

City of Fairview

BOARD OF COMMISSIONERS

June 6, 2013

Beverly D Totty, Mayor
Stuart L Johnson, Vice-Mayor
Patti L Carroll, Commissioner
Allen Bissell, Commissioner
Toney R Sutton, Commissioner
Andrew Hyatt, City Manager
Larry Cantrell, City Attorney
Theresa Porter, City Recorder

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Pewitt, Cooper, Paisley, Harris,
Holsinger

1. Mayor Totty called the meeting to order at 7:01 p.m.

A. The prayer and pledge was led by Director Lovvorn.

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Bissell seconded. Mayor Totty stated that there are several things that are to be added the first item, Discuss and/or Take Action on Ordinance 808 and that would be added to New Business 8L. Second we have applications that have been submitted as additions to this agenda under Discuss and/or Take Action on Appointments and/or Reappointments to Boards and Commissions, there is one application to be added to E1 and that would be John Hall. And under E5 there are additions of applications John Hall, Matt Beata and Wayne Hall. There is a deletion under E5 Darrell Mangrum, his application will be deleted. 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). –

A. Victoria Fuentes she stated that she and her husband were here tonight to oppose Ordinance 807 allowing chickens in residential areas. She thought the long term vision for Fairview was to beautify the City so businesses and new families will be welcomed into the City that portrays an up to date look with that small town feeling. She stated that chickens are not the answer, they take us backwards, they are not domesticated animals and should be raised on a farm, they carry diseases, by not protecting subdivisions you alienate those who live in subdivisions, these subdivisions were built without the requirement of a HOA, this is a fault of the City's for not requiring developers to put that in place. Why you continue to penalize the homeowners in subdivision is unacceptable, we should be protected like everyone else. It's ok to take our property taxes but protecting us against the City's mistakes, you dismiss that as irrelevant. Metro Codes are very strict for raising chickens, they cannot be in front yards, the droppings have to be picked up and disposed of properly and the ordinance expires March 2014, the ordinance must be renewed when new council members are elected. Right now we have chickens in front yards, roaming the streets and in other people's properties, how is the City going to enforce codes or are you going

to let the chickens roam around. This ordinance is bad for the City and I urge that you oppose it.

4. Awards and/or Recognitions –

- A. Mayor Totty stated that she would like to say congratulations to the 2013 Graduates, not only of the Fairview High School but to all the High Schools across the country. It's a great accomplishment and would like to say as the Mayor of Fairview she is very proud of the graduates and they have shown wonderful, outgoing spirits throughout the year as I have worked with them at the Mayor Youth Advisory Council. Congratulations go out to the graduates.
- B. Mayor Totty thanked Keep Williamson Beautiful, they did a fantastic job coordinating with the Chamber of Commerce and did a Spring Clean sweep across Fairview and did a fantastic job and their efforts were all volunteer efforts of our community and people who care about keeping Fairview Beautiful. She thanked them and recognized them for a great job.

5. Public Announcements –

- A. City Manager Hyatt announced the Independence Day Fireworks on July 3rd beginning at 4:00 p.m. here at City Hall, we will have music and food and fun and of course fireworks, we want everybody to come out.
- B. Mayor Totty wanted to make a public announcement that July 14th from 6:00 a.m. to twelve, there will be a Six Mile Run at Bowie Park and on June 8th there will be a Fishing Rodeo this is an outreach through the Park and TWRA, Keith will share more later on tonight.
- C. Mayor Totty stated that the last public announcement is from a gentleman named Jimmy Parnell and we would like to welcome him. Mr. Parnell stated that this coming Saturday he is having his 2nd Annual MDA Car Wash from 9:00 to 1:00. He invited everyone to come out to the Fairview Recreation Center; he stated that there will be a bake sale and lemonade, all for donations. He is going to have the Fairview High Football Team out and they are going to help. He stated that he has 2 awards from the Special Olympics from the past spring that was held at the Fairview High School football field. He also announced that the Lodge is having a their Annual Pancake Breakfast on Saturday June 15th from 7 – 10 at the Fairview Lodge, they will have country ham, country eggs, sausage and bacon and it's good cooking and good eating and it's only \$7.00.

6. Approval of the Minutes –

- A. The minutes for the April 30, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

7. Old Business –

- A. Discuss and/or Take Action on Bill #2013-12 Ordinance No. 807, An Ordinance to Add Chapter 3, Section 13-301 Keeping of Chickens, To Title 14, Zoning and Land Use Control, of the Municipal code of the City of Fairview, Tennessee. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson moved for approval, discussion and or action. Commissioner Sutton seconded. Commissioner Bissell stated that for many of the reasons Mrs. Fuentes stated, he can't support this, there are a lot of reasons that he would like to share. The first one is somewhat of a de'ja' vu of when we went through this with the guns in the park, we had an ordinance that prevented guns in the park forever, no one seemed to be bothered by that and it didn't seem to hurt anything and we spent a lot of time discussing it, and he kind of

