to be altered or addressed because of the changes that have taken place. Director Lovvorn stated that the zone ordinance is what established the town center overlay, this ordinance has not been fully adhered to, there have been variances given and so the road alignment is not exactly where it should be, so you can update the plan that we have to show the discrepancies between what was approved by the overlay and incorporate them in an update and go ahead and use the document if you want to and those changes would be around \$2,500 to \$5,000 and if you want to change the whole scope of the overlay it would be \$30,000 to \$40,000, you can go with the minor changes because the major road goes from city hall over to Wiley Circle has been change a little bit and then you can add the other cross sections of roads and incorporate it into this document

to show where we want those road layouts to be and the cost should be around \$2,500 to \$5,000 range. Director Lovvorn stated that the bulk of the cost would be engineering fees for road analysis and analysis on what effect the changes have had on these documents. Commissioner Sutton made a motion to move forward on these engineering changes to bring it up to date with a limit up to \$5,000. Commissioner Carroll seconded. Mayor Totty asked do we have any concerns or addressments at this time about the districts. Director Lovvorn stated that the changes that have been made so far do not interfere with the different neighborhoods that have already been established by this document so the zoning districts that have been established by this should still be intact the only thing that has changed as far as this is where Bowie Commons sits, that was supposed to be the government core, we have set aside 10 acres on the backside of city hall for government core and they can show that reflection in that plan and the other districts should be pretty much intact because all that changed on that side were the road alignments. Commissioner Sutton asked if this would affect the Greenway Project. Director Lovvorn said the only thing that would change on the Greenway is that it would have a tunnel to go under the roadway. Commissioner Bissell stated that he didn't feel the need to spend the \$5,000 to have them upgrade it or revise it but what we need to do is identify where we want to build the roads and then figure the cost to build the roads, he feels it doesn't require to have a plan updated that we spent a lot of money on the first time and didn't follow it and what it all boils down to is the cost to do the roads and whether or not to do it piece meal or bond issue. Commissioner Sutton asked if we can get an accurate estimate on the cost to do the roads without having this upgraded. Director Lovvorn stated that we could pass this on to the city engineer and give him what has been drawn up and see if he can give us a cost analysis on what that would cost to build the roads on that phase from here to Hwy 96. Commissioner Carroll asked what would be the advantage of updating the plans. Director Lovvorn stated that if you update it then you amend this overlay district you will have an engineered document showing the road alignments and where they are supposed to be placed in town center, it will go to the Planning Commission, the Planning Commission will make a recommendation to the Board of Commissioners to amend the zoning for town center and when you approve that outline of that roadway technically you are supposed to follow it unless you amend it and then you would have to go back through the same process of amending that PUD plan and you it gives the city guidelines to enforce. Commissioner Bissell stated that he sees the document as a hindrance and the ideas put forth in this document 10 years ago were about a Fairview of 10 years ago and Fairview doesn't look like it did 10 years ago, the concept was a good one, we would have this city hall and we would have all this building around city hall that would form a town center and his belief is that eventually we will have some stuff around city hall but the economic center is going to shift down Hwy 100 and will be more off of the Wal-Mart. He stated that trying to develop a road plan and put it in these 10 year old documents doesn't serve any purpose. Commissioner Carroll stated that she does see the need for zoning but the vision in this document is not where we are going. Mayor Totty asked if the districts are still enforceable by this document because it's a recorded PUD. Director Lovvorn stated that he can stir them in the direction they need to go but it all falls on the Planning Commission and the Board of Commissioners when it comes down to the final approval, the way you control your growth areas is through zoning. Mayor Totty stated she agrees with Commissioner Bissell that the money may be better spent on what our true goal is and that is to find out what the cost for our roads for the congestion of the traffic. Commissioner Bissell stated that the document acts under the premise

that the developer builds the roads not the city and other places that he has looked at the city builds the roads and they recover their cost through impact fees. Director Lovvorn stated that he is working on a presentation for an impact fee with a spreadsheet to show what we are getting from development right now and what Franklin gets for the same development, what Spring Hill gets for the same development and what we could implement for a road impact fee just for building new roads and keeping maintenance on existing roads and will probably present at the next meeting. Commissioner Sutton stated that we are talking about getting a cost on the section of road from here to Hwy 96 and what is our cost to build that road. Commissioner Bissell stated that if we build the roads then we don't need to spend the money to update the document because there is no doubt where the roads need to go. Commissioner Sutton withdrew his motion. Commissioner Carroll withdrew her second.

