

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

May 21, 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, Harris, O'Neal, Paisley

1. Call to order by Mayor Carroll at 7:24 p.m.

A. Prayer and Pledge led by Mr. Bob Brooks

- 2. Approval of the Agenda –** Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Mayor Carroll noted the requested addition of a budget amendment for HVAC units for Bowie Nature Center. Attorney Cantrell stated due to a resolution passed by the Board to proceed with the published agenda with the exception of emergency or exigent circumstances the Board will need to hold a hearing to decide whether or not to hear the item if they choose to add it to the agenda. All were in favor.

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

- A. Neil Rice states that after 7 years of hard work Triangle School, Jingo Post Office and the Boone Street Clinic will be opening on Saturday, June 13 from 10:00 a.m. until noon. He asks attendees to park at the Recreation Center on the Waves side or at Westview United Methodist Church and shuttle service will be provided. The event is free but donations will be accepted.
- B. Henrietta Hall questions the availability of the log book for the park truck that was mentioned at the time of purchase as she would like to view it. Mrs. Hall also questions Commissioner Bissell and whether he is a member of the Fairview Police Department as he was seen driving a fully marked car through town last week. She was not aware he was an acting police officer and asked for an explanation of why he was driving one of the new police vehicles on Chester Road going toward Highway 100 at 6:00 p.m. Ms. Hall asked if it was city policy for the Commissioners to drive a police vehicle and if so why were they all not driving them. Commissioner Johnson reminded the Board and audience that comments are not a time for question and answer.
- C. Tim Wood states he shoots fireworks for Mark's Pops pyrotechnics who shot the July 3 for the past couple of years and has several questions noting he also emailed Mr. Hall's office. His questions are; 1) is the supplier providing cakes or mortar tubes for shooting?, 2) if the city takes delivery prior to July 3 the fireworks must be stored in a BATF approved magazine. Wood states the city of Byrdstown decided something similar last year and he had to end up bailing them out at the last minute because they were not supplied everything needed to do the job. He notes he is passionate about fireworks.

4. Awards and/or Recognitions –

- A. City Manager Hall presented Patrol Officer Derrick Byrum with the Employee of the Month certificate and recognition
- B. Mayor Carroll offers congrats to 2015 graduates
- C. Mayor Carroll recognizes Scout Troop 297 in the audience led by scoutmaster Robert Remington

5. Public Announcements –

- A. City Manager Hall issues a reminder of emissions testing every Monday and Tuesday from 7:30 a.m. until noon noting they will not be open on this coming Monday due to Memorial Day holiday
- B. Mayor Carroll reminded everyone that City Hall will be closed on Monday, May 25 for the Memorial Day holiday

6. Staff Comments –

- A. Frank Humber, Codes Director states the resurfacing project is substantially complete and he believes it will have a positive effect on safety and traffic on those streets. Humber notes the Roadscapes and Safe Routes to School projects are progressing.
- B. Keith Paisley, Parks Director announces the Star Party on Friday night from 8:30 until 10:00 p.m. plus the Starlight Jam on Friday, May 29 from 7:00 until 10:00 p.m. Paisley notes two road repairs due last week on Horn Tavern Road and Chester Road. Paisley states there are still a few openings for Bowie Camps.
- C. Tom Daugherty, Finance Director states we received the approval letter from the State Comptroller on the debt restructure and it is posted on the website as well.
- D. Terry Harris, Police Chief explains that Commissioner Bissell is a Fairview Police Officer or he wouldn't be working in the Park but he is also the crime scene photographer. Bissell notes that he has been part of the reserve program since 2011 and on the day in question he was responding at the request of Lieutenant Stockdale on a search for a 9-year old lost child because the other officers on duty were tied up on an aggravated shoplifting case at Walmart.

