

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

May 7, 2015

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

Present: Carroll, Sutton, Bissell, Crutcher, Johnson

Others Present: Hall, Cantrell, Humber, Daugherty, Johnson, Paisley

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

A. Prayer and Pledge led by Mayor Carroll

2. Approval of the Agenda – Vice Mayor Sutton requested deferring item 9E until the first meeting in June and made a motion for approval of the agenda with Commissioner Bissell 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. Al Tarolli spoke on behalf of the Friends of Bowie Park with some reminders about the Park Fund and stipulations set June 17, 2008. According to terms of the sale, the proceeds of \$450,000 for selling park property to SouthStar were to be used only for improvements to Bowie Park. The Friends submit that some recent expenditures from that fund were not as intended such as repaving Bowie Lake Rd and related engineering costs, engineering costs for the proposed Greenway Grant, salaries and other related expenses, new truck and utility vehicle for staff use which total close to \$200,000. The Friends believe provisions should be made within a reasonable amount of time (10 years was mentioned) to repay the Park Fund. It was stated that a previous loan for police cars of \$50,000 was repaid. The Friends also understand the Park Fund is being considered as a source for salaries in next year's budget in the amount up to \$100,000 and they do not agree with this expenditure. Tarolli states many of the park's financial assets were lost years ago such as Evergreen Industrial Park and the land used for City Hall. They understand money will never be received for these past transactions but it's not too late for the remaining funds from the SouthStar transaction.

4. Awards and/or Recognitions – Mayor Carroll noted this is Public Works Week and thanked our department for all their hard work.

5. Public Announcements –

- A. City Manager Hall issues a reminder of emissions testing every Monday and Tuesday from 7:30 a.m. until noon.
- B. Hall also noted the pre-construction meeting was held for the Resurfacing of Cox Pike and Cumberland Drive and this project that has been on the table since 2011 is almost complete.
- C. Mayor Carroll stated the Taste of Fairview will be held by the Chamber on Tuesday, May 19 from 6:00 – 8:30 p.m. in the Food Lion parking lot. Proceeds go to benefit Meals on Wheels.

6. Staff Comments –

- A. Frank Humber, Codes Director notes the repaving project should begin May 22nd or shortly after and electronic message boards will be utilized to make residents aware. Total construction time is 4 days. Humber notes he visited with Murfreesboro utility district to learn more about their decentralized sewer system. He states it was a very informative meeting and these systems have been working very well there for about 15 years now. The Walton rep was there also and noted they are working on construction plans for the first phase of BellHaven. Humber states he met with the civil engineer for Hardees and they anticipate submitting plans in June for approval.
- B. Brandy Johnson, City Recorder states applications are available on the website for sponsorship and vendors for our July 3 event.
- C. Keith Paisley, Parks Director thanked Crosspoint Church for their hard work and donation of mulch for the playground. Barks 4 Parks is Saturday, May 9 from 9 am until 2 pm.
- D. Tom Daugherty, Finance Director welcomes Tim White of Benefits, Inc. and John Werner of Cumberland Securities to our meeting and thanks them both for their hard work. Daugherty notes there will be a joint Finance Review Committee and Board of Commissioners meeting on Tuesday at 5:00.

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 16, 2015 Board of Commissioners Meeting
- B. Approval of the Minutes from the April 28, 2015 Board of Commissioners Special Meeting
- C. Second Reading of Bill #2015-09, Ordinance No. 874, An Ordinance to Amend the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Police ATV from Drug Fund)
- D. Second Reading of Bill #2015-10, Ordinance No. 875, An Ordinance to Aid in Establishing a Healthy Workplace for the Employees of the City of Fairview, Tennessee, by Addition to the Municipal Code, Title 4, of a New Chapter and Sections, Chapter 5, Section 5-101, "Healthy Workplace Act" and 5-102 Model Abusive Conduct Prevention Policy
- E. Second Reading of 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 & slide)
- F. Second Reading of 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"
- G. Second Reading of 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 captions of items C through G on the consent agenda.

Commissioner Bissell requested the removal of item C from the Consent Agenda to vote on it separately. Vice Mayor Sutton makes a motion for approval with Commissioner Johnson seconding. All were in favor.

Removed item C – Commissioner Bissell recuses himself from voting because he will utilize the vehicle. Vice Mayor Sutton made a motion for approval with Commissioner Crutcher seconding. All were in favor with Bissell recused.

