

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

April 16, 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, O'Neal, Paisley

1. Call to order by Mayor Carroll at 7:01 p.m.

A. Prayer and Pledge led by Commissioner Johnson.

- 2. Approval of the Agenda** – Mayor Carroll requested the addition of item 10J as Discuss and/or Take Action on Contract for the Howlin' Brothers at Starlight Jam and 10K Discuss and/or Take Action on Recommendations from the Tree Board. Commissioner Bissell requested the addition of Discuss Employee Health Insurance Update as Item 10L and City Recorder Johnson requested the addition of item 9B Discuss and/or Take Action on School Donation Request. Commissioner Bissell made a motion for approval with Commissioner Johnson seconding. Commissioner Crutcher makes a motion to keep the agenda as published with Johnson seconding. He states it has become routine to add items after publication and he doesn't feel proper unless an absolute emergency. Mayor Carroll agreed but noted that time sensitive items do arise. Bissell states he agrees in principal but won't support tonight because he wishes to give adequate notice of the new process. Johnson requests the item be placed on the next agenda for discussion. Attorney Cantrell states it is legal and not a violation of the open records act on a regular meeting to add to the agenda and some items require a quick response. Sutton agrees as well but recognizes the sensitive time frame of some items. Carroll notes the same issue was brought up at the Planning Commission meeting and anyone has a right to request an addition to the agenda but the Board also has a right to say no. Johnson withdrew his second from the amendment and Bissell seconded the amendment. Vote on the amended motion: FOR: Crutcher; AGAINST: Bissell, Carroll, Johnson, Sutton; motion failed. Vote on the original motion: FOR: Bissell, Carroll, Johnson, Sutton; AGAINST: Crutcher; motion carried.

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

A. Bob Brooks – read a note from his wife, Donna, who couldn't be present. It's time for the community to come together and for all to take their share of the blame. Things will change but that may mean a raise in property taxes or a cut in services. If you have an idea that could be part of the solution please bring it to the Town Hall meeting on April 30. If you can't come send a letter with someone who can and remember that "none of us is smarter than all of us".

4. Awards and/or Recognitions –

A. Employee of the Month presentation by Mr. Hall to the following members of Fairview Fire Department for their participation in the active burn training: Captain, Scot Hughes; Firefighter, Dakota Day; Captain, Jesse Woodard; Lieutenant, Clay Gholson; Firefighter, Sean Grandowicz; Lieutenant, Sean Sullivan; Firefighter, Chad Harrah; Lieutenant, Scott Hughes; Firefighter, Jeremy Menear; Firefighter, Chad Delano; Volunteer Captain, Daniel Beard; Vol. Lieutenant, Terry Call; Vol. Firefighter, David Campbell; Vol. Firefighter, Grant Pine; Vol. Firefighter, John Mason; Vol. Firefighter, Brandon Walker; Vol. Firefighter, Christopher Carver; Vol. Firefighter,

Jacob Duffield; Vol. Firefighter, Christopher Highsmith; Vol. Firefighter, Austin Raines; Vol. Firefighter, Tamara Polston; Vol. Firefighter, Zachary Baker; Vol. Firefighter, Brandon Hurst; Vol. Firefighter, Kyle Lewis; Chief, Travis O'Neal; Firefighter, Sharon Yates; Captain, Kyle Jones; Firefighter, Nicholas Persinger; Captain, Jason Lankford; Vol. Engineer, Dylan Pine; Vol. Firefighter, Adam Wynne; Vol. Firefighter, Caleb Lovett; Vol. Firefighter, Michael Lowry

B. Burn Training Re-cap Presentation by Captain Scot Hughes

5. **Public Announcements** – City Manager Hall reminds everyone of emissions testing every Monday and Tuesday from 7:30 a.m. until noon. Mayor Carroll notes the Business Expo on Saturday from 10:00 a.m. until 2:00 p.m. at the Rec Center and the High School is selling plants. Commissioner Bissell states the first Starlight Jam is on Friday, April 24th in Bowie Park.