- D. Discuss and/or Take Action on City Center Roadways and Other Road Development – Commissioner Sutton stated that the design to come in from Hwy 96 to Lake Road to Wiley Circle to city center has been sitting on the table for 10 years. Commissioner Sutton made a motion to move forward and look into total cost to implement a roadway, the preliminary design and preliminary construction cost and projected land acquisition on Phase I. Commissioner Bissell seconded. Commissioner Carroll suggested getting a cost analysis to do all the roads and have a plan in place and then divide it in sections. Director Lovvorn stated that you are not going to know what the true cost projection is until you get in to preliminary engineering and design because once they start getting into consideration the TOPO and things of that nature you won't know what the cost is going to be so when we get with Will and ask for a cost analysis on this road it's probably going to be far off because he hasn't done any engineering design on it. Commissioner Bissell stated that we just need to get a ball park figure to build the road and then add to that the land acquisition, we don't need Will to do a bunch of expensive drawings because that will have to come if we decide to do this. Mayor Totty stated that in the Williamson County Economic meeting today they said Williamson County will add a million residents in the next 10 years and Rutherford County and Williamson County will be in a population as Davidson County is seeing today. Mayor Totty clarified that the City Center roadway is the 96 to City Hall and the other roads are from City Hall to Wal-Mart, from Chester Road over to the Cox Pike intersection and connect to Old Nashville Road. Commissioner Carroll stated that over the years in all the meetings this has been our vision so let's get the total cost. Commissioner Bissell asked Mr. Lovvorn to give all the roads a name to identify them and then we can prioritize each road and we will be ready for the growth that's coming. Commissioner Bissell amended the original motion to include the other roads on this drawing. Commissioner Carroll seconded. Commissioner Sutton asked Mr. Lovvorn how long it would take to get back with some numbers and Mr. Lovvorn stated he would try to have something by next meeting or an update on where we are with it. Mayor Totty stated that Mr. Holsinger said he would be doing a road audit and bring that to the Board in April, that will become part of the discussion of what we are doing here because we don't want to put one of these un-built new roads as a number two priority if he brings up that this road and this situation becomes a priority, improvements of our roads that can create diversion of traffic which again is our main focus and we don't want to talk about borrowing millions of dollars to do roads and we haven't even talked about improvements and April is a great road discussion. All were in favor of the amendment. All were in favor of the original motion.
- E. Present FY 2012 Financial Audit – CFO Pewitt presented the findings of the audit, the first was the finding from 2010 for internal control he found that has

been corrected. The findings from 2011, the bank reconciliations that were not completed in a timely manner have been corrected. The only findings for 2012 are the gas pumps at the community services building, there's not enough controls over that, you simply had to have a key to work the gas pump, it didn't require that you punch in a card or anything to tell who you are or what vehicle you are using, so we put together a log to use but the other alternative we came up with was we have some Mapco cards and all of the police department uses the Mapco, since they have the biggest fleet, and you have to put in your mileage and the card is designated to the specific car and each person has their own pin number and the auditor was happy with this change. Ms. Pewitt stated that she has a letter that needs to be signed stating that she did present the audit to the Board. Mayor Totty asked if there was a time limit for presenting this, this was received December 15, 2012. Ms. Pewitt stated that his letter says December 15, 2012 but he had not completed it by December 15, 2012, she stated she submitted it to the Board as soon as she received it. Ms. Pewitt stated that he had to ask for an extension because they are due six months after the fiscal year and the extension gave him until the end of February which he did complete it by the end of February, and got it to the Comptroller's office on time. Commissioner Sutton asked about the cost on the Mapco gas. Ms. Pewitt stated that it is based on the price at the pump but we do not pay taxes. Commissioner Sutton asked how we come out as far as buying at the pump and purchasing it in bulk. Ms. Pewitt said she thinks Mapco will be cheaper since they can't tell if the bulk gas has taxes included plus the Mapco gives 3 cent discount for using the Rewards card. Commissioner Sutton asked about the quality of the gas and the mileage on the vehicle, and stated that the Mapco gas would give us worse mileage and the ethanol would cause more maintenance problems and asked for someone to look into that and do a cost analysis.

