

BOARD OF COMMISSIONERS

June 15, 2006

Ken Brison, Mayor
Eddie Arney, Vice-Mayor
Wayne Hall, Commissioner
Stuart L. Johnson, Commissioner
Darrell Mangrum, Commissioner
Shirley Forehand, City Manager
Larry Cantrell, City Attorney
Kathleen Daugherty, Recorder

Present: Brison, Arney, Hall, Johnson, Mangrum
Also Present: Forehand and Cantrell

- 1. Mayor Brison called the meeting to order at 7:06 p.m.**
 - A. The Prayer and Pledge to the Flag were led by Commissioner Mangrum.
- 2. Approval of the Agenda –**
 - A. Mayor Brison reported that Items B,C,D & E under Old Business need to be deferred until the July 6th meeting.
 - B. Arney made a motion to approve the Agenda as amended. Mangrum seconded the motion. 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 –**
 - A. Forehand read a letter thanking Officer Kimmy Spann for his assistance to a traveler on the Interstate.
- 5. Public Announcements –**
 - A. Vice-Mayor Arney announced that the Lions Club will be having a Fish Fry on Saturday night.
- 6. Approval of the Minutes –**
 - A. Presented for approval were the minutes of the Public Hearing held on June 1, 2006. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.
 - B. Presented for approval were the minutes of the Board of Commissioners Meeting held on June 1, 2006. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.

7. Old Business –

- A. Presented for Second and Final Reading was Bill #2006-15: An Ordinance Changing the Zoning of the Christopher M. White and Tammy White Property located 7455 Cox Pike from RS-40 to R-20 being Map 43D, Group A, Parcel 17.00 containing 2.90 acres. Mangrum read the caption and made a motion to pass Bill #2006-15 on second and final reading. Johnson seconded the motion. All were in favor.
- B. Adoption of Resolution #17-06: Plan of Services for the Brownlyn Farms Property Annexation. (Deferred until July 6th Meeting)
- C. Adoption of Resolution #21-06: Plan of Services for the Marlon Cunningham Annexation. (Deferred until July 6th Meeting)
- D. Adoption of Resolution #22-06: Plan of Services for the Timothy and Deborah Johnson Property #1 Annexation. (Deferred until July 6th Meeting)
- E. Adoption of Resolution #23-06: Plan of Services for the Timothy and Deborah Johnson Property #2 Annexation. (Deferred until July 6th Meeting)
- F. Approval of Bid on Street Paving Project – Forehand presented a bid sheet with the two bid amounts received. (see attached sheet) She recommended accepting the low bid of \$219,945.75 from Tennessee Valley Paving Co. Inc. Arney made a motion to accept the bid from Tennessee Valley Paving Co. Johnson seconded the motion. Hall asked if anyone will be inspecting the street work. Forehand advised that the city engineer will be doing that. Vote on motion: All were in favor.
- G. Appraisal Fire Station # 1 – Forehand advised that she had the fire station property appraised and the estimated value is \$219,550.00. She asked the Board to set a minimum price that they would accept on the property. Arney made a motion to set the amount at \$300,000.00. Hall seconded the motion. All were in favor.

8. New Business –

- A. Discuss de-annexation request from William Mangrum located at 7357 Fernvale Road – Mr. Mangrum was notified to be at the meeting but was not present. Therefore, Arney made a motion to defer the request indefinitely. Johnson seconded the motion. All were in favor.
- B. Presented for First Reading was Bill #2006-19: Directing the County Election Commission to call a city election for the election of a Mayor and one Commissioner on November 7, 2006. Mangrum read the caption and made a motion to pass Bill #2006-19 on first reading. Arney seconded the motion. All were in favor.
- C. Discuss Burn Ordinance – Fire Chief Cooper advised he would like the Board's opinion on "open burn" inside the city limits. The City has curbside pickup for limbs, leaves, etc. and there is no need to burn them. People also complain because contractors burn brush on lots in subdivisions. He recommended that if a contractor has three acres or more that he be required to use a trench burner. There are certain exemptions to the code. He advised that if the Board agrees to this he will get the word out because he is not interested in citations being issued. The Board agreed.