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 May 4, 2015 Special Board of Commissioners/Finance Review Committee meeting
- B. Approval of the Minutes from the May 7, 2015 Board of Commissioners Meeting
- C. Second Reading of Bill #2015-18, Ordinance No. 883, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (transfer in funds from State Street Aid for the Road Loan in lieu of Unassigned General Fund Expenditure)

Commissioner Crutcher reads the caption of item 8-C. Commissioner Johnson makes a motion for approval with Vice Mayor Sutton seconding. All were in favor.

9. Old Business

10. New Business

- A. Discuss and/or Take Action on Bill #2015-21, Ordinance No. 886, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (appropriate funds from State Street Aid for Emergency Street Repair on Horn Tavern Rd) – Bissell makes a motion for approval with Vice Mayor Sutton seconding. Bissell defers to CFO Daugherty who explains this moves money from State Street Aid to cover the emergency street repairs with the culvert being the large expense. All were in favor.
- B. Discuss and/or Take Action on Recommendation from the Planning Commission for Rezoning Application with Preliminary Master Development Plan for Property Located on Cox Pike, Map 43, Parcels 30.01 and 31.00, 32.19 Acres from RS-40 (Residential) to RPUD (Residential Planned Unit Development) with a Base Density of RS-15, Denny, Proctor & Welch, owners – Vice Mayor Sutton defers to Codes Director Humber noting that the Planning Commission didn't feel that Mr. Smythe's plan complied and has asked for changes for the third time and he is requesting approval via the Board of Commissioners. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Humber states Mr. Smythe is appealing to the Board of Commissioners and is present for any questions. Commissioner Johnson asks what changes were asked to be made that weren't. Humber states his revised plan was 93 units for RS-15 density but the new plan has been amended to show 2.5 units per acre with 80 lots. Originally the plan was for 125 homes. Crutcher asks for confirmation that he is appealing the Planning Commission decision but has presented a different plan to this Board noting that he doesn't feel this Board can vote for an appeal on a plan