sees this in the same way, it's not broke and we haven't allowed chickens except for those that are grandfathered in and he doesn't see an overwhelming need to add that and he sees it as more of a want than a need and he agrees with Mrs. Fuentes in that he doesn't see this as being very progressive for our city. Secondly, he doesn't want them living next door to him, chickens smell, they attract other animals to the feed, they attract even more animals to the eggs, and then more animals to the chickens themselves. The CDC recommends against having them in an urban environment. This is a personal opinion to him but we can't seem to get folks not to litter, not to speed in the school zones and to cut their grass in a timely manner within the city. He is not convinced that if we allow people to have chicken coops that they will keep them clean. He had three people write him in favor of chicken coops and went in to great detail, and he is sure they were serious in how they would do it but they were not the majority, he received more feedback on this than any other item in the five years he has been on the Commission and it was overwhelming in not passing this ordinance. He has noticed while riding in the county where people are raising chickens that they put signs out to sell their eggs and as he reads our ordinances we will have to amend more ordinances or those folks are going to be subject to business license, subject to health department inspections and he just doesn't really see that there is a need to cause us to go to all that expense and he intends to vote no on this ordinance. Commissioner Carroll stated that she didn't really have a stance on the subject but she feels if enough people bring something up and wants something, it should come in front of the Board and she has had enough people over the past two years ask, inquire and want chickens but you don't really know how many people are against it until it comes out. She stated that she is thrilled for both sides to show up because she thinks both opinions should be heard and the sad thing is that only about 10% of the community care either way. She feels if citizens want something it should be discussed and there are major cities Nashville, Franklin and Brentwood, they all have ordinances on chickens and allow chickens. She feels we are too lacked in what we have here tonight and there is a happen medium and she is not against chickens and she agrees that they are not the cleanest and people aren't going to keep them clean, we do not have the health department that Nashville has and she knows that is a big concern with codes and that needs to be in consideration on who is going to police this. It still does not change the fact that we are a rural area and we do have people move out here and they would like to be able to raise and have chickens. When we grow we may want to reconsider it, it's something that we can start out smaller and if this works then later on we can open it. She feels that enough people have wanted it and we should talk about it but she doesn't know that throwing out the chicken ordinance and everybody has it, is the right way to go especially when we are a city that is growing. And we have let these neighborhoods down and that is who we are hearing from, and it is two major subdivisions that have opinions about chickens and it's because they don't have a neighborhood association and that is something we need to change and we need to enforce these developers to come in and then they would be protected but you can have your own neighborhood association you just have to have a majority agree on it and pay your dues and then you are protected by that stuff. She stated that she would like to see us go back to the drawing board and look at it again. Vice-Mayor Johnson asked the City Attorney if it was the City's job to force a developer to have a home owner's association and legally can we require it. City Attorney Cantrell stated that this was just off the top of his head and he would have to research it but he didn't think you could require

them to have a homeowner's association unless they are a PUD. They can start their own, there is no question about that but he stated that he would have to reserve final comment on whether we can require it and would have to do some research but I can answer definitively we do not enforce homeowner's associations restrictions or convenience unless they parallel the city ordinance and the city ordinance is being violated. Vice-Mayor Johnson stated that while he values everyone's opinion he doesn't feel that blaming the city is the answer in this situation, what a lot of people don't know is that they may have deed restrictions that may not allow those anyway. There is a level of which the government needs to protect you and then there is a level that destroys people's lives because they are too involved and telling somebody what type of swimming pool they can have should be the City's jurisdiction, if it's set up in convenience and agreed upon by a new homeowner's association then that's fine. He stated that he also agrees with Commissioner Carroll to an extent that if this needs to be taken back to the drawing board he has no problem with that and we can bring it up at the next meeting and he would like to say that he supports it and he doesn't think there is going to be any issues if it's done correctly, policed correctly not to destroy or diminish anyone's property values. There needs to be a limit as to how many chickens you can have. City Attorney stated that there is limit in this ordinance and the limit is 4. Vice-Mayor Johnson stated that in regards to Commissioner Bissell's comment about the food, he said he can't think of a single animal that would want to eat the chickens feed and not want to eat dog food or cat food or anything that might be outside in the trash can or something. He welcomed anyone that lives in a subdivision that wants to start a homeowner's association, that is exactly what they should do and then they will get a true idea of whether or not the people in the subdivision actually support it or not. Commissioner Sutton stated that he agrees with everything everybody else has said up here, he has received several emails but nowhere near what the guns in the park brought, and he tries to respond back to those and he feels that it is his job to represent the people as they make it know to him. He had almost 2 to 1 emails against it as he did for it; he wishes he had gotten 500 so he could better represent the majority of the people within the City. He agrees with Vice-Mayor Johnson that the best way to stop this from happening in the future if it's ever brought back up again is to have a homeowner's association, if the majority of the people want to do it, that's the way to stop it and it's not something that can be forced on the homeowner by the City. As it stands right now, he would have to vote against it. Mayor Totty stated that she did get several emails, pros and cons, and with the information that she has now and the information she has gotten from the Commissioners she would like to amend the motion and defer it for further discussion. Vice-Mayor Johnson seconded. *For:* Totty, Johnson, Carroll, Sutton *Against:* Bissell

- B. Discuss and/or Take Action on City of Fairview Projects – Project Manager Holsinger stated that he put before the Board a new project spreadsheet, this is a collaborated effort between the City Manager and Donn Lovvorn on how to organize the projects and if it needs more information don't hesitate to let him know.