9. Old Business

- A. Discuss and/or Take Action on Resolution #10-15, A Resolution Requiring all City of Fairview, Tennessee Meetings, Special Meetings, Workshops and Any Other Meeting Subject to the Tennessee Open Meetings Law (T.C.A. §8-44-102, Etc.) Exclusive of Executive Sessions, Shall be Televised, Recorded and Posted for Viewing – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Crutcher seconding. Crutcher states he amended the resolution to include all boards and makes a motion to approve as amended with Vice Mayor Sutton seconding. Commissioner Bissell asks about non-cancellation in the event of technical difficulties and amends the motion to add a clause in the event of unforeseen broadcast equipment failure the meeting will continue as planned with Commissioner Crutcher seconding.

- All were in favor of the amended motion. All were in favor of the 1st amendment. Motion carries as amended.
- B. Discuss and/or Take Action on Resolution #11-15, A Resolution Requiring the Agenda of the Board of Commissioners and the Board of All Commissions and Committees of the City of Fairview, Tennessee Not Add Items to Their Published Meeting Agendas Unless Emergency or Exigent Circumstances Have Arisen After the Agenda was Published but Before the Commission or Committee Meetings – Vice Mayor Sutton read the caption and makes a motion for approval with Commissioner Crutcher seconding. Commissioner Crutcher makes an amended motion to approve as redrafted with Commissioner Johnson seconding. All were in favor.
 - C. Discuss and/or Take Action on Resolution #12-15, A Resolution Requiring All Members of the Board of Commissioners, All Commissions and Committees of the City of Fairview, Tennessee Appointed by the Board of Commissioners to Bring Any and All Resolution(s) or Ordinance(s) They Desire to be Prepared by the City Attorney Before the Board, Commission or Committee Upon Which They Sit for a Majority Vote Before the City Attorney May be Engaged to Prepare the Appropriate Documents – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Crutcher seconding. Crutcher states he has considered a statement from Commissioner Johnson at the last meeting and amended the resolution so that a commissioner might engage the City Attorney in writing stating the purpose noting he believes with the change of handling agenda items it remedies the prior concern. Crutcher made a motion for approval as amended with Vice Mayor Sutton seconding. Johnson stated he believes this allows the City Manager the ability to move forward on a proposed item but also creates a paper trail to make all aware of the situation. All were in favor.
 - D. Discuss and/or Take Action on Employee Health Plan for 2015-2016 Fiscal Year – Commissioner Bissell recommends no action tonight because of the upcoming budget meeting on Tuesday noting he thinks we should vote the health plan in conjunction with the budget but to take the opportunity tonight to ask Mr. White questions. Finance Director Daugherty states if we can have a vote by Tuesday noting it is important to decide ASAP for a smooth transition for employees. Bissell asks White if the plan we are leaning toward is top of the line or if there are more comprehensive plans available. White states on the United platform there are two better plans that are not shown because they didn't fit the budget noting they were 7 to 8% increase incrementally in each of those plans. Bissell asks what companies White pitched to for bids. White answers they requested bids from Blue Cross Blue Shield of Tennessee, United, Aetna, Cigna, Assurant and Community Health – all available viable options and only Blue Cross and United came back with proposals. Bissell asks White if our enrollment numbers remain steady and we stay with Blue Cross Blue Shield in the current format but without the HRA the cost still increases 15%. White confirms. Bissell notes White has been working with the city for some time and he trusts his expertise. Bissell asks White of all the government agencies he works with is the plan we are proposing in the top 1/3, middle or bottom? White answers the current plan is in the bottom 1/3 and the proposed plan would fall in the mid to top 2/3 of his clients comparatively. Crutcher asked if the dental was changing at all and White answered there is a slight increase in premiums. Crutcher asks of the \$391,000 spent last year on premiums was that for medical only and White confirms. Crutcher asks how our employee contributions stack up to other locations he services. White states WADC has the exact plan and they pay 100% of employee portion and a good bit of the dependents also plus they have higher rates. Commissioner Crutcher presents some ideas he put together and changes to employee premiums verifying his numbers with Tim White. White states the numbers work. Crutcher states we can discuss this in more detail on Tuesday. Attorney Cantrell notes the meeting notice will need to be revised to include this item. Vice Mayor Sutton makes a motion to defer until Tuesday and advertise in the notifications seconded by Bissell. All were in favor.
 - E. Second Reading of Bill #20154-11. Ordinance No. 876, an Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs." Chapter 4, Tree Planting and Protection," Section 13-404, "Duties of the Tree Commission, Section 13-409. "Community Tree Plan," Section 13-411. "Trees on Private Property," Section 13-419. "Appeal from any Recommendation(s) of the Tree Commission." – DEFERRED UNTIL JUNE 4, 2015

