

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

JUNE 3, 2021

Debby Rainey, Mayor  
Lisa Anderson, Vice Mayor  
Brandon Butler, Commissioner  
Rod Dawson, Commissioner  
Scott Lucas, Commissioner  
Scott Collins, City Manager  
Tim Potter, City Attorney  
Brandy Johnson, City Recorder

**Staff Present:** Collins, Johnson, Mills, Blackburn, Hughes, Humphreys, Sullivan, Paisley

**1. Roll Call – by Johnson**

	Present	Absent
Commissioner Anderson	x	___
Commissioner Butler	x	___
Commissioner Dawson	x	___
Commissioner Lucas	x	___
Mayor Rainey	x	___

**2. Call to Order by Mayor Rainey at 7:01 p.m.**

**3. Prayer and Pledge led by Commissioner Lucas**

**4. Approval of the Agenda and Executive Session Announcements –**

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**5. Public Hearing**

- A. Certified Tax Rate for Fiscal Year 2021-22 – City Manager Collins explains this is a property re-evaluation year for the assessor's office and we want to be very clear on our plans for the property tax rate. The budget presented for fiscal year 2021-22 offers no change to the tax rate of .8765 per \$100 of assessed value. We have estimated this will bring in \$500-550,000 of additional revenue as outlined at the budget work session two weeks ago. If the city does not follow the certified tax rate (lowering the tax rate to keep property taxes revenue neutral from the previous fiscal year), or lower the rate, then we have to notify the state we are doing so. The current rate has been in place since 2015 when it was lowered from \$1 due to county property re-evaluations generating higher property values. Higher taxes are a result of an increase in value. Collins adds he wanted to give this information framework as well as some following thoughts prior to the public hearing. We are looking to take out a 30-year bond but after reviewing the numbers and the federal stimulus funds we will receive we will try to dial back to 20 years. We need to make sure we are generating the revenue to cover our debt. Intended use for the bond issue is roadwork (rebuilding Chester Road, widening at Old Nashville, Crow Cut and Northwest Highway, bridge projects, public safety improvements, park improvements. We have a substantial amount of work to do. Roads typically

need resurfacing every 8 to 10 years and we are looking at 33.6 miles of work that needs to be done. Using simple calculations and a cost of \$225k per mile we have a cost estimate of \$7.6 million. In terms of roadwork, resurfacing was completed this budget year using State Street Aid dollars in the amount of \$212,000 for one mile and 50 feet of asphalt. If we continue with improvements at that pace with our current revenue, it would take 33 years to resurface existing streets and that is not fair to residents. We can't keep up by only spending \$225,000 per year and property tax revenue is generally the only substantial revenue the city can control. Sales tax is capped by the state and we do control building permit fees but not the number of homes being built so we are at a stalemate. The 2022 fiscal year budget contains no increases in operational costs from the property tax increase. The entire amount of the increased revenue is set to go towards capital projects. Horn Tavern Road needs storm drain repair where it has failed at some point at was attempted to be repaired with gravel fill. Horn Tavern is also in need of a box culvert replacement. The bridge is only a little over one vehicle width with no guardrail. These are standard maintenance items the city must complete as part of our infrastructure maintenance. Northwest Highway has areas we have attempted to patch but the root structure of a nearby tree keeps pushing at the road from below. The asphalt there is only 17' wide while a city standard street is 22' wide. Vice Mayor Anderson questioned if the tree was removed could the road be widened and Collins replies yes, after purchasing right of way we could widen the asphalt but not add storm drain and then ponding would occur. The bridge we have mentioned several times on Northwest Highway is approximately 1 ½ lanes wide and the asphalt is degrading. To replace this bridge alone will cost approximately \$500,000. We have all this work to do and must find resources to do it. On Cherry Hill Lane (off Cumberland near Chester Rd) if walking you almost need a weed eater to cut the grass growing in the street. There is just no roadbed there as the asphalt was laid over an old county road. The amount per mile quoted for resurfacing does not contain any milling or other road work. We have a lot of neighborhood roads in similar condition. Castleberry Farms needs standard road maintenance. In an area where a newer phase met a resurfacing phase there are issues with the tack or base coat and where it ends or begins. The wearing layer is very thin and worn back to the base coat which makes us question whether the city received our standard asphalt surface that should have been applied. In the future, Castleberry will need resurfacing and a conservative estimate is \$450,000. If we use the budget numbers from 2020 it would take a little over 2 years with no other resurfacing. That is just one neighborhood with areas that we have an inability to maintain. Patches of gravel with grass growing just past storm drain inlets. Gravel is what is left of the road and has made its way to the side With water running down the street it creates ponding washing asphalt into the storm drain and then we begin to have stormwater issues when the drain system can't function as it should and backs up downstream. These are real needs and obligations, not wants. Crow Cut Road needs milling and road base work. The \$7.6 million figure didn't include Cumberland Drive or Cox Pike as both have been resurfaced more recently as primary thoroughfares. We also have a public safety investment with the need of a police firing range. Like fire, police train and in the last four years our department has been involved in two fatal shootings. That the idea is not relevant to Fairview is a misnomer. The department has done an excellent job training but using a borrowed location for training prevents training on our on time on our own property. If we are going to have even these basic services we have to invest in the infrastructure. We are committing \$600k from the bond issue to fund the playground. The bond issue debt service will be paid by the increase in property tax revenue. We are trying to be good stewards of the citizens money and we are not suggesting additional property tax. When Collins arrived we effectively had no money, no reserve, the police and fire departments had no training budgets, there was no budget for playground maintenance and we owed money to the school facilities fund. We have invested in training for fire and police and need appropriate facilities, we have \$1 million in reserve and staff is looking to be about 10% under budget for expenditures this year, we are investing in a playground and need to set aside money for maintenance, we try to operate sensitively, our infrastructure investments won't be wasted but rewarded. Collins knows this is an open public forum but he felt important for both the board and the public to have that information.