6. **Staff Comments** –

- A. Codes/Planning Director, Frank Humber states since January 1 we have issued 27 permits for new homes. If we continue at this pace we could issue 90 for the year. 9 of those permits were issued in April so it's a good start to the year.
- B. Finance Director, Tom Daugherty apologizes for his lack of report noting he will email it to the Board tomorrow. He anticipates numbers in the next 7 days for next year's budget. Daugherty states he met with Tim White of Benefits, Inc. and is very excited about a new benefits plan. He notes he spoke with Jim Werner of Cumberland Securities and it will be no problem to put together a schedule for payments based on facilities tax revisions. Local option sales tax for the month was \$86,000. Daugherty requests scheduling a meeting with Tim White to review the benefits package before the Town Hall meeting due to the requirement of 60 days notice to employees from a change in carrier. After some discussion it was decided there will be a special meeting on Tuesday, April 28th at 6:00 p.m. with Tim White of Benefits, Inc. to discuss employee health benefits for the coming year. Following will be a special joint meeting of the Board of Commissioners and Finance Review Committee.
- C. Parks Director, Keith Paisley notes Leipers Fork Bluegrass will perform at the first Starlight Jam next Friday. Saturday, May 2 is mulch day and we are asking for volunteers. Commissioner Crutcher states Crosspoint Church is hosting a Serving Saturday on May 2 to help spread mulch from 8:00 a.m. until about 1:00 p.m. noting there will be games and food and all are invited to help. Paisley continues that Saturday, May 9 is the Barks for Parks event from 9:00 a.m. until 2:00 p.m.

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 April 2, 2015 Board of Commissioners Public Hearing
- B. Approval of the Minutes from the April 2, 2015 Board of Commissioners Meeting
- C. Second Reading of Bill #2015-08, Ordinance No. 873, an Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XVI, Section 16-102.5, "Building Permits" and to Authorize the Non Enforcement of 2009 International Building Code Section 105, Permits, Subsection 105.2, "Work Exempt from Permit", Sub, Building, Paragraph (1), Which has been Adopted by the City of Fairview Shall not be Enforced by the Codes Department of the City of Fairview, Tennessee and Shall be Treated as Deleted

Vice Mayor Sutton read the captions. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

9. **Old Business**

- A. Discuss and/or Take Action on Potential Conflict of Interest Disclosure Document – Commissioner Crutcher made a motion for approval with Commissioner Bissell seconding. Crutcher notes this agreement was discussed at the previous meeting as Griggs requested permission to engage with Ragan-Smith on the Brownlyn Farms project in the capacity of designing the decentralized sewer system while not altering their typical role as City Engineer. All were in favor.

- B. Discuss and/or Take Action on School Donation Request - Commissioner Bissell made a motion for approval with Commissioner Johnson seconding. Bissell states he would vote to support this program if it is in any way possible. Vice Mayor Sutton inquires if the funds are available in the school fund. Finance Director Daugherty states yes but we have a negative unassigned balance plus a commitment of \$65,200 to the library expansion. Daugherty states he also questions whether this fund can pay for such a request. Commissioner Crutcher states the books state we have around \$400,000 in the school fund however it is deceiving due to the negative unassigned balance. Crutcher agrees with Daugherty on the expenditure being questionable based on our interlocal agreement. Attorney Cantrell states it is very clear in the statute that the county can't use the fund for anything but mortar and bricks but the city has some flexibility in their spending. Commissioner Johnson asks Daugherty if he had the final decision would he release the funds for this purpose. Daugherty replies he would not though he wants to very badly. Johnson states I think we all would like to but we shouldn't make a bad financial decision because the other sponsor dropped out. Carroll states this is a great program that greatly affects the students involved and I was hoping we could pay out of the difference in bids from the library addition. Sutton asks about the adjustment in budget after we received the bid and Daugherty answered the funds have not been appropriated yet so it is not in the budget. FOR: Bissell, AGAINST: Carroll, Crutcher, Sutton, ABSTAIN: Johnson. Motion failed.