Parks and Greenways – The City Center Greenway, we are still working with the design firm trying to get to the NEPA phase.

Bowie Lake Road – they just started with the construction of the sidewalk from the playground area over to the Nature Center and we are still waiting on the last of the utility relocates and working with Middle TN and that should be done within seven business days. Then we can finish the actual widening project and the sidewalk portion going into the park.

Lake Van Trail – The Board has received the prices and costs associated with the staff taking on the project and looking on guidance on how the Board wants to pursue that project. There was some discussion on the Dome Loop and would like to get a good consensus of the Board, he stated that he can put the price per foot on any trail. Mayor Totty stated that the last we had spoken was on the distance from the dam going down Loblolly on the lower side on the left side and make a bowl down, did you find out anything on that. Mr. Holsinger stated that he would measure that and get a price by the next meeting. Commissioner Sutton stated that the oldest things on this list is the Lake Van Trail and Triangle School and he doesn't see anything going on with either project and Lake Van Trail was approved four years ago and asked if there was any progress on a cost analysis. Mr. Holsinger stated that it was done originally, it went out to bid and the bids came in at \$600,000 plus and we split them back off to the Greenway portion, and you received the prices last meeting for the staff doing the project minus the prefabricated bridge. Commissioner Sutton asked if we have a price on that now and Mayor Totty stated that is was around \$124,000 for materials and the Park Board made a recommendation that we send this back to evaluate the dam and Loblolly lower just to get a dollar so we can talk about which way to move forward. Mr. Holsinger stated that he was still working on this and there is a dam consultant that limits what you can do, there has been a change in the administration and he is trying to track that person down.

Bowie Park Forestry – This is going out to bid this week and should be going in the paper.

Triangle School – Director Lovvorn stated that he has emailed Allen Lowe to give us the set cost for all the plans to be drawn up, they have been going back and forth on emails, he is asking questions, do we need a contract, administration and things of that nature. Mr. Lovvorn stated that he has answered all his questions and hopefully he will get that cost back by tomorrow so we'll know what the cost of the plans will be, the master development plan is on the Planning Commissions agenda for Tuesday night to take action on the rezoning for the amendment to the master development plan. Once the Planning Commission takes action on the master development plan and makes their recommendation to the Board of Commissioners it will be on your first meeting in July. Mayor Totty stated that the first meeting has been cancelled because it is on the fourth of July. Director Lovvorn stated that once they make the action we can speed it up and get to the Board's next agenda for this month. Mayor Totty confirmed, for the 20th of this month, Mr. Lovvorn said yes ma'am.

The Farmer's Market – Mr. Holsinger stated that the Farmer's Market is rolled into that as well. Commissioner Sutton asked at what point can we allow them some space to occupy, just for their vehicles, to start selling at that location. City Manager Hyatt stated that we do have a parking lot, we don't have entrance to the property and he doesn't know what kind of time table it will take, you would have to go ahead and approve money and put it out for bid to get a building put up or a shed for \$5,000 or some type of carport. Commissioner Sutton stated that they don't have a carport now, if they just had some place to park like a gravel parking lot. City Manager Hyatt stated that it would have to be ok with Director Lovvorn and the entrance would have to come off of Deer Ridge they couldn't come off of Hwy 100 because we couldn't get a curb cut that quick. Director Lovvorn stated that the City can do what they want to do but our codes do not allow gravel parking lots, it requires them to be hard parking lots, paved or concrete and striped and curbed but the City can give itself a variance and carryon. Commissioner Sutton asked if the City could give a temporary variance and Mr. Lovvorn said yes sir. Commissioner Carroll asked Commissioner Sutton if they were getting kicked out of their space and she worries about spending

money that we don't have just to hurry them over and would rather see us do it right. Commissioner Sutton stated that the problem is that they are very limited to parking but normally we only see two or three vehicles selling and the idea is to have many vehicles selling, he thinks this was just a temporary thing for them. Vice-Mayor Johnson stated that he received several complaints from the soccer association that when they have soccer games there is nowhere to park, same with the rec center, the county has not told them that they cannot use the area. Commissioner Bissell commented that the health department does not operate on Saturdays and why wouldn't we consider using the health departments parking lot and buy a couple of the carport covers and put them out there and that would elevate the parking problem at the rec center, the health department is not being used, there is Hwy 100 frontage and when the permanent structure is built we can re-use the carports somewhere else. Commissioner Carroll asked why they couldn't bring their own tents, why does the city have to provide coverage, Vice-Mayor Johnson agreed. Commissioner Sutton stated that the only thing we would have to buy is gravel but he agreed that the health department would be a good idea. Mayor Totty requested that staff ask Ms. Jones if that would be a favorable move and how many vendors would be of interest and at that point we can formulate a letter to ask the county mayor if we can have that cooperation.