- D. Discuss Noise Ordinance – Police Chief Harris stated that he would like to see the times changed in the present ordinance. The times now are 11:00 p.m. to 7:00 a.m. He would like it changed to 10:00 p.m. to 7:00 a.m. Also the ordinance addresses construction workers. It has they can't start to work until 7:00 a.m. That needs to be changed to 6:00 a.m. because they like to start to work early because of the heat in the summer time. It was also discussed that there are some places where the traffic cuts thru parking lots and he is receiving complaints about this. We do not have an ordinance against this. Harris asked if the city attorney could prepare an ordinance against this. Cantrell stated that if it is public property he can prepare an ordinance but if it is private property then the property owner would have to post a sign saying that no through traffic is allowed. Mangrum stated that in relation to the noise ordinance there needs to be exceptions for school or recreation events. It was decided that Cantrell will prepare the necessary ordinances.
- E. Discuss and Approve on First Reading Bill #2006-20: Amending the Fairview Municipal Code Pertaining to the International Fire Prevention Code – Since the Fire Chief had to leave Cantrell explained that there is a slight conflict between city ordinances and one section of the International Fire Prevention Code that prohibits the discharge of fireworks. The solution is to delete that section from enforcement by the City of Fairview. Arney made a motion to pass Bill #2006-20 on first reading. Mangrum seconded the motion. All were in favor.
- F. Discuss Moving the old Jingo Post Office to Bowie Nature Park – Commissioner Johnson stated that all the commissioners have been involved in this project but he asked the City Manager to explain where they are. (see attached memo) She stated that the building inspector has looked at the building located on the Elrod property to see if it can be moved. He advised that if the building is secure enough to be tied together and moved it can be restored for about \$10,000.00. If the building falls apart it could cost as much as \$50,000.00 to restore it. She also advised that she has talked with the Friends of Bowie Nature Park to see if they might be interested to helping to raise funds to have the building restored. Park Director Hooper advised that they would like to see it put in the developed area of the Park. Forehand also advised that it has been suggested building a replica of the old post office using parts from the original building. Johnson made a motion to move the entire structure to the Park and to work with the Friends or anyone else willing to help with the project. He already has someone who would like to donate \$3,000.00 to the project. Arney seconded the motion. All were in favor.
- G. City Manager Position – Commissioner Mangrum advised that it has been several months since Forehand has been handling the city manager position and felt the Board needs to know if she wants to take the job or if they need to seek to fill the position. He also asked the City Attorney if she could accept the position with the option of stepping back down to the Assistant City Manager position if she or the Board chooses to do so.

Cantrell advised that they could prepare such an agreement with Forehand.

Arney asked Forehand if she is willing to take the position. Forehand advised that she was. Johnson made a motion to appoint Shirley Forehand as City Manager. Arney seconded the motion. Brison stated he is not disagreeing with the motion but wondered if they should have an application from her. Cantrell stated that they could wait until the next meeting and get an application from her and he would prepare a contract concerning stepping back down to the Assistant City Manager position. Brison asked if there was any other discussion on the motion. There was none. Vote on motion: All were in favor of appointing Shirley Forehand as City Manager.

9. City Manager Items for Discussion and/or Action –

A. Miscellaneous Updates –

- (1) Forehand reported that she has found someone to roof the old Horn Tavern Spring house (C.W. Gearheart). He will be doing the job on Saturday at a cost of \$660.00. The roof will be dark green metal.
- (2) Forehand also reported that there will be a Sewer Plant Inspection by Tenn. Dept. of Pollution Control on June 22nd at 9:30 a.m.
- (3) Forehand also reported that there will be a public hearing here at city hall on July 13th at 7:00 p.m. on the discharge permit for the sewer plant.

B. City Attorney Comments – Cantrell reported that he has found a contact for the bonding company. He has sent a request that they notify the bond holders of the transfer to WADC. The bond holders will not be affected but he did request that they notify us that they have no objection to the transfer. He has also prepared all the documents for the real property transfer to WADC.

10. Communications from the Mayor and Commissioners –

- A. Johnson asked Forehand to get the Board some prices on historical markers. They will probably need three of them. (Horn Tavern Springs, Jingo Post Office, and the old Triangle School Building.)
- B. Mangrum stated that there may be funding for restoring historical buildings. He has a contact with MTSU that deals with that type of funding.
- C. Hall asked if the minutes of June 1st referring to the State Planner were correct. Arney advised that they were correct.

11. The meeting adjourned at 8:00 p.m.

Kathleen Daugherty, CMC
City Recorder

