

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

May 5, 2016

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, Interim City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Sutton (arrived late), Crutcher
Others Present: Hall, Cantrell, Daugherty, Johnson, Harris
Absent: Bissell, Johnson (left early)

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

A. Prayer and Pledge led by Mayor Carroll

2. Approval of the Agenda – Commissioner Crutcher made a motion for approval with Commissioner Johnson 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, 7315 Chester Road, notes the city has achieved notoriety recently in TV and newspapers and he has an idea for a movie about the city titled "The Incompetent Led by the Unscrupulous." Recommended scenes include: mysterious disappearance of negative personnel records, switcheroo of development plans between the Planning Commission and Board of Commissioners, Johnson misleading the BOC on the Cumberland subdivision, (Commissioner Johnson exited the meeting and Brooks points out this is the second time this commissioner has left the bench recently, not only does he lay down in his seat and text) a cloud over the Police Department, mistake in City Manager job posting contradicting the Board and Committee wishes, City Manager hiring practices, spending more than half a million more than brought in for operating expenses. That's just the surface and only half of my list. If that's just the surface, what about the rest of the iceberg? You say you are trying to fix yet nothing has changed. How much do the citizens have to endure?

4. Awards and/or Recognitions – NONE

5. Public Announcements

- A. Mayor Carroll announces that Graceworks West is now offering limited free legal assistance and those interested should contact Graceworks for more details
- B. Interim City Manager Hall issues a reminder of weekly emissions testing on Monday and Tuesday from 7:30 am until noon

6. Staff Comments

- A. Codes Director Hall states the plants are in for the Roadscapes project and hope to have them planted next week. The ceremony honoring Dan Kubit, who was instrumental in this project, is scheduled for May 22.
- B. City Recorder Johnson states the City Manager job opening has been posted and the application period ends May 31. We are having a transmission issue with Comcast Channel 19. Broadcasts

are fine for U-verse but not Comcast. Crews will be in town on May 11 and 18 for the census verification process which is the last step before submitting our census to the state.

- C. Daugherty states he has been busy finalizing figures for the budget
- D. Parks Director Paisley reminds everyone of the first Starlight Jam this Friday night featuring Madaline Garcia. All the half day summer camps are full but some full days are still open.

Attorney Cantrell noted for the record that we had a quorum when the meeting began, lost the quorum, no action was taken requiring the approval of the Board while there was no quorum, and now have a quorum again.

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 13, 2016 Special Board of Commissioners Meeting
- B. Approval of the Minutes from the April 17 Board of Commissioners Public Hearing
- C. Approval of the Minutes from the April 17 Board of Commissioners Meeting
- D. Second and Final Reading on Bill #2016-07, Ordinance No. 921, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for the Fiscal Year 2015-2016 Budget (Chipper)

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

9. Old Business

- B. Discuss and/or Take Action on Bill #2016-13, Ordinance No. 927, An Ordinance to Amend the Municipal Code of the City of Fairview, Tennessee, by Repealing, Title 9, Chapter 3, Sections 9-301 Through 9-304, "Charitable Solicitors" and to Re-Designate and Re-Number Said Title, Chapter and Section as Fairview, Tennessee, Municipal Code, Title 9, Chapter 3, Sections 9-301 Through 9-311, "Solicitors," and Title 9, Chapter 3, Sections 9-312 Through 9-316 "Delivery of Unsolicited Publications." – Vice Mayor Sutton made a motion to defer with Commissioner Crutcher seconding. All were in favor. DEFERRED.
- C. Discuss and/or Take Action on City Manager Hiring – Mayor Carroll she would like to discuss the suggestion made by the City Recorder that names and addresses be removed from city manager applications when submitted to the committee for review. Carroll notes the committee needs to look at qualifications not names and agrees that removing all information is the fairest way. Crutcher also agrees as long as nobody has the information it is the fair way to approach. Crutcher questions if the committee will be available for further insight after the interviews and Carroll states she agrees noting this was previously discussed with the committee. Crutcher questions the posting locations for the job ad and Recorder Johnson states the Tennessee, City of Fairview Website, TML website and paper, MTAS website, TNCMA website and ICMA website.
- D. Discuss and/or Take Action on Resolution No. 06-16, A Resolution of the City of Fairview, Tennessee, Adopting a City Policy Relative to Expanding the City of Fairview, Tennessee's Corporate Boundaries Outside the Boundaries of Williamson County, Tennessee - Mayor Carroll read the caption and Codes Director Hall stated we were approached a few weeks ago regarding our intent on extending the city limits beyond the county line. Cantrell notes this resolution doesn't say we will never extend beyond the county line but until changed by this or a future board the City has no desire for extension. Commissioner Crutcher makes a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- E. Discuss and/or Take Action on Cumberland Drive Development – Mayor Carroll states she asked this to be put on the agenda to discuss the process and what was said. Crutcher agrees and notes he believes the video speaks for itself. Codes Director Hall states he has worked out the following with the developer: fence at detention pond with landscape buffer, trees every 40 feet on Cumberland, extra nice landscaping at the entrance and at the houses that enter off Cumberland and the first traffic study has been done for the first entrance and a second will be required and we hope to incorporate the traffic light that has been needed for some time at Cumberland and 100. Carroll states it sounds like you've been working hard and they are working with you. Crutcher questions the 13 items from the engineer's letter and Hall states all but one item have been resolved (buffer for houses on Cumberland). Crutcher states he is most concerned about receiving the information the night this project came before the Board. Vice Mayor Sutton notes that problem can be solved by having the engineer present at the meetings and we need to make sure he signs off before the BOC approves.