- F. Discuss and/or Take Action on May Fest – City Manager Hyatt stated that in light of recent turn of events with the last two special meetings that we had to approve the contract with Diamond Rio we were asked to seek out another entertainer, Marty Stuart, he is not available and as a result of that Diamond Rio decided they were not available either and we would like to know what the pleasure of the Board is at this point in seeking entertainment or having May Fest or not having May Fest or focusing on Fourth of July fireworks show, we just need your direction. Mayor Totty stated that she believes May Fest is a good added entertainer event for the city and that \$13,000 was budgeted for the event and she would like to see the event take place and be within budget and seek out entertainment. Commissioner Sutton stated he would like to see us go with local entertainment and asked what was paid on entertainment at Nature Fest that the figure he was looking for something along those lines and one thing someone had pointed out to him was possibly a gospel section with some of the churches getting involved and that he would like to see May Fest happen. Commissioner Carroll stated that she's at the point where it is late in the ball game, we couldn't make our mind up about the music, it puts stress on the city staff, it takes a lot of man power, we already have Nature Fest that has local talent, May is a hard month and was probably our down fall from the beginning because we have put on some very top notch things in the park with May Fest and had a great performers. She feels it's something that needs to be planned starting in April for next May if we want to bring in entertainment, if we want to highlight a big name or an up and coming, sometimes you just have to step back and reassess the situation, it's going to add a lot of stress to go a different direction at last minute, even though having local entertainers would be a good thing we have that and we are still going to have to have the man power in the park. Commissioner Sutton stated that the only thing we are changing is the

entertainment that everything else was already in place. City Manager Hyatt stated that not really we were waiting on the entertainment to be able to advertise to be able to get some vendors, we have had people inquire and even to participating that were not big names more local type things so we do have some contacts. Commissioner Sutton stated he would like to see us move forward with it, with local talent, and next we can start planning whenever you want to and have more options out there instead of one group for the Board to look at and have a workshop. Commissioner Bissell stated that the problem was not the planning we gave this to the staff to do, the staff did their research, they came to us, we approved it, we told them to go to Diamond Rio and they had \$20,000 to enter into a contract, he feels we didn't need a special meeting, somewhere along the line the Board got involved and the train got derailed and the results were a couple of things. One thing, what was supposed to be a May Fest that was going to building on last year's, if we don't build on last year's, we take a year off and stay with local talent then we've kind of lost that momentum. Two, we may have very well, because we reneged on a contract, we may have set ourselves up that getting someone else to play here other than local talent may not even exist anymore because the music industry is close knit. Commissioner Bissell stated that his vote is to cancel the whole thing, that's better to do then put on something that wasn't what we intended and roll that money into the 4th of July and hopefully we can get somebody for the 4th of July. Commissioner Sutton stated that we did have two special meetings and he feels that we do have excellent local talent here and if we throw this \$20,000 at the 4th of July there will not be a recovery process this is going to be pure cost. Mayor Totty stated that it was \$13,000 that was budgeted. Commissioner Sutton stated that we were going to spend \$35,000 on May Fest which is non-recoverable we had a chance to recover that going the other way, he feels we have some good local talent and stated that he never saw a list of who was available or the cost. Mayor Totty asked for staff to comment. City Manager Hyatt stated that he is a can do type person and he would not say we can't pull this off and one thing he wanted to clarify is that yes \$35,000 was the expenditure but we had planned to recoup all that money and make a profit, this would have been recognized through ticket sales, anticipated revenue from donations and that type of thing so it wasn't going to be a \$35,000 loss, I think it was going to be about a \$3,000 to \$5,000 profit, we can do whatever the Board wants to do, we'll make it happen, that goes without saying, Jenny has had people say over the past year that they would like to play, the only thing we could do is say they would have to play for free. Of course we would have some expense involved, we would have to get the stage, some sound equipment, that sort of thing, which we had already planned to do. Mayor Totty stated that this would be done with the \$13,000 budgeted amount and City Manager Hyatt said yes along with some donations and vendors fees, but along with getting port-a-potties, generators and equipment we should be able to meet that figure. Mayor Totty asked City Manager Hyatt if has spoken with staff since the changes have taken place are they motivated and passionate about it. City Manager Hyatt stated that he has spoken with the staff and they are a little disappointed but they could get motivated, we have a professional group of people that can do whatever needs to be done for the citizens of Fairview, we haven't started 4th of July yet, all we've done is get approval to get fireworks, and we won't start that until May Fest is finished and we will pull it together in 6 weeks or so. Chief Cooper stated that if the Board said we were going to have it this Saturday we would be there, we are at your service, coming from Kyle Jones, who is very tight with the music business, his advice was that they usually book over the summer for their season which starts the first of the year so if we are going to