Evergreen Park – we are at 80% and getting ready to finish the fence to keep vehicles out of that area, once the fence cures out we will get it painted. We are going to get some gravel out there to create a parking spot. We are working with TWRA, they will come out and shock the lake and tell us what we need to do.

The Bowie Park Five Year Strategic Plan – it is still in city development.

The Hwy 100/Hwy 96 Roadscapes – Mr. Holsinger stated that he has spoken with the designers and they have gotten the notice to proceed off of the NEPA. Mayor Totty asked at what point does the designers or drafters come into play, are we going to be able to see the vision and work through their preliminary design of our layout. Director Lovvorn stated that once we get the NEPA clearance from the state, they will give us a notice to proceed for design and engineering and at that time we will get with Lose and Associates for them to come up with a design, that will be presented to the Board for approval.

Safe Routes To School – we are still at the NEPA phase.

MPO Active Transportation and MPO Surface – we are still at the NEPA phase. Director Lovvorn stated that the resurfacing project, those documents have been issued to the state by Griggs and Maloney and there is two phases of the environmental phase, there is a back log of projects going through and it is taking them longer to get that environmental clearance and was told by Kim Thompson that it was taking around 8 weeks to get the environmental clearance and we are on a deadline so we are trying to pressure them a little bit to get those projects pushed through so we won't lose our funding through the MPO.

The Welcome Signs – Mr. Holsinger stated that he has it at 67%. He stated that he spoke with Matt Beata and Matt is going to speak with his mother about the property and he will get with Larry and talk about the agreement and then that will be brought to the Board.

City Paving – Mr. Holsinger stated that he did a new evaluation of King Road, from Hwy 100 up past the approach where it meets the high school and based on the calculations there it was roughly \$31,000 and that is something we would like to get going if that is something the Board wishes, it is \$31,721 based on the estimates he had for Bowie Lake Road Widening Project. That is roughly a quarter mile up to the high school entrance and that is one of the roughest spots. Mayor Totty asked where the money would be coming from. Mr. Holsinger stated that the money would be coming from the \$100,000 we have in the street aid.

Commissioner Bissell made a motion to solicit for bids. Vice-Mayor Johnson seconded. City Manager Hyatt stated that we would mill it down, pave it with some of the driveways as well to keep the rocks from rolling down and coming in and also replace the yellow jackets that were placed there. All were in favor. Mayor Totty asked about the other streets that are priorities. Mr. Holsinger stated that we have the other two streets that are priorities as part of the MPO, Cumberland and Cox and we still have \$70,000 left and he will have to go back and evaluate the distances to see what we can use with that \$70,000.

The City Transportation Plan – Director Lovvorn stated that we are still working with Griggs and Maloney and Will our City Engineer came back with the transportation plan and hopefully we will have that within the next month to bring to the Board. Mayor Totty asked would we have street aid money to go toward this plan. City Manager Hyatt stated that we would have street aid money but it would be a very insignificant amount compared to the cost of the construction of the roads. Director Lovvorn stated that every four years we are allocated money from the highway administration for local transportation plans that we might be able to use for design and we will receive another four year stipend in September and we don't know that amount.

The City Center Overlay – Mayor Totty stated that we decided that it was not a wise way to spend the money to revise the plans and looking at the parts that are viable is where we are now and that can be a workshop or Planning Commission directive.

The City Survey – is still on going in city development.

The Windstream City Networking – should be online no later than the 15th of the month, they have pre-installed everything at the fire station and the nature center and will be pre-installing City Hall on the 12th of the month and the only building on hold is the community service building and that is until we get the utility relocates done.

Commissioner Sutton commented to the City Manager on Lake Van Trail that the main reason we are doing this is to make it handicap accessible and we had some instructions earlier to check on grants, and asked have we heard anything on that. Mr. Holsinger stated that he is working with GNRC and trying to lump our projects that are in the parks and greenways to see what federal or state grants we can go after.

8. New Business –

- A. Discuss and/or Take Action on Bill #2013-10 Ordinance No. 805 - An Ordinance to Annex Certain Property, Located at 2950 Fairview Boulevard, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee; Belonging to Jerry E. Cary and Wife Helen A. Cary. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- B. Discuss and/or Take Action to Refer the Plans of Service on the Property Located at 2950 Fairview Blvd to the Planning Commission – Commissioner Bissell made a motion to approve sending the plans of service to the planning commission. Mayor Totty seconded. All were in favor.
- C. Discuss and/or Take Action on Bill #2013-11 Ordinance No. 806 - An Ordinance to Annex Certain Property, Located at 2931 Fairview Blvd, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee; Belonging to Russell Spicer and Wife Peggy Spicer. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. Vice-Mayor Johnson stated

that this land is proposed to be given to a church and that church within the next month should know for sure if they are going to utilize that property possibly for that reason, we are prepared tonight to vote on the first reading of this, should this not go through with the church, his donation, it's possible he will want to withdraw this before the next reading. Commissioner Carroll asked the representative of the property if this is what they are agreeing to and they said yes. All were in favor.

