

BOARD OF COMMISSIONERS

May 7, 2009

Ken Brison, Mayor
 Stuart L. Johnson, Vice-Mayor
 Eddie Arney, Commissioner
 Allen Bissell, Commissioner
 Toney Sutton, Commissioner
 Shirley Forehand, City Manager
 Larry Cantrell, City Attorney
 Kathleen Daugherty, Recorder

Present: Brison, Arney, Johnson, Bissell, Sutton, Forehand, Cantrell

Absent:

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

A. Mayor Brison reminded everyone that today is National Day of Prayer. The Prayer and Pledge to the Flag were led by Donn Lovvorn.

2. Approval of the Agenda –

A. Bissell made a motion to approve the Agenda as presented. Johnson seconded the motion. 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)

- (1) Adam Young of 7112 Harding Drive was present to inform the public that the auto mechanic shop at Fairview High School is being shut down. He feels the class is a real asset to the school and he does not feel that the class should be discontinued.
- (2) Dan Kubit of 7312 Clearview Drive asked his assistant for the Clean Sweep, Cassie Totty, to make a report. She advised that there were about sixty volunteers picking up trash this year and a lot was accomplished. Dan Kubit thanked all of the supporters for the project and advised that the next Clean Sweep will be on October 10th. Rosemary Kubit stated that they want to make Fairview a better place for everyone. She thanked Commissioner Sutton for contacting the Sheriff's Department and having help sent to clean up Whipperwill Hill. She also felt the codes department should require people to mow their back yards as well as their front yards.
- (3) Tim Hobbs the auto mechanic shop teacher was present to advise the public that the schools need more technical classes. They don't need to be closing the ones that they have. He asked everyone to contact the school board members.

4. Awards and/or Recognitions –

A. Commissioner Arney advised that the residents of Kingwood Subdivision wanted to thank the staff at city hall for their attention to problems in the subdivision.

5. Public Announcements – None

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Public Hearing Held on April 16, 2009. Johnson made a motion to approve the minutes as presented. Bissell seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Board of Commissioners Meeting held on April 16, 2009. Bissell made a motion to approve the minutes as corrected. Johnson seconded the motion. All were in favor.
- C. Presented for approval were the minutes of the Special Meeting held on April 21, 2009. Bissell made a motion to approve the minutes as corrected. Johnson seconded the motion. All were in favor.
- D. Presented for approval were the minutes of the Special Meeting held on April 30, 2009. Bissell made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.

7. Old Business –

- A. Presented for First Reading was Bill #2009-07: Amending the Beer Ordinance Section 8-210. Johnson read the caption and made a motion to pass Bill #2009-07 on first reading. Bissell seconded the motion. All were in favor.
- B. Presented for First Reading was Bill #2009-08: Amending the Beer Ordinance Section 8-212. Johnson read the caption and made a motion to pass Bill #2009-08 on first reading. Bissell seconded the motion. All were in favor.
- C. Presented for First Reading was Bill #2009-09: Adopting an Official Boundary and Zoning Map for the City of Fairview. Johnson read the caption and made a motion to pass Bill #2009-09 on first reading. Bissell seconded the motion. All were in favor.
- D. Presented for First Reading was Bill #2009-10: Adopting a Street Map for the City of Fairview. Johnson read the caption and made a motion to pass Bill #2009-10 on first reading. Bissell seconded the motion. All were in favor.
- E. Approval of Contract to hire an Architect for the Fairview Fire Station Project – City Mgr. Forehand advised that Spoon Architecture has agreed to do the project for 5.5% of the total cost. She also advised that the city attorney prepared the contract. Bissell made a motion to approve the contract. Johnson seconded the motion. Brison asked that it be put in the contract that the City will keep the plans. After further discussion, Arney made a motion to amend the original motion to include that the City will keep the plans for the project. Sutton seconded the motion. Mayor Brison asked for vote on motion as amended; For: Arney, Sutton, Brison and Johnson. Against: Bissell. Motion passed. Vote on original motion; For: Arney, Sutton, Brison and Johnson. Against: Bissell. Motion passed.
- F. Discuss and/or take action on fire station including but not limited to site and grading reports etc. – City Mgr. Forehand suggested that since they have voted to use the land at the Public Works Department that they form a committee consisting of the Fire Chief, One Commissioner, and the City Manager to meet and bring a design back to the Board. City Engineer Jamie James was asked what it would cost to upgrade the road that leads to Hwy. 100. He advised that it will take approximately \$100,000 if they do not have to move the water lines that go to the water tank. Bissell advised that he had thought the Public Works site was ready to build and now he finds out there are others things required. He was not sure they should limit themselves to city owned property since there are other properties out there for sale. Arney stated that he agrees with Bissell and feels they need to step away from the Public Works site. He suggested that a couple of

the Board Members and the City Manager get together and look at other properties. After further discussion, Sutton made a motion to have an Ad Hoc Property Committee Meeting to look at other properties. Arney seconded the motion. All were in favor. It was decided to have the meeting on Monday, May 11, 2009 at 5:30 p.m.

