

City of Fairview

BOARD OF COMMISSIONERS

June 7, 2012

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

Present: Totty, Bissell, Johnson, Sutton

Others Present: Hyatt, Cantrell, Porter, Harris, Hooper, Pewitt, Lovvorn, Cooper

Absent: Carroll

1. Mayor Totty called the meeting to order at 7:07 p.m.

A. The prayer and pledge were led by Donn Lovvorn.

2. Approval of the Agenda –

A. Vice-Mayor Bissell added under new business 8H discuss new fire apparatus and 8I realign schedule for budget process and public hearing.

B. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. 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). – None

4. Awards and/or Recognitions – Chief Cooper announced that the Williamson County Herald designated Scot Hughes as the Firefighter of the Year.

5. Public Announcements – City Manager Hyatt announced that the Independence Day celebration is Tuesday, July 3, 2012 at City Hall starting at 4:00 p.m. with music, food and fireworks.

6. Approval of the Minutes –

A. The minutes for the May 17, 2012 Board of Commissioners meeting were presented for approval. Vice-Mayor Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.

7. Old Business –

A. Discuss and/or Take Action on Bill #2012-06, Ordinance No. 785 Lifting the Cap on Auxiliary Officers – Chief Harris stated that in a previous meeting it was discussed to raise the number of auxiliary police officers from twelve. Attorney Cantrell stated that we prepared an ordinance lifting that cap which in essence puts them on the same footing as the firefighters; theirs was lifted some time earlier. Vice-Mayor Bissell read the caption and made a motion to approve. Commissioner Johnson seconded. All were in favor.

- B. Discuss and/or Take Action on Triangle School Structural Engineer Report and Bid Package – City Manager Hyatt we are requesting that we go out to bid on this project. Vice-Mayor Bissell made a motion to ask the engineering firm to submit the bid package for a contractor to fix the items as indicated by the structural engineer. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or Take Action on Greenway Project and Lake Van Trail – Recommendation from Project Workshop –
- (1) Vice-Mayor Bissell made a motion to reject all bids on the project that was previously announced for the Greenway and Lake Van. Mayor Totty seconded. All were in favor.
 - (2) Vice-Mayor Bissell made a motion to ask the engineering firm to resubmit the scope of the project to include the Greenway project only, to the state and wait to hear from them if they will support that and we can continue to have the grant money. Commissioner Sutton seconded. All were in favor.
 - (3) Vice-Mayor Bissell made a motion to ask the engineering firm to begin the design of the Lake Van Trail and resubmit plans to us hopefully on the June 21, 2012 meeting. Commissioner Sutton seconded. All were in favor.
 - (4) Vice-Mayor Bissell made a motion to direct the City Manager to begin procurement process for an engineering firm to support us in our Safe Routes to School program. Mayor Totty seconded. All were in favor.
 - (5) Vice-Mayor Bissell made a motion to direct the City Manager to begin procurement process for an engineering firm to support us in our street paving process. Commissioner Sutton seconded. All were in favor.
 - (6) Vice-Mayor Bissell made a motion to proceed forward with the widening of Bowie Lake Road from Highway 100 to the end of the fire property and as part of that project we will have sidewalks that will extend from Highway 100 all the way to the Nature Center and we need to instruct the engineering firm to go ahead with the bid for those items. Commissioner Sutton seconded. All were in favor.
 - (7) Vice-Mayor Bissell made a motion to have the engineering firm begin the bid process for the pavement of the road from where it is currently paved, Bowie Lake Road, over in front of the Nature Center and the Nature Center parking lot. Commissioner Sutton seconded. All were in favor.
 - (8) Vice Mayor Bissell made a motion to except the engineers recommendation changing the columns on each side of the welcome sign and we ask them to proceed with further design efforts and come back to us with a proposal at the next meeting or the subsequent meeting on the work they are doing on the acrylic center of the sign and give us options to discuss and we need to authorize to continue that effort. Commissioner Sutton seconded. All were in favor.
- D. Second and Final Reading of Bill #2012-07, Ordinance No. 786 An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Ordinance Table 6-102A (Cont'd) "Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts" –

Vice-Mayor Bissell read the caption and made a motion to approve. Commissioner Johnson seconded. All were in favor.