10. New Business

- A. Discuss and/or Take Action on Interlocal Agreement Between Williamson County, Tennessee and the City of Fairview, Tennessee for the Provision of Animal Control Services – Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell states this is an agreement between Fairview and Williamson County for animal control noting the city does not have the staff nor the equipment to do such activities and for the money we are getting a good value. Finance Director Daugherty verified the amount is \$11,000. Mayor Carroll asked if that is what we currently pay and Vice Mayor Sutton stated it is currently \$5,000 and going up. Daugherty states he doesn't see as we have a choice for the increase next budget year. He continues that he spoke with Ms. Graham who told him they did a study and had not increased their fees in several years. Carroll asked if the city removed animals and Streets Director Paisley stated they remove carcasses only. Paisley noted the county works with citizens to use traps to catch animals and have recently improved to a non-kill shelter. Carroll states their services are utilized a lot in Fairview per social media. All were in favor.
- B. Discuss and/or Take Action on Bill #2015-13, Ordinance No. 878, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-602 "Tax Established" – Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell states this is to raise the rate on residential permits from 25 cents to 50 cents per 100 square feet. Cantrell states a few months ago we raised the commercial rate and City Manager Hall notes this is comparable to the rate in Spring Hill. Cantrell notes this rate has not been raised since the fee was implemented about 12 years ago. Crutcher raises concern about pricing ourselves out of the market knowing a developer will pass along fees to the end user. Johnson asks for figures on how much the 25 cent increase would add to the average home. Hall replied \$500 on a 2,000 square foot home. Johnson states he will request the agenda item for impact fees be tabled. Hall states the increase in revenue from this would go into the capital project fund. Carroll stated now is the time to consider an increase with the coming growth and development. It would impact only the new developments and in the long run would put us in a better financial situation. All were in favor.
- C. Discuss and/or Take Action on Bill #2015-14, Ordinance No. 879, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-604 "Use of Tax" – Vice Mayor Sutton read the caption with Commissioner Johnson making a motion for approval and Vice Mayor Sutton seconding. Attorney Cantrell states this ordinance assigns the proceeds to what the statute allows which is any capital project that is future. All were in favor.
- D. Discuss and/or Take Action on Setting/Raising Impact Fee – Commissioner Johnson made a motion to table the item with Commissioner Bissell seconding. Mayor Carroll asked for some elaboration on the thoughts behind the item. Johnson states we currently do not have the funds available for the study required so there is no need to discuss. City Manager Hall states he has heard between \$40-

50,000 for the study. Cantrell agrees that he agrees with that figure and adds that the study is quite comprehensive and would need to take into consideration updates as growth continues. Carroll questioned whether it would impact residential or commercial development and Cantrell states it could be both and the fee is per lot. Johnson states the fee in Franklin ranges from \$4,000 to \$20,000 based on the area. Carroll asks if this is something the staff might be able to budget for next year. Crutcher questions the length of time for seeing a return on our investment. Cantrell estimates a minimum of 6 months for the study and then would depend on rate of growth. Johnson states we have issued 9 permits in April and if each had a \$4,000 that would be \$36,000 but some locations allow the payment of the fee to be deferred until closing. Sutton requested more information on the process including a pay schedule for the study. All were in favor.

- E. Discuss and/or Take Action on Agreement for Fireworks Display – City Recorder Johnson presented the contract and noted the amount is the same from year's past and we are requesting donations to help pay for the event. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell requested the following changes: date, city address, mayor is customer and remove the guarantor section. Vice Mayor Sutton made an amended motion to approve based on the changes recommended by the city attorney with Commissioner Bissell seconding. Commissioner Crutcher asked about cost for last years event and Finance Director Daugherty stated there was \$12,000 in the line item but he thinks we only paid out about \$500. The possibility of only shooting fireworks was mentioned if the donations don't come in as expected noting voting on the fireworks contract does not put us on the hook for the entire event. All were in favor.
- F. Discuss and/or Take Action on Expiring Board Seats – Mayor Carroll states there are several board seats expiring in June including 1 Planning Commission seat, 1 Board of Zoning Appeals seat, 1 Industrial Development Board seat, 1 Beer Board seat, 2 Park Commission seats, 2 Tree Board seats and 3 Board of Adjustments and Appeals seats which we need to advertise for. Commissioner Bissell states the Park Commission seats are filled from within other organizations and notes he will advise Mr. Rowe to add this item to the next Park Commission agenda. Vice Mayor Sutton notes we need to notify those whose seats are expiring and advise them a letter of intent is required to be submitted if they are interested in keeping their current seat. No action was taken.
- G. Discuss and/or Take Action on Bill #2015-12, Ordinance No. 877, an Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Park Fund for Mulch & Replacement Slide) – Vice Mayor Sutton read the caption. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Crutcher states this is the budget amendment for the mulch project noting Crosspoint will reimburse for half of the cost of the mulch plus provide the manpower. The amendment also covers a replacement for a broken slide which a local teen broke but will be reimbursing the cost for replacing. Crutcher pointed out the current safety issue with the broken slide and low level of mulch. Mayor Carroll verifies the funds will be from the Park Fund and CFO Daugherty confirms. Carroll questions whether the funds are there even with other designations discussed and Daugherty confirms. Carroll states she hates paying out of the park fund but also hates to miss the opportunity for assistance and knows of the safety concern with mulch levels. All were in favor.
- H. Discuss and/or Take Action on Broadcasting/Recording of Meetings/Workshops – Commissioner Crutcher requests City Attorney Cantrell draft a resolution that all meetings, special meetings and workshops be televised, recorded and made available for viewing. Sutton questioned the exception of executive sessions and Crutcher confirmed yes, because they are away from another meeting and Attorney Cantrell states they contain privileged information. Crutcher amended the motion to exclude executive sessions with Mayor Carroll seconding. All were in favor of the amended motion which negated the original motion.
- I. Discuss and/or Take Action on Procedure for Board of Commissioners to Engage City Attorney – Commissioner Crutcher states according to the city charter, the City Manager is the only person who has the ability to engage the city attorney noting it is not appropriate of the Board or any person other than the City Manager or his designee to do so. Crutcher made a motion to have a resolution stating no member of any Board is to engage the attorney to draft an ordinance or resolution not first brought before the Board for a majority vote seconded by Carroll. Crutcher states another section in the code gives the Board the ability to contact the City Attorney for legal questions at any time. Bissell questioned whether the City Manager could authorize a Board member as his designee. Crutcher repeats that under our existing charter he doesn't think it is appropriate for the City Attorney to draft a document we haven't voted on. He states if we contact Mr. Hall with a proposal