Al Tarolli, 7300 Shepton Park, is not disagreeing with a tax increase as he understands the need for that and all that the city is looking to accomplish. His question is on the numbers presented. He spoke to the county assessor's office, who sets the certified tax rate, and they told him the certified rate for Fairview is .6461. The .pdf file they shared shows both the current tax year and proposed tax year revenues. The truth in taxation law says an increase in assessed values shouldn't equal an increase in taxes and the county is required to put forth the certified tax rate information. If you

multiply the certified tax rate by the new assessment it equals roughly \$300 increase for the city total. If you multiply the existing tax rate by the new assessment we are looking at \$2,750,000 in tax revenue (2021 was \$1.9 million). The question is for the coming year budget why is the number shown in the city's budget for revenue \$250,000 less than what the county shows it should be? Has that \$250,000 been earmarked for something?

Collins reiterates what he discussed at the budget work session and is not convinced the revenues will be \$800,000 more than the previous year because not every property has been assigned a 36% increase. For conservative calculations he used 25% increase. Keep in mind two things: 1) we amend the budget at least once per year after we actually receive the revenue from property taxes (after February) the actual amounts will be reflected in the amended budget, and 2) we will show the revenues going back out as either capital expenditures or transfer the amount to reserve. It is not invisible.

The city received \$1.9 million last year from property taxes and the amount our current tax rate will generate with the new assessment is \$2,750,000. Somehow that \$250,000 is not shown and that is quite a bit of money. It would be nice to say if we get \$100,000 or \$200,000 and say where it will go. This year based on the assessor's numbers we should get \$2,750,000.

Collins again states the money is not invisible and is comfortable with the \$500,000 number but not comfortable with the \$800,000 number. But what I'm even more uncomfortable with is committing to the board an expenditure for revenues that I'm not relatively sure will materialize. As I've explained to everyone, my action will be, once we get through the collection of all of our property tax revenue, whatever that amount is will be recorded. If it is more than what we budgeted, that amount will be reported to the board and that money will either be sent to reserve or budgeted for capital. Mayor Rainey states she believes we amend the budget every year around mid-year and Collins confirms yes, at least once a year, sometimes twice. He understands the concern and these are always challenging but there is a big commitment on the horizon (for the capital, bond work) and I would much rather report that we generated more revenue than we thought. I know the math, what we generated and the increases on some property. We are trying to be conservative to ensure needs are met and would rather make positive decisions regarding more cash than we thought rather than negative decisions.