- D. Discuss and/or Take Action to Refer the Plans of Service on the Property Located at 2931 Fairview Blvd to the Planning Commission – Vice-Mayor Johnson made a motion to approve sending the plans of service to the planning commission. Commissioner Bissell seconded. All were in favor.
- E. Discuss and/or Take Action on Appointments and/or Reappointments to Boards and Commissions – (Terms Expire on June 30, 2013) Mayor Totty stated that we have -
 - (1) Beer Board, there is one opening and one application from John Hall and asked if he was present, he was and she asked him to approach the podium. Commissioner Bissell made a motion to approve. Commissioner Carroll seconded. Mayor Totty asked Mr. Hall to make a statement. Mr. Hall stated that he is a lifelong member of the community and feels it is his civil duty to serve in whatever capacity that the Board sees fit. All were in favor.
 - (2) Board of Zoning Appeals, there is two openings and there are two applications presented, Ms. Lisa Anderson and Wayne Lowman. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. Mayor Totty confirmed that they both were in attendance. All were in favor.
 - (3) Industrial Development Board, there is one opening and we do not currently have an application to fill that position. Mayor Totty stated that the Industrial Development Board meets as needed, if you have an interest in serving please contact Ms. Theresa at 799-2484. No action was taken.
 - (4) Park Commission, there is one opening and one application, Dr. Neil Rice. Mayor Totty confirmed that he was present. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. All were in favor.
 - (5) Planning Commission, there are three openings and we have been submitted five applications. Mayor Totty stated she will read out the names and requested that each applicant make a statement of interest prior to us moving forward. We have Ms. Lisa Anderson, Ms. Marsha Elliott, John Hall, Wayne Hall and Matt Beata. (a) Ms. Lisa Anderson approached the podium and stated that she has been a citizen of Fairview for twenty years, eight years ago she decided she wanted to make a difference in our city and wanted to see it grow properly, support our city and listen to the citizens and just make a difference, she has been serving on the planning commission for seven years and would like to continue serving, and of the seven years that she has served we have seen a lot of exciting new growth in Fairview and she has been a part of that and would like to continue and appreciates the Boards support. (b) Ms. Marsha Elliott stated that she has been serving on the planning commission for three months and has appreciated the opportunity to learn so very much, a few months back when she first started she was engaging in word study of the word 'wisdom' and it's etymology, and was surprised even in the preliminary Wikipedia word search to find that it is used 222 times in the Hebrew Bible and it has about 6 main themes and the four themes that have been consistent throughout antiquity are these four, building and establishment of civilization, that is considered core to the word wisdom, elevating life, safety and avoiding misery, and exceeding the value of gold and silver and she thought what a better way to summarize what you all do here in this room and what the planning commission tries to do when they refer and recommend things to this Board and if you see that there is a way that I can be a part of elevating the life of this community, increasing public safety, avoiding misery, and contributing

to values that are greater than gold and silver she hopes the Board will reappoint her. (c) John Hall stated that his intention of applying for the planning commission was to best use his abilities in measuring different odds, measuring different sides of an argument, that is what he does for a living, measuring different sides of different arguments, so knowing that, going into the planning commission would be a natural move and it's also a way to be more involved with the city that allows me to serve regularly because he knows the Beer Board that he was just elected to is not very regular and he would like to regularly serve the city in any capacity that he can. (d) Wayne Hall stated that the driving force on his resignation was the uncertainty of his health and since that seems to be resolved he has had so many citizens that keep coming to him wanting him to reapply to the planning commission and with his experience through the years and a close personal friend, a banker here in Fairview, had a good conversation with him the other day, it laid on his mind that he might ought to try it one more time and driving through the city one night looking around at all that he was possibly a part of through the approval process through the years he felt that he missed it more than he thought he did so he is willing to serve if the Board will have him back on the Board. (e) Matt Beata stated that he has been on the planning commission for six years now, the wealth of knowledge that he has experienced over that time has just grown and he would like another term to continue to push the standards of Fairview, he thinks highly of the area, very proud to drive down Hwy 100 and think that he had a hand in the shaping of the city and just hopes the Board would truly consider his application. Mayor Totty asked for a ballot vote and stated that we have three openings and five applications and asked that the Commissioners put their three choices on a piece of paper. City Attorney Cantrell collected all the votes and brought them to the City Recorder. The City Recorder and Director Lovvorn started calculating the vote.

- (6) In respect for time Mayor Totty stated that the Tree Commission has two openings and one applicant, Larry Richards and confirmed that he was present. Vice-Mayor Johnson made a motion for approval. Commissioner Carroll seconded. All were in favor. Mayor Totty stated that one of the two positions had been filled on the Tree Commission, they meet once a month, if you have an interest of serving the city, they do discuss subdivision landscaping, commercial landscaping and work with the planning commission directly and if you have an interest in that please contact Ms. Theresa at City Hall, 799-2484

- (7) The Board of Adjustment and Appeals there is one opening and there were no applicants. Mayor Totty stated that we do have additional places if you would like to serve the city of Fairview please contact Theresa at City Hall or City Manager Andrew Hyatt.

- (5) Continued – Mayor Totty stated that the three Planning Commission appointees are, Mr. Wayne Hall, Mr. Matt Beata and Ms. Lisa Anderson. Mayor Totty congratulated them and welcomed them to the Planning Commission and stated that if they have any questions or concerns they may speak with Ms. Theresa about any of the appointments and scheduled meetings.

