

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS MEETING MINUTES

June 16, 2016

Patti L Carroll, Mayor  
Toney R Sutton, Vice-Mayor  
Allen Bissell, Commissioner  
Shannon L Crutcher, Commissioner  
Stuart L Johnson, Commissioner  
Wayne Hall, Interim City Manager  
Larry Cantrell, City Attorney  
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Johnson  
Others Present: Hall, Cantrell, Daugherty, Johnson  
Absent: Crutcher

1. **Call to order by Mayor Carroll at 7:00 p.m.**
  - A. Prayer and Pledge led by Mayor Carroll
2. **Approval of the Agenda** – Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.
3. **Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).** Mayor Carroll notes Mr. Blackburn is here and is not a citizen but asked to be on the agenda to make a statement, however, it was too late, so Mayor Carroll told him he was welcome to do so during Citizen Comments.
  - A. Gary Blackburn (attorney) states he is not a citizen but he represents five citizens and wanted to state for the record they submitted a request on June 13, 2016, for minutes, which this Board is required by law to keep, of the special meeting/executive session held February 29, 2016. As stated in his letter, he believes the Board was not authorized to have, but if were authorized, were obligated to keep minutes. We have requested under the state laws cited in the letter all of the minutes that were taken that evening specifically to include any votes that were taken. The letter is self-explanatory and I really came simply to inquire as to what point or through whom to expect a response to that letter. Mayor Carroll states, as discussed prior to the meeting, Mr. Hall will respond on behalf of the city.
4. **Awards and/or Recognitions** - NONE
5. **Public Announcements** - City Manager Hall issued a reminder of weekly emissions testing Monday and Tuesday from 7:30 am until noon
6. **Staff Comments**
  - A. Codes Director Hall states the Roadscapes project is moving forward and reassures that we have a 1 year guarantee on all plants. Hall states they are being watered by LSI and thanks Dan Kubit for his dedication to this project. Carroll verifies city staff is not watering currently and Hall confirms. Sutton notes this project was an 80/20 split with the state.
  - B. City Recorder Johnson notes we are still in need of sponsors for July 3 and are still accepting food vendors for the event.
  - C. Finance Director Daugherty states he's been busy putting final touches on the budget and the certified tax rate changed by a minute amount. Daugherty spent three days in preliminary preparations with the new auditor last week and really looks forward to working with their firm. The May finance report will be forthcoming.

**7. Approval of the Minutes** (only needed if removed from consent agenda)

**8. Consent Agenda Consisting of Items as Follows**

- A. Approval of the Minutes from the June 2, 2016 Board of Commissioners Meeting
- B. Second and Final Reading of Bill #2016-15, Ordinance No. 929, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget

Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

**9. Old Business**

- A. Discuss and/or Take Action on Second and Final Reading of Bill #2016-05, Ordinance No. 919, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 2652 Fairview Boulevard, Owned by Gary Jaworski and Wife, Glenda Jaworski, as Shown on, Williamson County, Tax Map 69, Parcel 32.00, From RS-40 to CG (Commercial General) – Vice Mayor Sutton read the caption. Codes Director Hall notes that both Gary and Glenda Jaworski are present. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Mayor Carroll clarified that the first reading passed on March 17 but at the second reading on April 21 there was a motion but did not receive a second so the motion died and that is how it is able to be brought back. Carroll requested Cantrell explain and he confirmed noting the Zoning ordinance does not give clear guidance so you have to revert to Robert's Rules of Order for proper handling and that is what has been done. FOR: Bissell, Johnson, Sutton; AGAINST: Carroll. Motion carried.
- B. Discuss and/or Take Action on Expiring Board Seats
  - (1) One Beer Board Seat – One application was received from John Connors who was present. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
  - (2) One Tree Commission Seat – no applications received so no action
  - (3) Recall Vote on Planning Commission Seat – Mayor Carroll stated the vote needs to be recalled because one candidate was appointed but not present so we need to rescind and reconsider. Commissioner Bissell confirms Carroll is speaking of Tim Mangrum's seat and out of fairness, suggests they vote in the future when Mangrum can be present. Carroll agrees and asks for proper notice to be sent to Mangrum and defers until the next meeting.
  - (4) One Planning Commission Seat (see above)
- C. Discuss and/or Take Action on City Manager Hiring – Mayor Carroll asked City Recorder Johnson for an update. Johnson noted the Board needs to decide on the process for hiring including timeline, format for interviews and other events, narrowing down candidates, etc. Commissioner Bissell discusses the option of adding to next week's special meeting but Johnson stated the agenda had been published and it was too late to get notifications in the paper. Bissell made a motion to meet on this subject in lieu of the Town Hall meeting on June 30 seconded by Vice Mayor Sutton. All were in favor.
- D. Discuss and/or Take Action on Status of Investigation – Mayor Carroll notes she added this to the agenda because it has become a source of drama but there have been no updates from the Williamson County Sheriff's Office. Carroll asked Interim City Manager Hall what the process will be once the report is received. Hall states the report will be read publicly and posted. Mayor Carroll requested the item be placed back on the next agenda. No action.