8. New Business –

- A. Recommendations from the Planning Commission Meeting held on April 14, 2009: **None**
- B. Approval of Requests from SouthStar, LLC – Mayor Brison turned the meeting over to Vice-Mayor Johnson since he has an interest in this project. Mr. Ralph Knauss from SouthStar advised that they are making the request for the following eight items to be passed because they want to complete this project under the name Bowie Commons LLC. City Attorney Cantrell explained that all of these items are merely name changes and no other land is being transferred.
 - (1) Presented for First Reading was Bill #2009-11: An Ordinance amending City of Fairview Ordinance No. 715 authorizing the Sale of Certain Property (Bowie Park Property) to Bowie Commons, LLC in lieu of the original agreement to sell this Property to SouthStar, LLC as provided for in the original Ordinance. Johnson read the caption and made a motion to pass Bill #2009-11 on first reading. Arney seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.
 - (2) Approval of a 2nd Amendment to Contract for Sale of Real Estate for the “Park Property” as referenced in Item 1 above which formally changes the “Buyer” from SouthStar, LLC ***to Bowie Commons LLC**. Johnson read the caption. Bissell made a motion to approve the Amendment. Arney seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.
 - (3) Presented for adoption was Resolution No. 07-09: Amending the City of Fairview Resolution No. 47-08 authorizing the Sale of the Fairview Station Property to Bowie Commons, LLC in lieu of the original agreement to sell the Property to SouthStar LLC as provided for in the original Resolution. Johnson read the caption. Arney made a motion to adopt the Resolution. Bissell seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.
 - (4) Approval of a 2nd Amendment to the Contract for Sale of Real Estate for the “Fire Station Property” as referenced in Item 3 above which formally changes the “Buyer” from SouthStar, LLC to Bowie Commons, LLC. Johnson read the caption. Arney made a motion to approve the Amendment. Bissell seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.
 - (5) Presented for adoption was Resolution No. 08-09: Amending City of Fairview Resolution 02-09 authorizing the Purchase of a Pubic Roadway (together with underlying Right-of-Way) through Bowie Commons from Bowie Commons, LLC in lieu of the original agreement to purchase said Public Roadway from SouthStar, LLC as provided for in the original Resolution. Johnson read the caption and made a motion to adopt the Resolution. Bissell seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.
 - (6) Approval of a Contract for Sale of Real Estate for the Purchase of a Public Roadway as referenced in Item 5 above. Johnson read the caption. Arney made a motion to approve the Contract. Bissell seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.

- (7) Approval of a Partial Release of and Amendment to the Restrictive Covenants related to certain Deed Restrictions which were placed upon the Bowie Park Property by Dr. Evangeline Bowie and are to be removed from the portion of Park Property being sold by the City of Fairview as referenced in items 1 and 2 above. Johnson read the caption. Arney made a motion to approve the Partial Release of and Amendment to the Restrictive Covenants. Bissell seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.
- (8) Presented for adoption was Resolution No. 09-09: To set the date of May 21, 2009 for a Public Hearing on Amending Ordinance No. 715. Johnson read the caption and made a motion to adopt the Resolution. Sutton seconded the motion. For: Johnson, Arney, Bissell, Sutton. Abstain: Brison.

Vice-Mayor Johnson turned the meeting back over to Mayor Brison.

- C. Discuss and/or take action on amending the sign ordinance Section 11-108.6 (Flags and Streamers) – Commissioner Bissell advised that after a recent contact from a local business owner and his interaction with the Codes Department he feels this section of the Sign Ordinance may hamper our citizens. Therefore, he would like to submit to the Board to repeal this section of the Sign Ordinance. He then made a motion to repeal Section 11-108.6 of the Sign Ordinance. Brison seconded the motion. A discussion followed concerning a local business that has streamers and is asking for a variance before the Board of Zoning Appeals on May 18th. Arney stated that the sign ordinance may need to be amended to limit the number and size of flags and streamers but not repealed in its entirety. Mayor Brison asked for a vote; For: Bissell, Brison, Johnson, Sutton. Against: Arney. Motion carried. A discussion was held on whether the business in question should appear before the Board of Zoning Appeals. It was decided to ask the BOZA to continue the scheduled meeting on May 18th until after the second reading of the ordinance to repeal Section 11-108.6 of the Sign Ordinance.
- D. Estimate of Revenues and Expenditures for fiscal year 2009-2010 – City Mgr. Forehand presented a copy of the proposed budget and a schedule for adoption. (see attached memo) She advised that she is not asking for any action at this time; the Charter requires the city manager to submit budget figures to the Board before May 15th. Arney asked about having Committee Meetings to discuss the proposed budget. Forehand stated that is an option of the Board. Johnson suggested that they review the figures on their own and decide at the next meeting if they want to have Committee Meetings.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates – Forehand reported that Workforce Essentials has received a grant to provide summer employment for youth. The program begins June 1st and runs thru July 31st and is open to individuals 14 to 24 years of age who are economically disadvantaged or face other employment barriers. The salary will be \$7.25 per hour. We have applied for two positions to be used during the camp season or wherever Mr. Hooper needs them.
- B. City Attorney Comments – Cantrell advised that he had a few comments on the eight items under new business. He advised that a lot of work went into these items and wanted to thank everyone that had a hand in getting all the items together.

10. Communications from the Mayor and Commissioners –

- A. Sutton advised that he agrees with Tim Hobbs about the training programs at Fairview High School. He asked that everyone contact their local school board member and let them know that we need more technical training in our schools.
- B. Arney stated that he also asked everyone to contact the school board members. He also advised that he would like to see them go over every line item in the budget as they did in the past.
- C. Bissell thanked the Kubits for the Clean Sweep Project on Saturday. He thanked his fellow commissioners for voting to repeal Section 11-108.6 of the sign ordinance.
- D. Johnson thanked the business owner for being patient during this sign process. He also thanked Ralph Knauss for what he has done now and as this project moves forward.
- E. Mayor Brison yielded the floor to Ralph Knauss. Mr. Knauss announced that they have secured Publix Supermarket for their anchor store in Bowie Commons. He thanked the Board for their help and support.
- F. Mayor Brison thanked the Kubits for their hard work on Clean Sweep.

11. The meeting adjourned at 8:30 p.m.

***correction**

Mayor

City Recorder