Commissioner Sutton stated that he would like to thank Ms. Marsha Elliott for her interest.

Commissioner Bissell stated that we had two people that had put in for the planning commission, Mr. John Hall and Ms. Elliott and was interested to know if they would be interested in submitting an application for the other openings. Mayor Totty stated that we have an application submitted to the tree commission, Mr. John Hall. Vice-Mayor Johnson made a motion for approval.

Commissioner Carroll seconded. Ms. Elliott stated that she would be interest in the tree commission as well. Vice-Mayor Johnson withdrew his motion. Commissioner Carroll withdrew her second. Commissioner Sutton made a motion to defer the remaining openings for additional solicitation. Vice-Mayor Johnson seconded. All were in favor.

- F. Discuss and/or Take Action on State of Tennessee of Transportation Contract for State Route Mowing and Litter – Project Manager Holsinger stated that we currently have a contract with TDOT to pick up trash and to mow and we get reimbursed \$32,000 a year and the contract is expiring at the end of this month. The new contract needs to be executed by the city attorney and the Mayor and we want to get approval to continue that contract. Mayor Totty made a motion for approval. Commissioner Bissell seconded. Commissioner Sutton asked if it was the same as last year or if there were any cost increases into that. Mr. Holsinger stated that they have not made any adjustments to their side but he is working on other line items to add to this that we can potentially pick up. They are paying us to do what we already do and we do a good job. All were in favor.
- G. Discuss and/or Take Action on Veteran's Memorial Park – City Manager Hyatt stated that as we have been out there working on Evergreen Lake and the things we have done we have extinguished our \$5,500 we had budgeted, it kind of hit him when he was out there that we could designate an area out there, maybe the grassy area on the left as you come in from Black Pine Road, as Veteran's Park. We would move forward to get some things out there and get some prices on flag poles, benches and maybe a monument on down the line, some fencing to protect from cars. He asked the Board to designate that as the Veteran's Park and to allow for him to get some quotes for flag poles, flags and lighting. Commissioner Bissell made a motion to approve the naming and solicitation of further expenditure information. Commissioner Carroll seconded. City Manager Hyatt stated that the name would be Veteran's Park at Evergreen Lake. All were in favor.
- H. Discuss and/or Take Action on Recommendations from Budget Workshop and Town Hall Meeting – Mayor Totty stated that Town Hall Meeting was an open public meeting discussing the 2013-2014 Budget. City Manager Hyatt stated that we want to schedule the first reading as a special called meeting on Monday June 10th at 7:00 p.m. or immediately following the Beer Board meeting. Mayor Totty stated that there is a Tree Board meeting at 7:00 p.m. and a conflict with scheduling and set it for 5:30 p.m. June 10th special called meeting at city hall for the first reading of the budget for 2013-2014 and tax rate. CFO Pewitt asked if the Board wanted to go ahead and set a date for the second reading of the budget. City Attorney Cantrell stated that the statute says you can't pass the tax rate to support the budget until you have a budget passed, so you close one meeting then you immediately open another one and you will be ok. Mayor Totty set the special called meeting for Wednesday June 26th at 5:30 p.m. at city hall, second reading of 2013-2014 budget and public hearing and immediately after that the second reading of the tax rate.
- I. Discuss and/or Take Action on Library Requests From County – Mayor Totty stated that we have been presented the opportunity to cooperate with the county for an expansion of the library here in Fairview. They presented us material a couple of months ago and they have requested that Fairview participate financially. The opportunity here is gaining more square footage in the library and hopefully being able to have more civic or meeting room space and that the library would be able to cooperate with the citizens and civic organizations, so it definitely is a benefit to the citizens of Fairview. We have had several discussions of the opportunity, the reasoning and the size of our current library is just smaller than what our circulation or usage is and it has been brought to us