## **6. Citizen Comments**

- A. Jason Hoster, 7810 Chester Road, Paints a visual as a new resident of Fairview, having purchased a home in the \$350 range, closes on the purchase and upon moving in has a barking dog as a neighbor. Hoster works in IT from home and spends three to four hours per day listening to this dog. Upon contacting the police, he received a copy of the noise ordinance, which he believes to be incredibly vague. What constitutes a nuisance? What recourse do homeowners have? Animal control can only contact the homeowner of the animal. Police can't do anything unless it's between 10 pm and 6 am. Who came up with those hours? Hoster claims to be stuck at home listening to multiple dogs barking for three to four hours each day. He has spoken with other new homeowners nearby who deal with the same issues and have received zero recourse. He was told on the phone the construction ordinance is written in a similar manner but he disagrees as it has actual hours listed.

Collins replies to Mr. Hoster and sees two issues; 1) construction noise is a little different, and 2) it is not true that homeowners have no recourse. The police are somewhat limited in enforcing a violation to an ordinance they don't observe. Just because an officer doesn't witness it doesn't mean no enforcement action can be taken. A property owner may petition to have a summons issued by the magistrate. Collins asked Hoster to make sure the police department has his contact information before leaving tonight.

## **7. Public Announcements, Awards, Recognitions - none**

## **8. Staff Comments and Reports**

- A. Police Department Report, Chief Zack Humphreys presents for April the department was fully staffed at 23 with one on deployment. Three officers recently completed training and are now out on the streets serving the citizens. The department completed 208 training hours in April. Call

volume was pretty consistent with last year coming in at 823 for the month. Arrests were up slightly at 65 and 36 citations were issued and 23 traffic accidents. As for public relations, we have seen an uptick in child safety seat inspections. On the bank robbery buzz, the FBI was the lead agency and we assisted. Humphreys recognized Joey Cox who was relentless in his pursuit to discover the suspect. Humphreys will add a letter of commendation to his personnel file.

- B. Finance Report – Collins gave out a packet of reports for the month of April noting revenues increased slightly and we expect expenses overall for the year to be approximately 10% less than budgeted. June is the last month for the current fiscal year so we are transitioning into closing out. The May report will follow next month and the unaudited version of June in August. The last three pages of the report handed out show bank account balances. These are up again, year over year. The reserve account is a separate account at \$1,003,000 and our cash position continues to be strong.
- C. Planning Report, Micah Sullivan reports building permits up at 19 for the month and 84 year to date this year over 10 last year with 60 year to date. The past 30 days we have completed 120 inspections. Bryan Bissell is doing most of the residential inspections now and they are keeping him busy. Next Tuesday is the Planning Commission meeting and agenda went out today. Reminder of joint work session prior to the PC to discuss a future development.
- D. Public Works Report – Collins advises the department is fully staffed at three but two positions will be added for the new budget year. The Chipper went down this week with an overheating issue and it took a couple of days for repairs and to get caught up.
- E. City Manager Report, Scott Collins announces tonight is the first reading of new commercial zoning designations and as soon as the approval is complete we will get into the residential and then move on to the land use map. It is an exhaustive amount of work. The city will receive federal stimulus dollars in the amount of \$2.45 million over the next 12 months in two payments. These funds will be primarily used for stormwater and stormwater management. These dollars must be spent by December 31, 2016. When we receive deposit confirmation on the first half of the funds, Kevin and I will begin work in earnest on a stormwater management plan to put these dollars to use. We anticipate starting this in the next 90 days and will bring a full stormwater proposal to the board soon.

**9. Consent Agenda (Any Item May Be Removed for Individual Consideration)**

- A. Minutes from the May 20, 2021, Board of Commissioners Meeting
- B. Minutes from the May 20, 2021, Board of Commissioners Work Session

Motion: Dawson

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	—	—	—
Commissioner Butler	x	—	—	—
Commissioner Dawson	x	—	—	—
Commissioner Lucas	x	—	—	—
Mayor Rainey	x	—	—	—

**10. Old Business (none)**

**11. New Business**

- A. City Insurance Carrier Consideration – Rainey asserts that at the last meeting Vice Mayor Anderson brought up an issue with our insurance carrier. I asked Mr. Collins to follow up and see if there were any other complaints on record with them and what he could find out about the status of their performance. Collins replies that he and Attorney Mills met with representatives from PEP to review the general concern. We received an email response today from Callie Westerfield, Director of Member Services at Public Entity Partners. Their response is as follows. PEP has had a longstanding relationship with the city of Fairview, over twenty years. In the last six years, they have settled 16 errors and omissions claims totaling \$1.8 million in settlements for the city. The only complaint was received concerning the way a 1099 is or was issued and PEP has requested documentation that it was sent in error. Until they receive such documentation there is nothing more that can be done. NO ACTION.
- B. Resolution 08-21, A Resolution of the City of Fairview, Tennessee, Regarding Sponsorship Recognition on the Treehouse Playground at Bowie Nature Park Commemorative Plaque – Collins recalls

discussion of donor recognition for substantial donations to the playground fund. Previously the board approved naming rights to equipment which was rescinded to develop another program recognizing donors with a substantial memorial commemorative plaque. This will be a very tasteful way to recognize donors and be reflective of the work efforts of the community.