10. New Business

- A. Discuss and/or Take Action on Debt Restructure Through Cumberland Securities, Presented by John Werner – Bissell turns the item over to Finance Director, Tom Daugherty, who introduces John Werner of Cumberland Securities out of Knoxville. Werner represents cities and utilities across Tennessee and called Daugherty on a courtesy call several months ago. During that call, Daugherty related a history of the city's finances and the stabilization plan recently passed and discovered that Werner just might have something the city is in desperate need of. Werner shares the difference in financial position the debt restructure can have for the city over the next few years. Werner notes that currently 43% of the city's debt has variable rates and one of the big benefits of the restructure is locking in current low interest rates. Some of the purchases recently have been through leases and they would be converted to debt as part of the restructure so everything is in a single package. Werner can't give a certain figure on the interest rate but from his best figures it should be around 2.78% which is a very reasonable rate considering the city does not have a rating with Moody's, S&P, etc. The restructure will allow equal payments of \$250,000 through 2030 which will free up cash flow to put into the general fund. Werner asks for permission to file a refunding report on the City's behalf with the Comptroller's office. He notes there is a 20 day protest period and instructions will go into the local paper and resolutions are required to issue the bonds as well as an engagement letter with Cumberland Securities and engagement with bond counsel. Commissioner Johnson asks if the current leases can be bought out and if there is penalty. Werner states they can and there is a pre-pay penalty in the agreements but they hope to work through those. Commissioner Crutcher asks which items are leased and Werner replies the pumper truck, a rescue vehicle, police vehicles and the debt for this building. Crutcher asks if the buyout can wait until December or January and Werner states he is trying to get it done sooner so we don't have to worry about carrying the cost of the additional debt payments. Crutcher states we have \$25,000 of debt payments in the future budget and Werner clarified you will still have to pay the interest but not principal for this year. Crutcher asked how long the process is and Werner replied once we start the 20 day protest period and get the ratings it should be around 60 to 70 days. Carroll asked about extending some of the debt and the life of the asset such as the police vehicles. Werner notes he will provide an amortization schedule and the autos will be paid off before other items. Commissioner Bissell makes a motion to engage Cumberland Securities to represent the City in the debt restructure seconded by Commissioner Johnson and all were in favor. City Recorder Johnson read the caption of Resolution 14-15 with Commissioner Bissell making a motion for approval and Commissioner Johnson seconding. All were in favor. City Recorder Johnson read the caption of Resolution 15-15 with Commissioner Bissell making a motion for approval and Vice Mayor Sutton seconding. Carroll asked about the Public Works phrase and Werner notes it refers to the pumper truck which are used for public function. All were in favor.
- B. Discuss and/or Take Action on Resolution No. 13-15, A Resolution Ratifying the Authorization of the Issuance of Interest-Bearing General Obligation Capital Outlay Notes, Series 2012 of City of Fairview, Tennessee, in an Aggregate Principal Amount of Not to Exceed One Hundred Seventy-Eight Thousand Seven Hundred Forty-Six Dollars (\$178,746); Ratifying the Issuance, Sale and Payment of Said Notes, Ratifying the Terms Thereof and Ratifying the Disposition of Proceeds Therefrom; and Ratifying the Levy of Tax for the Payment of Principal Thereof and Interest Thereon – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Bissell seconding. Werner notes that when researching for the restructure it was discovered that the debt on the pumper truck was never fully and properly submitted to the Comptroller. Resolution 13-15 ratifies the action and will be submitted to the Comptroller for full compliance. All were in favor.
- C. Discuss and/or Take Action on Handicap Accessible Swing for Bowie Nature Park – Commissioner Johnson asks Al Tarolli of the Friends of the Park to discuss the swing. Tarolli states the Friends have applied for a grant with MTEMC that would provide the funds to purchase a handicap accessible swing, an ADA approved water fountain and 70 more piling caps for the right side of the park. He states the grant will be submitted in the next few days. Johnson states no action is needed this was a point of information noting the total cost for the swing is \$1,028 and a wheelchair can be locked into place so those of differing abilities may utilize the playground as well.
- D. Discuss and/or Take Action on Establishing a Meeting Recess at First Change of Agenda Items After 9:00 p.m. – Commissioner Johnson states that due to some lengthy meetings he would like to make a motion that we establish a regular recess after the first agenda item after 9:00 p.m. with Vice Mayor Sutton seconding. All were in favor.