and it is something she has asked for and wanted for a long time so the county coming to us with an idea is just a wonderful way for us to say we are all working together for the benefits of the people, a partnership. Conceptual budget to give you an idea, the square footage of the current library is approximately 3,850 sq. ft. and they are looking to expand a 20X40 room that would cover the patio area in the rear of the building. The project would include the addition of 800 sq. ft. to the existing facility, it is budgeted to be a concrete slab, brick veneer structure, standing seam metal roof and finishes to match the existing library, the addition would cost the following, construction cost \$116,000, design cost \$9,000 and other costs \$3,000 for a total project cost of \$128,000. Commissioner Bissell stated that he is not in construction so he doesn't know but an 800 sq. ft. room added to an existing structure for \$130,000 sounds high to him and asked Mayor Totty if that was a fair price. Mayor Totty stated that the cost of residential construction is approximately \$100 a sq. ft. and 800 x \$100 is \$80,000. Mayor Totty stated that at this point they are just asking if, when, what and how would Fairview participate in the partnership of the expansion and there is much more discussion behind this and she believes they are asking if we are favorable and if so do we have a projected amount. Vice-Mayor Johnson stated he would have no problem paying for half of it and Mayor Totty stated that she believed that was all they were asking for at this time. Vice-Mayor Johnson stated that he believed they could get it built for half of that figure. Commissioner Bissell stated that he feels like us paying half is too much and explained that the Fairview community is about 15,000 people, 50% in the city and 50% outside the city, the folks outside the city pay county tax and not city tax, the folks inside the city pay county tax and city tax from what he is seeing the folks in the city are paying more for the expansion of the library then the folks outside of the city and he is not comfortable with the completion of the data to make that determination that we should be paying more but as long as we can take the money out of the school program like we believe we can then he is all for doing it. City Attorney Cantrell stated that he has looked into this and the act that created this pool of money, the state legislature, is not very flexible for the county it says it will be spent on schools and schools only, so if it was the county trying to get it for the library he doesn't think they could but the city has much more leeway of what to spend this money on as long as it is a public project and there is not any question that the library is a public project. Mr. Cantrell stated that he thinks you can plan on using it from the school facilities money even though the library is not by any definition a school but he thinks the library would be a reasonable assumption that a lot of school attending people will use the library and what he would suggest is that at the time you start to generate this money that we pass a simple resolution asking the county commission to agree with us that we can take that money from the school facilities fund, they would be the only one that would be in a position to challenge it and he doesn't think they will, he feels confident that it's broad enough for us to do that. Mayor Totty requested that the City Manager get a solid confirmation from whomever being the county commission or the comptroller that the school facility tax can be used on the library expansion. She stated that as far as the estimated cost and the involved in planning, that would be when we are willing to say we are moving forward, we have some money, we are willing to stand up, let's talk about the project.

- J. Discuss and/or Take Action on Donations to Schools – City Manager Hyatt stated that last year we donated \$80,000 to the schools to purchase some hi-tech equipment, computers, media equipment and we spoke then that we would not give any more than that each year because that is about what we bring in each year and he just wanted to get some direction. Commissioner Carroll stated that she knows the Mayor has several requests and she would like to suggest that we

give them the amount and not designate for electronics, because some of the needs the Mayor received have been widespread and was for security for Westwood, one was for music, and the high school principal was talking about what she could do with the auditorium and has gotten bids for that. She stated that she feels it would be a good idea to basically divide the money evenly across the board and give each school \$20,000. Commissioner Sutton stated that he felt like a good way to divide the money would be a percentage for the number of students in that school. Commissioner Bissell stated that a good way to do it is based on last year's number of students and last year's donation and that would be \$40 a student and this becomes our base from this point forward. Mayor Totty asked how much is in the facilities fund account, CFO Pewitt stated that it was \$277,000 at last year's audit and roughly \$90,000 has come in this year. Mayor Totty stated that she doesn't disagree with setting a base figure but the only thing she would caution is the year after year and we find that a new school is needed as a priority, that we are not setting that it is a guarantee that you are going to get it perpetual. Vice-Mayor Johnson stated that if the county sees that we are giving this money year after year and starts defunding some stuff because they know we are giving money to make it up, something needs to be done at that point. Mayor Totty made a motion for the City Manager to confirm the number of students currently in the Fairview schools and bring it back to the commission for us to decide what type of monetary commitment we are willing to make at the next meeting at June 20th. Commissioner Sutton seconded. All were in favor.

- K. Discuss and/or Take Action on Water Authority of Dickson County Crow Cut Easement Inquiry – City Manager Hyatt stated that the WADC sent him a survey, just a questionnaire, three questions about the possibility of putting in a water line on Crow Cut Road going out to one parcel which is tax map 046 parcel 75.00. Just wondering do you want us to go ahead and respond, they are just trying to do some planning, they are asking if water services were available, I would be interested in connecting and using public water system, which we wouldn't be using it, or I would not be interested in connecting now but probably would be interested in the future or would considered granting the WADC a water line easement, he feels that is what they are really wanting to know from us. Vice-Mayor Johnson asked what the tap fee is currently. City Manager answered \$1,500, and read from the letter that this information is for inquiry purposes only, these questions are not binding by you or the WADC provided the project is approved construction formal legal documents for easements and taps would be presented to you and the WADC. Vice-Mayor Johnson stated that he says we give them the easement if they give us the tap. Mayor Totty asked what property do they want the easement on, and we would have to see it on a map, we are favorable for progress. Director Lovvorn stated that they are not crossing, it would just be in the right of way and from his understanding they are looking to expand their water distribution lines and so they want to cross city property to make the connections to continue where they want to go but it is in the park property and we only got a letter for one parcel of property and we have other parcels in the area and we may be getting some letters for those properties as well. Mayor Totty made a motion to approve the City Manager completing the survey, that we are favorable for easements down Crow Cut Road. Vice-Mayor Johnson seconded. Commissioner Carroll left the meeting at approximately 8:55 p.m. All were in favor.
- L. Discuss and/or Take Action of Ordinance 808 – Vice-Mayor Johnson read the caption 'Bill #2013-13 Ordinance No. 808 is an ordinance to adopt a nondiscrimination complaint procedure and a limited English proficiency (LEP) procedure for the city of Fairview, Tennessee. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. CFO Pewitt stated that we

have to be in compliance with Title VI for all of our grants that we maintain and receive and she was contacted by Title VI coordinator for the state and she notified her that without having these two procedures in our procedure manual that we are not in compliance and gave us 30 days to get in compliance. This is the procedure that if any of our subcontractors, consultants or regular contractors feel that we have violated their civil rights, it's their complaint procedure, how they issue a complaint to us and the limited English proficiency tells who we will contact to make sure that we have someone who speaks their language and can translate with us. We have to name a person or company and their phone number, we are working on that, apparently we don't have that currently and City Attorney Cantrell stated that it will be ok as long as we have that before the second reading. All were in favor.