Attorney Cantrell states he's not sure the Board had all the documents and suggests in the future the Board either recess to gather their thoughts or defer and when the agenda includes a PUD put the letters in bold and double underline so it is clear because when you approve the plan, you approve the zoning. Crutcher states Cantrell told us what to do and it should have gone back to the Planning Commission to deal with these issues and then come back to the Board. Instead, the conversation turned to all we are dealing with is the zoning. The Planning Commission is better equipped to deal with these issues but it was said several times this still has to come back for final approval. We rely on the advice of the Codes Director and City Attorney and in this case I don't feel like we got what we needed. The argument was this had to get pushed through due to concern over the property owner's rights. Mayor Carroll requested a video compiled by citizen Scott McCoy be played for review. The video included clips from the January 7, 2016 Board meeting, April 21, Board meeting and April 12 Planning Commission. Crutcher questioned why we received a different document than what was reviewed by the Planning Commission. Sutton states we can remedy that issue by requiring submitted plans to be signed off by the engineer. Crutcher states he feels deceived and taken advantage of though he is glad we could work out some of the issues. Crutcher continues that we want to take a position of being friendly to developers but not at the detriment of the citizens noting he is skeptical based on history and there should be a check and double check system for items like this. Mayor Carroll states we need and expect staff to point out the code and guide us in the right direction. Carroll is not pointing fingers there was confusion and after watching the video you can see why we felt deceived. We need safeguards in place so we don't keep running into these issues. The only way we can learn from our mistakes is to recognize them.

10. New Business

- A. Discuss and/or Take Action on Bill #2016-11, Ordinance No. 925, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Starlight Jam) – Mayor Carroll reads the caption and Finance Director Daugherty explains this moves \$300 from the Parks Donations account into the Parks budget for Starlight Jam entertainment. Commissioner Crutcher makes a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- B. Discuss and/or Take Action on Impact Fee – Vice Mayor Sutton requests deferral of this item noting after reviewing he discovered the study was from 1995 and would like more current information. Codes Director Hall states he discussed further with Spring Hill and discovered they had a staff engineer complete the study and it requires an engineer. Hall states he has two requests out for estimates and hopes to have for the next agenda. DEFERRED.
- C. Discuss and/or Take Action on \$17,000 Funding Request from Dr. Rice for History Village Water/Sewer Connection Work – Vice Mayor Sutton made a motion to defer until Commissioner Bissell returns. Sutton questions Codes Director Hall on whether a single tap is sufficient for the entire property and Hall replies that was confirmed by WADC. DEFERRED.
- D. Discuss and/or Take Action on 2016 Expiring Board Seats – Mayor Carroll notes City Recorder Johnson made her aware of the seats expiring the end of June and we need to contact existing members whose seats are expiring and they must submit interest to be considered for re-appointment. An ad needs to be run to advertise the openings and the Board will review applications on June 2.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – Interim City Manager Hall notes he will be out on Monday for his second eye surgery. Commissioner Crutcher asks if there has been any update on the investigation and Hall replies none. Crutcher states we have to do something as we have three officers on administrative leave being paid to sit at home. As a city, we need to take some action because paying three people to sit at home for months makes no sense from my perspective. Vice Mayor Sutton questions whether anyone has contacted the Sheriff on the timeline noting he heard there was still one interview to complete. Carroll notes she understands the frustration but we are utilizing their time and resources so we are kind of on their timeline. Crutcher states he is not blaming the Sheriff's department but taking that out of the equation we are costing taxpayers money and this leaves a cloud over the Police department so something needs to happen. Vice Mayor Sutton asks about the status of paving at the park and the guardrail at the school. Hall states he has been verifying whether engineering is required for the paving and will get the bid package out next week.

B. City Attorney Comments - NONE

11. Communications from the Mayor and Commissioners –

- A. Commissioner Crutcher - NONE
- B. Vice Mayor Sutton advises he spoke with the property assessor and he is pretty sure the certified tax rate will be 90 cents and anticipates the final numbers soon.
- C. Mayor Carroll states she respects citizens' rights to voice their opinion and know that sometimes commenting at the meeting is the only way they feel they have the full attention of their audience. Carroll requests that, in the future, we all be respectful and personal attacks are not necessary. Mr. Brooks' display of telling the story to make us realize how bizarre all the happenings sound. We are just people trying to serve and not all will like or appreciate what we do. Carroll states she has missed many things through the years due to her service. It's hard to feel so personally attacked and though it was probably not best for Commissioner Johnson to leave, his son is playing ball, and it is his prerogative to do so. Sometimes we passionately feel our voice needs to be heard but we need to be respected for what we do. We are people and there are appropriate ways to handle things. I, too, wish the investigation was at the end. We will follow up with the Sheriff as it is time to move the city in the right direction.

12. Adjournment – Commissioner Crutcher made a motion for adjournment seconded by Vice Mayor Sutton and meeting was adjourned at 8:26 p.m.

Brandy Johnson
City Recorder