- E. Discuss and/or Take Action on Contract for City Manager – Commissioner Johnson deferred to the Vice-Mayor. Vice-Mayor Bissell stated that Commissioner Carroll could not be here tonight and the Board received a document from her with a couple of suggested changes that she would like to make to the contract. He stated that he has taken the changes and using the document presented to the board for this meeting and would like to make a motion that he provides these changes to the City Attorney and defer further discussion until these changes can be made and Commissioner Carroll returns and add this to the agenda for the June 28, 2012 Special Meeting. Commission Sutton seconded. All were in favor.
- F. Discuss and/or Take Action on County Fire Contract – Vice-Mayor Bissell stated that we have received some information from the county but we have not received any sort of counter proposals in fact the information conveyed orally is that they do not plan to negotiate with us. Vice-Mayor Bissell made a motion to direct the City Manager and the Fire Chief to meet with the representatives from the county to formulate an exit strategy and bring a proposal to the Board for approval at the June 21, 2012 or the June 28, 2012 meeting. Commission Sutton seconded. All were in favor.
- G. Discuss and/or Take Action on Report on Park Commission (Commissioners Members) – Mayor Totty made a motion to defer. Commissioner Johnson seconded. All were in favor.
- H. Discuss and/or Take Action on SAFER Grant for the Fire Department – Chief Cooper stated that the grant was accepted, the third tier of the grant is for additional positions that were not budgeted, up to five people at 100%, we do not match, for 24 months and we are at no obligations to hire any of them. Vice-Mayor Bissell made a motion to go forth with the grant. Commissioner Johnson seconded. All were in favor.

8. New Business –

- A. Discuss and/or Take Action on Recommendation from the Planning Commission, Rezoning Application for Property Located on Hwy 96 N – Director Lovvorn stated that this was voted on by the Planning Commission on the May agenda and it was a unanimous decision to send the recommendation for approval. Commissioner Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- B. Discuss and/or Take Action on Farmer's Market on Triangle School Property – Commissioner Sutton deferred this to Commissioner Johnson and stated that this would give us a designated area for the Farmer's Market; this would give them parking facilities, and a place to sell their wares. Commissioner Johnson made a motion to move forward with items 8B and 8C to allow the Farmer's Market to utilize the property with no electricity and to use the grassy area. Commissioner Sutton seconded. All were in favor.

- C. Discuss and/or Take Action on Having Music at Farmer's Market – Commissioner Johnson included this item in his motion on 8B.
- D. Discuss and/or Take Action on City Debt Policy – Attorney Cantrell stated that he wanted to make it clear that on item 8A the motion was the approval to prepare the documents. He stated that Debt Policies are now required by every municipality and county in this state. Statute 9-21-151 (b) (1) allows the State Funding Board which operates with the comptroller's office to require everyone to come up with a debt management policy. They gave instructions to TML to have a sample debt policy. This is not an ordinance or a resolution and the Board can change it anytime they want. Commissioner Sutton made a motion to let the City Attorney move forward with the debt policy. Commissioner Johnson seconded. After discussion Commissioner Sutton withdrew his motion and Commissioner Johnson withdrew his second. Vice-Mayor Bissell made a motion to defer the debt policy to the July 19, 2012 meeting. Commissioner Sutton seconded. All were in favor.
- E. Discuss and/or Take Action on Appointments and/or Reappointments to Boards and Committees – (Terms expire on June 30, 2012):
- (1) Beer Board (One Opening) – One applicant, Brent Thomas. This item was deferred.
 - (2) Board of Adjustments and Appeals (Three Openings) – One applicant, James Beata, Jr. Ms. Lacy Chivers turned her application in and was present at the meeting. Mayor Totty called for a motion for appointment for Ms. Chivers. Commissioner Johnson moved for approval. Commissioner Sutton seconded. All were in favor.
 - (3) Board of Zoning Appeals (One Opening) – Two applicants, Larry Richards and Wayne Lowman. Mr. Lowman was notified about the opening for the Board of Adjustments and Appeals and he confirmed that it would be fine to move him there. This item was deferred.
 - (4) Industrial Development Board (One Opening) – One applicant, Edward Sullivan. This item was deferred.
 - (5) Park Commission (One opening) – No applicants. This item was omitted due to the expiration is not until August.
 - (6) Tree Commission (Two openings) – One applicant, Jack Cannon. Jane Woodall and Lacy Chivers turned their applications in for acceptance. This item was deferred.
- F. Discuss and/or Take Action on Beer Sales at Independence Day Celebration – City Manager Hyatt stated that he is seeking approval for beer sales at the Independence Day celebration and for an outside vendor to handle the sales instead of the City. Vice-Mayor Bissell made a motion to allow the sale of beer and allow a vendor to do the sales. Commissioner Sutton seconded. Commissioner Sutton added anyone that has been previously under charges from our police department or under current charges, that are not settled, not be included as a possible vendor. All were in favor except Mayor Totty.