we should do so in writing so he can verify the source and purpose. Johnson states he thinks it happens this way currently and the attorney always asks the City Manager for approval. Crutcher states he doesn't think he has authorization to unilaterally engage the City Attorney and spend taxpayers dollars. Bissell asks about budget amendments or contracts. Recorder Johnson states staff prepares the budget amendments. Cantrell notes he reviews them but staff prepares the amendments to save time and money. Crutcher states he is looking do right, stay above board and correct the appearance to the public of trying to do an end-around. Cantrell assures the Board the City has never paid for any work he's done not first approved by the City Manager (through 4 City Managers). Carroll states she feels presenting proposed changes in a prepared document takes away discussion and it costs money for revisions. Bissell states he is willing to see if this works better but he will bring it up to change if it slows down the process or ends up costing more money. Crutcher states he is trying to make things more transparent and suggests including the original ordinance to the agenda along with proposed changes. He's hoping for less divisiveness and truly has the desire to fix some previous issues. All were in favor.

- J. Discuss and/or Take Action on Contract for Howlin' Brothers at Starlight Jam – Mayor Carroll turns the item over to Jenny Herrera, Program Director who states this is a contract for \$300 from the Howlin' Brothers management company to perform at the Starlight Jam in July. She notes we are requesting donations for adult admissions to help the program become self-sustainable. Commissioner Johnson makes a motion for approval based on city attorney final review with Commissioner Bissell seconding. Carroll asks if they are going to recoup the funds spent through admission fees. Herrera replies there is a \$5 per adult suggested donation and they will also be selling waters and sodas. All proceeds go back into the program and there is a sponsorship opportunity as well. They currently have one sponsor, Lampley Storage. All were in favor.
- K. Discuss and/or Take Action on Recommendations from the Tree Commission – Vice Mayor Sutton read the recommendations from the Tree Commission which incorporated recommendations for projects including landscaping at the welcome to Fairview signs, City Hall, Bowie Park, History Village and the Roadscapes Project utilizing funds of over \$78,000 from the Tree Bank. Mayor Carroll made a motion to accept the recommendations seconded by Commissioner Crutcher. Commissioner Bissell amended the motion to refer the recommendations back to the Tree Commission stating there is no background information for the budget numbers and noting they mentioned projects not vetted with other committees or city staff. He asks that they address these issues and resubmit. Commissioner Johnson seconded the motion. Johnson states these are worthy projects but we need the proper information and a ranking of importance continuing that with current discussions of budget considerations using funds from the Tree Bank we can't allocate the funds tonight to pay for any of it. Carroll states these are not new projects and have been discussed by the Tree Commission for a while referencing dates stated in the recommendations. Crutcher states his initial thought was the Tree Board knows the potential to use Tree Bank funds in budget issues and this is a reaction to politics, however, he believes it is actually a concern for lack of funding for projects and they are asking to reserve the funds for the listed projects. Carroll agrees and states in the past we assumed money was set aside for projects but when it came time the funding was actually not there. Bissell states the FRC left that it was no longer considering using Tree Bank funds but I still don't think it's prudent to obligate those funds until we know for sure. He adds that we also need to consider maintenance costs with the plans. Commissioner Crutcher amends the amended motion that if we send this back for vetting we will not appropriate the Tree Bank funds for any other purpose until we receive the details back on these recommendations with Carroll seconding. Vote on the second amendment; FOR: Carroll, Crutcher, AGAINST: Bissell, Johnson, Sutton, motion failed. Vote on the first amendment; FOR: Bissell, Johnson, Sutton, AGAINST: Carroll, Crutcher. Motion carries. Original motion negated by first amendment.
- L. Discuss Employee Health Insurance Update – Commissioner Bissell states he, Tom Daugherty and Mr. Hall met with Tim White of Benefits, Inc. on the employee health plan for the next fiscal year. Bissell states they also met with another broker who was not very responsive to their needs. He states the new policy will be from United Health Care and will reduce the employees' deductible to \$1,000 from \$4,000, there will be no HRA, a slight increase in premiums, cost savings of \$50-73,000 to the city and will actually be a better policy. The employee will also reduce their catastrophic out of pocket from \$5,000 to \$2,500 (for singles) and there will also be an alternative plan for those who have a need to visit a lot of specialists. The rates will be as follows; \$100 for individual, \$200 for one plus one and \$300 for family coverage. We have also tweaked the prescription coverage to \$10, \$30