9. City Manager Items for Discussion –

A. Miscellaneous Updates – City Manager Hyatt reminded everyone that the July 4th meeting is cancelled.

B. Staff Comments –

Project Manager Kevin Holsinger stated that we are getting a lot of brush requests and his request to the citizens is to make sure you stack the cut end of the brush within 3 feet of the roadway and if there is root balls attached or oblong shaped that cannot fit in the chipper that will have to be addressed on their end. We have launched a new program; it is a canary yellow flyer that if we see that we can't pick up a root ball then we will check a box and we will leave the flyer in your mailbox.

Fire Chief Cooper gave the fire report for May. July 1st the ISO's new rating standard takes effect, as you recall we went from a 6 to a 5 barely missing a 4 and we think in the next rating which we are going to ask for next summer, we think we are going to get that 4.

Codes Director Lovvorn gave the codes department report for May.

Park Superintendent Keith Paisley stated that the Fishing Rodeo is actually a free fishing day in Tennessee. Registration starts in the park at 6:30 a.m. fishing starts at 7:00 a.m. till 10:00 a.m. and awards will be given out around 10:30 a.m., TWRA is also buying hot dogs and we have the six mile run coming up July 14th and Summer Camps are starting and will be kicking off on Monday.

Police Chief Harris gave the police report for May. He handed out a proposal for new police cars for the 2014-2015 budget, it had the prices to purchase 10 cars and 8 cars and the lease option as well. He stated that we would get the cars this year but the payment wouldn't start until the 2014-2015 budget. Vice-Mayor Johnson stated that he had a question about the two red lights on Hwy 100; he asked if we had full control over those traffic lights. Chief stated that Kevin, Chief Cooper and he had a key but he didn't know what to do but Kevin has had a class and contacts him about the times. Vice-Mayor Johnson stated that three citizens have asked why do our traffic lights work all night, why can't we set them to flash. Chief Harris stated that the board can give him direction to change the lights so they will flash and his recommendation is instead of 11-6 it should be 11-5 because people are leaving to go to work in Nashville earlier. The decision was made to have the traffic lights go to flash from 11:00 p.m. to 5:00 a.m. Commissioner Sutton stated that he would like to see added to the new police car proposal the cost analysis for the maintenance that we will have to pay if we don't order x number of cars.

C. City Attorney Comments – stated he would like to make a clarification on the schools facilities tax to clear up some things. Every county in this state is required to these school facilities tax this was passed by the legislature, while he

has the utmost respect for the county, the county officials and what they do, it's not something that any county in the state does out of the goodness of their heart, it is dictated by the state legislature, there is a formula for it that they take in x number of dollars in the adequate facilities they keep x number of dollars and then x number of dollars has to go to each city in the county and the county can't pass anymore adequate facilities and the adequate facilities that the county retains must be spent on schools and there is some flexibility for the cities i.e. the interest that you draw off of it, if you choose to, you can put it in the general fund the actual principal money that you get must stay in that school facilities and where you have the flexibility that they don't is that any public project that qualifies as a public project, you can do. When the county decides to build another school, they have the right to ask you to chip in out of those funds, that's the reason I said to feel safe doing this for the library, since that is not a school per say, I would want the city to do a resolution to the county legislation body saying we want to take this money out and here is our reason, this library is used by the school students, etc., etc. He doesn't think they will have a problem with it but it gets you out of the situation of when the county sometimes says that they want some money and you say we don't want to contribute this much and they say well we sent you this much what did you do with this.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had none but Commissioner Carroll wanted him to extend her apologies, it's her mother's birthday and she was late for her mother's birthday party so she exited a little early.
- B. Commissioner Sutton stated that he wanted to complement the employees of the city for doing a great job and complemented the citizens for coming out and showing interest in some of the boards and reminded everyone about the pancake breakfast on the 15th at the Lodge and Jimmy's car wash this Saturday.
- C. Vice-Mayor Johnson thanked Jimmy for coming this evening, thanked the Fuentes family for being here, the Hall brothers for sticking this entire meeting out, that shows dedication from citizens that weren't applying for a board or two that stayed here through the duration of the meeting, that shows dedication of wanting to serve and to speak your opinion even when everyone doesn't agree.
- D. Mayor Totty had none.

11. Mayor Totty asked for adjournment.

- A. Vice-Mayor Johnson made a motion to adjourn. Commissioner Sutton seconded. All were in favor. The meeting adjourned at 9:28 p.m.

Theresa Porter
City Recorder