- G. Discuss and/or Take Action on Bill #2012-08, Ordinance No. 787 An Ordinance of the City of Fairview, Tennessee Adopting a Budget for Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013 and Setting a Tax Rate – Vice-Mayor Bissell read the caption and made a motion to approve. Commissioner Johnson seconded. All were in favor. City Attorney Cantrell stated that this is the first reading of the budget. Vice-Mayor Bissell read Resolution 08-12 setting the Public Hearing for June 28, 2012 at 7:00 p.m. Vice-Mayor Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.

Mayor Totty called for a vote on item 8E. Vice-Mayor Bissell made a motion that all the jobs that we didn't fill on the various commissions be deferred to the July 19, 2012 meeting. Commissioner Sutton seconded. All were in favor.

- H. Discuss and/or take action on Adhoc Meeting and New Fire Apparatus – Vice-Mayor Bissell made a motion to allow the Fire Chief to begin the process of gathering the information for additional fire apparatus and for replacement apparatus, if the county contract is cancelled. Commissioner Johnson seconded. All were in favor.
- I. City Attorney Cantrell stated that on item 8G we had a motion passed to have a public hearing on the budget on June 21, 2012, we need to have a motion to cancel that public hearing. Mayor Totty made a motion to cancel the public hearing for June 21, 2012. Commissioner Johnson seconded. All were in favor.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hyatt thanked the staff and community for the great job and great turn out at the May Fest celebration on the 26th and asked about the July 5th meeting whether or not we would have a quorum.
- B. Staff Comments –
- (1) Fire Chief Cooper gave the monthly fire department report.
 - (2) Director Lovvorn gave the monthly codes department report.
 - (3) Director Hooper gave the monthly street department report. Thanked the street department for the magnificent effort they put into the set up and clean up for May Fest and mentioned that the Park department spent a great deal of time on the May Fest celebration. He stated that the park looked great and the event was brilliantly organized, the staff, Jenny and Keith spent a lot of time to make this event successful. Reported that all five camp sessions are full. Reminded everyone that the Fishing Rodeo is Saturday June 9, registration begins at 6:30.
 - (4) Chief Harris gave the police department monthly report. He asked the Board to consider changing our ordinance on beer sales. He stated that beer sales stop at midnight and the liquor sales stop at 3:00 a.m. He asked if the Board would consider making both beer and liquor sales end at the same time. He recommended making them both end at 1:00 a.m.

- C. City Attorney Comments – Mr. Cantrell thanked the City Manager, Ms. Crystal and Ms. Theresa for the assistance they provided to him during the time we were working on the budget and debt management plan.

10. Communications from the Mayor and Commissioners –

- A. Vice-Mayor Bissell congratulated everyone for an excellent May Fest effort and encouraged everyone to come out next year. He stated that he is concerned about the makeup of the planning commission and the number of Board of Commissioner members on the planning commission.
- B. Commissioner Sutton thanked everyone for the work on May Fest. He mentioned the Fishing Rodeo and the yard sale to help out Country Café. He encouraged everyone to buy local.
- C. Commissioner Johnson had no comments.
- D. Mayor Totty asked if we had a written policy in place on fines and processes on this type of instance referring to the beer sting selling to a minor. Attorney Cantrell stated that under the beer ordinance and the state statutes there is a procedure that says what you can do and the maximum you can do. You can't have any hearings until the judicial process has run its course relative to guilt or innocence. The beer ordinance lays out the discretion of the Beer Board as to what they do, the Board can suspend or fine, or a combination of the two. Mayor Totty then thanked the City and the staff for their efforts put in to the May Fest celebration and suggested that a committee might be helpful for the future May Fest events.

11. Mayor Totty called for a motion for adjournment –

- A. Commissioner Sutton made a motion for adjournment and Commission Johnson seconded. All were in favor. The meeting adjourned at 8:30 p.m.

Theresa Porter
City Recorder