book someone we should do it in the summer for next May. Street Supervisor Kevin Holsinger stated that his department has the can do attitude and we'll rally together whether it's local talent or paid for talent as long as we have the proper amount of time to prepare for it let's go ahead and find out what that date is and let's work towards the common goal and he doesn't feel there will be an issue doing that. Mayor Totty asked Mr. Holsinger if he wanted to see it happen, he stated as a citizen of Fairview he would love to see it happen. Superintendent Keith Paisley stated that as Commissioner Carroll was stating it is going to be very tough, we have done a lot and we can do a lot, we can do anything we put our minds to, the problem is we still don't have a date, we had to stop the vendors because we didn't know what date to give them and it's going to be tough on trying to get vendors now, Jenny and Nancy are still working on all their programs, summer camp is coming up and they are usually taking applications and could do both but right now it is going to interfere with summer camp as the park person I say we cancel it. Commissioner Carroll asked if they have gotten any vendors because no one has changed the date, Mr. Paisley stated that it was originally the 25th and then it changed to the 18th with Diamond Rio and then back to the 25th if we went with Marty Stuart so no vendors have been contacted. City Attorney Cantrell stated that he did advise the Board that a special meeting would have to be advertised at least 12 hours, not necessarily in the paper but you do have to post it in areas in which you would expect people to see it, we had that special meeting and the decision was to defer or not to take any action until we had a full Board. He stated that this Board is the only one who can approve a contract, this Board can delegate the authority to go and get all the data and bring it back to the Board and if they do this they need to do it in so apt words. He also pointed out that our Charter on page C-27 6-20-606 Exercise of Board's Powers states that the board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the board except through proceedings adopted at some regular or special session. Subsequent to that he stated he received an email that caused him a great deal of concern that some citizen had offered apparently the contract to a second entertainer and was curious to where this citizen arrived at his authority because the only people who can provide that authority is this board and they would have to set up some type of a creation of a job with us, the description of the job approve the hiring and then put this person out clothed with that authority and he does not recall that having been done, I think this person was working with the greatest intentions but people who deal with entities of the government are charged with knowing what my authority is and if they take some action that came down adverse to that individual an agent who acts without the authority of the principle acts without his own peril and he or she would be liable for whatever that person came after them for. He reiterated that if there are to be any special meetings they must be advertised at least 12 hours before the special meeting, the mayor can call a special meeting, the city manager can call a special meeting or any 2 board members can call a special meeting. Commissioner Bissell stated that his only concern is that we don't always know what to ask and as our city attorney you have to look for ways to help us accomplish whatever it is we wish to accomplish even if we don't know exactly how it is to do that in a legal stand point. Mayor Totty called for point of order. **Commissioner Sutton made a motion to proceed with it with the funds we have available and seek out local talent. Commissioner Carroll seconded.** Commissioner Carroll stated that if we are going to proceed on with May Fest and local talent she doesn't see a need to spend \$13,000 and if this is going to go on then she would like to adjust the amount we spend. Commissioner Sutton stated that the \$13,000 was

not just for the entertainment it was for putting May Fest on. Vote was called.

For: Sutton **Against:** Carroll, Bissell, Totty Motion failed 3 to 1.