**10. New Business**

- A. Discuss and/or Take Action on MTAS Recommendations for Conflict of Interest – Vice Mayor Sutton notes Mayor Carroll presented these recommendations previously to Mr. Hall and he brought this back because it contains some good suggestions and recommendations for us to follow. Vice Mayor Sutton makes a motion to approve seconded by Commissioner Johnson. Carroll states after the nepotism was brought up last fall she want to MTAS for their professional opinion on conflict of interest. Carroll states we still need a vote on the nepotism policy. Carroll questions Attorney Cantrell if what is in this policy already exists in our policy. Cantrell notes we have an ethics policy but the Board may wish to adopt this as well and place in the handbook. Bissell questions exactly which parts would be included in the handbook and when there wasn't a clear cut answer made a motion to defer so we can boil down which paragraphs to include seconded by Sutton. All were in favor.

- A. Discuss and/or Take Action on Retiree Insurance Contribution – Commissioner Bissell states in October 2007, the retirement insurance policy was set for 25 plus years of service at 55 years or older until Medicare eligible with the city paying 50% of the premium for the employee. In November 2015, this was amended to include the spouse if they were on the policy for 5 years prior to retirement. Though there was discussion no vote was taken on whether the employee could continue paying employee rate of contributions after retirement. Bissell makes a motion to amend the policy for the retiree of age 60-plus with 25-plus years of service to continue with health coverage contributing at the employee rate and their spouse contributing at 50% of premium. The cost to the city is \$100 - \$170 per month at current rates and there are only one or two more who will qualify over the next 10 years. This is not being presented as a favor to the Chief but to honor the length of service to the city of any who do so. Motion seconded by Sutton. Bissell states he has a relative working for the city but has no direct or indirect interest and will vote on the matter. Bissell states the only two he sees as eligible in the next 10 years as Dianne Ford and Keith Paisley. After some discussion about the TCRS rules about retirement, Mayor Carroll states she thought we were doing just what Bissell proposes. Bissell notes we discussed so many things and he had the same recollection but since we didn't vote on this it can be brought back tonight. Carroll states she tends to feel we should defer until Crutcher is present. Bissell stated he voted for all changes. Carroll makes a motion to defer until there is a full board seconded by Commissioner Johnson. All were in favor except Bissell.
- B. Discuss and/or Take Action on Collection Agreement with American Municipal Services – Finance Director Daugherty states our court system has outstanding fees we don't have the resources to collect. This contract was recommended by the Court Clerk and comes at no cost to the city. They don't make any money until they collect and they will add 30% to our amount for their fees (40% allowed by statute). Cantrell suggested two minor changes to the contract. Vice Mayor Sutton made a motion to approve with the changes submitted by the attorney seconded by Commissioner Johnson. All were in favor. Mayor Carroll notes she thinks this is a win/win situation.
- C. Discuss and/or Take Action on Engagement Letter with Yearly, Howell & Associates for Audit Services – Daugherty states this is the engagement letter from the auditor giving them the final OK to move forward and we just need the Mayor's signature. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- D. Discuss and/or Take Action on Bill #2016-18, Ordinance No. 932, 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 – Vice Mayor Sutton read the caption and City Manager Hall notes this relates to our recent TOSHA inspection. Lt. Roy Russell, Safety Director, states we completed our biennial visit from TOSHA and this is housekeeping due to the requirement for the current Mayor's signature on our ordinance. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

#### **10. City Manager Items for Discussion**

- A. Miscellaneous Updates - Mr. Hall noted Hardee's is waiting to award their General Contractor bid prior to the pre-construction meeting. Dunkin Donuts is holding an event on Saturday.
- B. City Attorney Comments – NO COMMENTS

#### **11. Communications from the Mayor and Commissioners**

- A. **Commissioner Bissell** – NO COMMENTS
- B. **Commissioner Johnson** notes he will not be present at next week's special meeting due to being in Kentucky with his son for music
- C. **Vice Mayor Sutton** – NO COMMENTS
- D. **Mayor Carroll** states she appreciates all those who have shown support of her and the City recently especially those who have reached out. The time schedule is not always ours to dictate. This is a great community and I look forward to putting all this behind us.

- 12. Adjournment** – Commissioner Johnson made a motion for adjournment with Vice Mayor Sutton seconding. Meeting was adjourned at 7:51 p.m.

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