- the Planning Commission has not even seen. Vice Mayor Sutton states the appeal needs to be the plan that the Planning Commission rejected. Sutton withdrew his motion and Johnson his second. Smythe asked that the item be deferred to the next meeting where he will submit his original plan but he asked that the Board hold on to the plan they have currently also. No Action.
- C. Discuss and/or Take Action on Recommendation from the Planning Commission for Annexation Request of Properties Located on Horn Tavern Road, Map 22, Parcels 64.00 and 65.00, 9 Acres, Priscilla Lampley, owner – Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
 - D. Discuss and/or Take Action on Recommendation from the Tree Commission to Adopt an Exclusion of the Use of Shrubs on the Tennessee “Stop Grow” List for Commercial Developments – Sutton defers to Tree Commission secretary, Jane Woodall who explains they would like a list of shrubs not to use to coincide with the list of trees not to use because they do not want to allow exotic invasive plants. Woodall shares some reading material with the Board from the state website noting the state updates their listing at least annually so developers would have access to the listing. She notes that the Tree Commission will work on developing their listing of preferred shrubs. Vice Mayor Sutton made a motion for approval with Commissioner Crutcher seconding. All were in favor.
 - E. Discuss and/or Take Action on Safer Grant Firefighter Open Position – Vice Mayor Sutton defers to Fire Chief Travis O’Neal. O’Neal states they need approval to hire back for their vacated grant position noting they received approval from the federal government to hire a non-veteran but need to react in an efficient manner so we don’t have to pay the grant back. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Mayor Carroll confirms this is a 100% paid grant that expires in 6 months. O’Neal confirms the grant pays all and it expires in February 2016. Carroll states then the position is our responsibility at the end of the grant. Crutcher states on the budget proposal approved tonight the grant position was retained and after meeting with O’Neal on staffing I believe the Fire Department is understaffed and we can’t afford to lose anyone. Crutcher continues we need to maintain minimum staffing and utilize the remaining grant funds so we need to approve this position. Carroll questions whether we are required to maintain the position after the grant expires and O’Neal confirms no but we do have minimum staffing to maintain during the term of the grant. O’Neal states he needs 4 on shift at all times. Carroll states you had less before. O’Neal clarifies that the Fire Department works on the buddy system and nobody goes in without their buddy. OSHA and HAZMAT also have requirements about minimum staffing before entering a fire. O’Neal continues it is a safety issue and at a minimum we need to fill the grant spot. FOR: Bissell, Crutcher, Johnson, Sutton; AGAINST: Carroll. Motion carries.
 - F. Discuss and/or Take Action on Bill #2015-22, Ordinance No. 887, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (HVAC Units for Nature Center) – Attorney Cantrell explains based on a recent resolution passed, the Board will only add items to the agenda under emergency or exigent circumstances. Emergency defined as immediate or potential affect to life, loss of property or environment and exigent defined as impending emergencies. Cantrell states the heating and cooling units are out at the Nature Center and we need to determine whether this is an exigent circumstance. Cantrell questioned Parks Director Keith Paisley on the circumstances. Commissioner Bissell made a motion to consider the issue as an exigent circumstance and add it to the agenda with Vice Mayor Sutton seconding. All were in favor. Paisley states it would take \$7,000 to get the current units back functioning noting there are three total units (1 still functions but has been turned off to keep from additional strain) and previous repairs were paid for out of the general fund though originally the building was funded out of the Bowie Fund. Carroll asks if three units aren’t excessive. Crutcher states this is what we spoke about in the first meeting and eventually the special funds will be gone. Bissell states we have a liability to the public and scheduled programs/camps for the summer. Carroll states you could close it down and hold the programs outside or run the one unit and supplement with fans. Crutcher makes a motion to get at least one more quote and to approve the funds out of the Bowie Park Fund not to exceed \$12,500 with final approval of quote from City Manager with Vice Mayor Sutton seconding. All were in favor.
 - G. Discuss Open Meetings Act & Open Records Act – Mayor Carroll noted that a citizen had some questions that Attorney Cantrell will address. Commissioner Crutcher asked if this had to be addressed tonight and the reply was no. Crutcher made a motion for deferment due to the already lengthy evening with Commissioner Johnson seconding. All were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – NONE
- B. City Attorney Comments - NONE

11. Communications from the Mayor and Commissioners –

- A. Commissioner Johnson asks about firemen shooting fireworks. Discussion around insurance & liability as well as costs followed. The Board requested answers to Mr. Tim Wood's questions and information about cost for another shooter to come in and shoot our show.
- B. Vice Mayor Sutton issues a reminder of the Hudgins Cemetery decoration on Monday at 9:00 a.m.
- C. Commissioner Bissell - NONE
- D. Commissioner Crutcher states he doesn't want anyone thinking he doesn't appreciate what the employees do. He notes he brought a budget plan that he believed was in the best interest of the city. Crutcher continues that both he and the Mayor brought proposals but neither was on a mission for someone to lose their job. He notes that emotions run high but he doesn't think it's fair to "villainize" either him or the Mayor for their proposals. He states the Board needs to unite and move forward.
- E. Mayor Carroll states she knows it's been a bad situation for the employees but notes that they get their leadership from Hall and Daugherty. Carroll states Mr. Hall works for the Board and he should take what we want and relay that to the staff. She continues that we have budget issues but the proposed solutions are not personal. She states a lot of the employees won't even look at you but if they are not happy with their job they need to leave. Carroll states the state requires us to balance a sound budget but lining the employees up in the audience won't make her vote any differently. She is here to represent the Fairview citizens and has to make the best decisions for Fairview. Carroll continues that Wayne and Tom have tried to fix a mess but she won't take being made to feel bad for her opinions.

12. Adjournment – Vice Mayor Sutton makes a motion for approval with Commissioner Crutcher seconding. Meeting was adjourned at 9:45 p.m.

Brandy Johnson
City Recorder