G. Removed.

H. Discuss Bill #2013-09 Ordinance 804 An Ordinance to Amend the City of Fairview, Tennessee Municipal Code, Chapter 3, Section 4 "Occupational Safety and Health Program" Devise Rules and Regulations, and to Provide for a Director and the Implementation of Such Program as Follows. Mayor Totty asked when and at what meeting was this directed to prepare the ordinance. City Attorney Cantrell stated that he was requested to fill the ordinance by either the City Manager or Roy. City Manager stated it was both of them. Mr. Cantrell stated that there is very little change in that from our present ordinance, the city had a visit by TOSHA, it was mostly a courtesy thing, they came through and checked several things and they wrote up some stuff and suggested a couple of things and one was that the ordinance be changed and it's not anything drastic, we had someone's name in there as the director so we decided to just put the title of the individual that's in charge because the people change and the rest of it is more or less a housekeeping ordinance to satisfy TOSHA. Mayor Totty asked if this was standard for TOSHA. Mr. Cantrell said yes ma'am. Mayor Totty asked if it was standard for the Board to ask you to file an ordinance or can anyone ask you to change an ordinance. Mr. Cantrell stated that his directives come from the city manager and if a department head asked then he will get in contact with the city manager and let him know about the request. Mayor Totty stated that in the caption it states 'and to provide for a director' she asked if that was a new position being formed. Mr. Cantrell stated no ma'am; you've already got somebody in that. City Manager Hyatt stated that it is a responsibility, instead of having a name in there, TOSHA requested that we put a title, currently it is Roy Russell in that position. Mayor Totty recapped that TOSHA came and said we need to implement these changes. Mr. Cantrell confirmed. Mayor Totty asked to have this put on the first agenda in April for action.

9. City Manager Items for Discussion -

A. Miscellaneous Updates - City Manager Hyatt had none.

B. Staff Comments –

CFO Pewitt - presented the February financial with a power point, revenues are at 63% and expenses are at 67%. Mayor Totty requested that the Board see the report prior to the meeting. Mayor Totty asked not to hold back on any amendments, and Ms. Pewitt stated that the only amendment was on the signs.

Chief Cooper – stated that the 3 Safer Grant employees have to be paid in advance and then submit to the federal government and wait on the automatic deposit and this will make his budget roller coaster a little bit and June may be over budget.

C. City Attorney Comments – Mr. Cantrell stated that as of yesterday at 3:30 he was served with a law suit in which the city is being sued, it's a contest of the annexation of the Overby Road and Givens Cut Road, he immediately emailed a copy to the city manager, we have 30 days to answer and he didn't have anything further to add at this time the city will defend this at the appropriate time, the majority of this is public information but he may call an executive session to discuss legal issues that he doesn't want to disclose to his adversary until the appropriate time.

10. Communications from the Mayor and Commissioners –

A. Commissioner Bissell had none.

- B. Commissioner Carroll stated that she has been talking about the Ambassador Committee that the Williamson County Schools has done and it's group of community members all across the county and they have been touring schools and today was the Fairview tour and it was very exciting and she was very overwhelmed most of the day with pride by the presentations of our school kids. They really focused on showing our sense of community, how the teachers invest in the students, how the community embraces our kids. The presentation started out at Fairview Elementary where we got to witness their normal Friday meeting, they did it a day early for them and we got to dance to 'We Are Family' and we got to hear the awards and presentations. Then we went over to the High School and got to see some of the technical side and the programs that we offer, we met with the athletes and heard their stories. Then we went to the Middle School and were presented with a school lunch and ate while the chorus sang and they told the story of how they started with 13 and now they have over 100 kids in their music program. The rest of Williamson County was so impressed with our community and the sense of pride that we have. She is very proud of the groups that came together for the Chamber and the work that the Chamber and John did and the committees and FCAP. She recognized Linda Sullivan and the job she did
- C. Commissioner Sutton stated that he wanted to commend the city manager and the staff on the hard work that they do and the work on May Fest.
- D. Commissioner Carroll wanted to state that several times in this Williamson County Ambassador Board they've made reference to Fairview because they were so impressed the stand that we took to support the schools with the stand that we took with the BYOT.
- E. Mayor Totty requested a Budget Workshop on April 4, 2013 at 6:00 p.m. to review the last 90 days of the current budget. She referenced the website www.fairview-tn.org that we do solicit for citizens comments and stated we do want to hear from you as a citizen, asked to please watch our calendar for events that you might want to participate in, requested that we have placed on the calendar the Park Board on the first Monday of the month and the Planning Commission on the second Tuesday of the month. She wished everyone a Happy Easter and a Blessed Holiday Season.

11. Mayor Totty asked for adjournment.

- A. Commissioner Bissell made a motion to adjourn. Commissioner Carroll seconded. All were in favor. The meeting adjourned at 9:31 p.m.

Theresa Porter
City Recorder