- E. Discuss and/or Take Action on Procedure for Recommendations from Boards/Committees – Commissioner Crutcher notes in the past there was a line item on the agenda for recommendations from other boards/committees and I would like to discuss the possibility of adding this to the agenda. Crutcher makes a motion to initiate the process to amend the agenda to include a line item for recommendations from boards/committees to be on the agenda every time. Bissell states this seems counterproductive to legislation just passed though I don't mind them being on there as old or new business. Bissell also shared he feels the chair of the board/committee should be responsible for making any presentations to the Board and not city staff. Crutcher agreed with Bissell noting his intent was not to do opposite of the newly passed resolution and states they should abide by the same agenda deadline. Johnson states all committee chairs should be sent the steps and deadlines to get on the agenda. Crutcher withdrew his motion. Bissell made a motion that if a committee presents an item either the chair or vice chair of the committee/board should be present to answer questions with Johnson seconding. Crutcher states if you amend to any officer I would agree to it. Bissell states we require members of the public to be present when they do business at a meeting it is not an unreasonable request. Bissell withdrew his motion and Johnson his second. Bissell makes a motion that any board/commission with an action item on the agenda (does not include information only items) that an officer of that board/commission must attend the meeting to present and answer questions with Crutcher seconding. All were in favor.
- F. Discuss and/or Take Action on Bill #2015-15, Ordinance No. 880, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-402 (1)(h), "Anti-Noise Regulations." – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. Codes Director Humber notes this is one of three items tonight as a result of the Codes Review Committee work. Attorney Cantrell states this changes work hours from 8 to 6 on weekdays only to now also include Saturdays in that time frame. All were in favor.
- G. Discuss and/or Take Action on Bill #2015-16, Ordinance No. 881, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning code, Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language," Paragraph L – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. Codes Director Humber states this is to remove references to Mt. Juliet in our codes and replace with City of Fairview. Attorney Cantrell states the former planner for Mt. Juliet assisted with these items for the City of Fairview and not all the changes were picked up originally. All were in favor.
- H. Discuss and/or Take Action on Bill #2015-17, Ordinance No. 882, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code Title 16, "Streets and Sidewalks, Etc.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours" – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. Humber states this relates to working on streets, sidewalks and excavation and will allow working hours on all days but Sunday. All were in favor.
- I. Discuss and/or Take Action on Bill #2015-19, Ordinance No. 884, An Ordinance Repealing Resolution No. 01-15 and Creating a Consent Agenda for the City Fairview, Tennessee, Pursuant to Charter Provision C-28-29, T.C.A. §6-20-215, Section 1. (a) as Amended by Tennessee Legislative Acts of 2015, (2015-04-20), Public Chapter 115 – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. Cantrell states the state passed our proposed legislation to allow consent agendas without reading the captions and was signed by the governor in April. All were in favor.
- J. Discuss and/or Take Action on Bill #2015-20, Ordinance No. 885, An Ordinance to Amend the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (appropriating \$24,000 from State Street Aid to Fund City's 20% Resurfacing Grant Obligation) – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. Finance Director Daugherty explains we have an obligation of \$54,000 for our 20% of the Resurfacing Grant and we need to appropriate \$24,000 because we already have \$30,000 unspent in that line item. Mayor Carroll asked about the Grant Anticipation Note and Daugherty replied that goes toward the 80% of the state portion until we receive reimbursement. Commissioner Crutcher asked what the remaining \$138,735 in that line item has been designated for. Daugherty stated he would have to check. All were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall thanked the Board for voting in the debt restructure and wished a Happy Mother's Day to his wife and all mothers.
- B. City Attorney Comments – NO COMMENTS

11. Communications from the Mayor and Commissioners –

- A. Commissioner Johnson – NO COMMENTS
- B. Vice Mayor Sutton thanked the members of the Codes Review Committee for their hard work in adding clarity noting they have just begun.
- C. Commissioner Bissell – NO COMMENTS
- D. Commissioner Crutcher thanked Crosspoint Church for the mulch day noting they provided half the funds and a lot of volunteers.
- E. Mayor Carroll thanked everyone for attending and noted that some may not view the debt restructure as favorable but it is a good option for us now. Mayor Carroll yielded to Kathy Tarolli (citizen) who mentioned the food drive on Saturday through mail carriers to benefit Graceworks West food pantry.

12. Adjournment – Vice Mayor Sutton made a motion for adjournment with Commissioner Johnson seconding. Meeting was adjourned at 9:10 p.m.

Brandy Johnson
City Recorder