Motion: Butler

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- C. Resolution 09-21, A Resolution of the City of Fairview, Tennessee, Regarding Funding and Construction of the Treehouse Playground at Bowie Nature Park – Rainey wishes to change the date of receipt of funds from the Friends of Bowie Nature Park to the end of June 2021. Collins explains the city needs receipt of funds generally raised so we can try to estimate cash-on-hand versus pledged funds by December 29, 2021. The request for funds is not specific to the FBNP but so we can account for all outside funds raised. The date is simply a deadline to determine what will go toward construction costs versus maintenance cost. The timeline will enable us to see what dollars are available the first week of January from all sources and have the funds on hand. At that time we will set aside money from the bond issue plus the cash to determine the total construction budget. We simply have to figure out the exact cost at some point. Rainey discusses funds raised by an event she and former Commissioner Derek Burks created noting they have requested the funds being held be given to the city for the playground fund. Rainey offers concern there is no guarantee those funds actually make it to the playground fund. Collins advises the city doesn't have any authority to compel any act over privately held moneys. This is why the resolution establishes a date to consider what funds are available and believes the city has an obligation to do so as the funds have been raised for a city park. Butler questions when contact should be made with the installer and Collins advised he reached out last week to them and discussed the desire to have details in place by the end of October.

Motion: Butler

Second: Dawson

- D. Ordinance 2021-14, An Ordinance to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan – Collins advises the state has requested an update to our current policy, confirming the safety director and there are addendums for safety relating to operations. We have adopted such a policy in the past and this updates that. Commissioner Dawson agrees it is always good to revisit safety policies and protocol. Discussions that can prevent an accident shows responsibility to the taxpayers, progressive idea and certainly needed.

Motion: Dawson

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- E. Ordinance 2021-15 An Ordinance to Amend Section 8 of the City of Fairview's Zoning Ordinance for the Purpose of Establishing Defined Commercial Zoning Districts – Collins advises the zones are exactly as previously presented and discussed. This is the first of two readings and has been reviewed and approved by the Planning Commission. The goal is grouping commercial zones into more like uses. All existing Commercial General zones will remain and will not be reclassified unless they make changes going forward.

Motion: Lucas  
Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**12. Communications from the Mayor and Commissioners**

- A. Vice Mayor Anderson thanked the Treehouse Playground committee Friends of Bowie Nature Park for all the fundraising that has been done. It has raised a whole lot of money lately and it's exciting to see everyone come together and work so hard for that. I appreciate everything that y'all have done. Let's all work together to keep Fairview beautiful by picking up trash and not pitching it out. I like to say that every meeting because it is really important to keep our community as pretty as we can.
- B. Commissioner Butler thanked city staff for bringing forward the new commercial zoning designations. I know the residential is coming and is almost the end of a very long and tedious process and it is also a very good step for us as far as our zoning. He also thanked Collins for the great presentation for the public hearing. Seeing where the dollars are going and how it will be spent is great information. This Saturday is the first Saturday of the month the Keep Fairview Beautiful group meets in the city hall parking lot at 9 am to pick up trash in miscellaneous areas of the town and will be meeting this Saturday at 9 am.
- C. Commissioner Dawson thinks it is great to see the fruits of the 2040 comprehensive plan. This ordinance that was passed tonight is one of the many steps in fully implementing the 2040 comprehensive plan. Something that we have needed for a long time and that we will definitely need as we grow as a city here in the future so that is really good to see. Dawson thanked Detective Cox for his great work in taking care of business here with the issue at the bank.
- D. Commissioner Lucas – no comments
- E. Mayor Rainey seconded that thought and thanked Stacey Greathouse for making his push and efforts toward keeping Fairview beautiful.

**13. Adjournment** –Commissioner Lucas made a motion for adjournment meeting was adjourned at 8:16 p.m.

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**Brandy Johnson**  
**City Recorder**