and \$60 depending on the drug. Bissell notes if we kept our existing Blue Cross Blue Shield plan it would have an increase of 25% for the next year. The new plan doesn't contain the fluff services such as HRA, FSA but the employees still contribute pre-tax and are getting a good value for their contributions. There is also a larger network than that of Blue Cross with Tri-Star included. No action.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states that was his only complaint from employees as well – changes to health insurance costs and coverage. Hall thanked Commissioner Bissell, Finance Director Daugherty and Tim White of Benefits, Inc. for their hard work on the benefits package which is resulting in big savings for the city. Hall thanked Dr. Oyer for the invitation to be part of the Special Olympics event and noted he really enjoyed watching the enthusiasm of the athletes.
- B. City Attorney Comments – Attorney Cantrell shared good news of our request to the State on consent agenda passed both the House and Senate and was signed on April 10 by the Governor. He notes we need to thank our Senator and Representative for their assistance in this process. He states we will need to repeal our interim process if the City Manager agrees and Mr. Hall agreed. He notes the ball is in the plaintiff's court on the Mooneyham suit.

11. Communications from the Mayor and Commissioners

- A. Commissioner Bissell gives some feedback from the FRC meeting. He notes that he didn't share his work because it was not in a publishable format and didn't want to add confusion but stated that he often does share his work. He appreciates those who have read his editorial in the Observer and acknowledges a relationship with his fellow commissioners. He states you can count on him to do the best job he knows how and he does not like the implication of collusion and the derogatory term of "good ole boys" used. He states he does not collude with fellow commissioners about any vote prior to a meeting but will not ostracize himself to placate assertions of collusion. Regarding the tree commission, he states we tried to work things through by the workshop held about roles of each committee. He states the charter doesn't give authority to committees and his goal is to make the roles of authority equal among boards/committees.
- B. Commissioner Crutcher states he did not take offense to Bissell not sharing his work at the FRC/BOC meeting. He notes he attended the elected officials academy and they talked about the prospect of a retreat for teambuilding purposes directed toward getting to know one another on a more personal level, build respect and MTAS can do workshops. He states in discussion of amending the agenda for regular meetings he mentioned the AG opinion when it was actually the Comptroller's opinion. Crutcher requests an item on the next agenda to handle recommendations from committees or boards.
- C. Commissioner Johnson - NONE
- D. Vice Mayor Sutton requested we move forward with obtaining details on the assistive listening system and if we can't get information from one company we should move on to another one.
- E. Mayor Carroll publicly apologized for skipping Vice Mayor Sutton's comments at the last meeting. She addressed Attorney Cantrell and stated that none of the conversations about engaging the attorney were directed toward him nor his rate. She clarifies that in no way do we think you are overcharging. She stated there was a lot of back and forth but does feel some decent work was accomplished tonight noting it is painful to grow both as a board and a city. She stated maybe MTAS could help with some discussions to work through the issues.

12. Adjournment – Vice Mayor Sutton made a motion for adjournment with Commissioner Crutcher seconding. All were in favor and meeting was adjourned at 10:19 p.m.

Brandy Johnson
City Recorder