

## City of Fairview

**BOARD OF COMMISSIONERS****June 18, 2009**

Ken Brison, Mayor  
Stuart L. Johnson, Vice-Mayor  
Eddie Arney, Commissioner  
Allen Bissell, Commissioner  
Toney Sutton, Commissioner  
Shirley Forehand, City Manager  
Larry Cantrell, City Attorney  
Kathleen Daugherty, Recorder

Present: Brison, Arney, Bissell, Johnson, Sutton, Forehand, Cantrell, Lovvorn  
Absent:

- 1. Mayor Brison called the meeting to order at 7:00 p.m.**
  - A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.
- 2. Approval of the Agenda –**
  - A. Mayor Brison advised that the County Mayor has asked that an item regarding the GM Plant in Spring Hill be added to the Agenda and it will be added as the last item under New Business if there are no objections. The agenda was approved with the added item by a unanimous vote of the Board.
- 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 – None**
- 5. Public Announcements –**
  - A. City Mgr. Forehand reminded the public that the emissions testing is every second and third Wednesday from 7:30 a.m. to 12:00 p.m. at the fire station on Hwy. 96 North.
- 6. Approval of the Minutes –**
  - A. Presented for approval were the minutes of the Public Hearing held on June 4, 2009. Johnson made a motion to approve the minutes as presented. Bissell seconded the motion. All were in favor.
  - B. Presented for approval were the minutes of the Board of Commissioners Meeting held on June 4, 2009. Sutton made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.
- 7. Old Business –**
  - A. Appointments to Boards and/or Committees whose terms expire June 30, 2009: Mayor Brison advised that the following candidates were the same ones whose terms will expire except for the Planning Commission.
    - (1) Fairview Industrial Board – Michael Smith

- (2) Fairview Beer Board – Matt Beata
- (3) Fairview Tree Commission (2) – Barry Sullivan, Contractor and Jane Woodall
- (4) Board of Adjustments and Appeals – Lisa Anderson, Architect
- (5) Board of Zoning Appeals – Jerry Hoppe

Mayor Brison asked the City Attorney if they can vote on all of these at the same time. He advised that they could. Brison placed all of the above names in nomination. Johnson made a motion that all nominations cease and elect them by acclamation. Sutton seconded the motion. All were in favor.

Mayor Brison advised that there were three applicants for the Planning Commission: Robert Benson, Barry Gossage, and Jerry Hoppe. Bissell asked each applicant why they would like to be a member of the Planning Commission and what do they think is the most pressing issue in our town right now. Mayor Brison then asked for a roll call vote on the candidates:

- (1) Sutton – Robert Benson
- (2) Arney – Robert Benson
- (3) Bissell – Robert Benson
- (4) Johnson – Jerry Hoppe
- (5) Brison – Jerry Hoppe

Robert Benson was appointed to the Planning Commission.

- B. Accept low bid on Chevrolet Tahoes – City Mgr. Forehand advised that only one bid was received on the 2009 Tahoe Police Package from Walker Chevrolet in Franklin in the amount of \$25,915.00 and she recommended they accept the bid. Bissell made a motion to accept the bid. Arney seconded the motion. All were in favor.

## **8. New Business –**

- A. Approve Amending the Fairview Municipal Code relating to Building Code Ordinances – Attorney Larry Cantrell reported that the next ten ordinances are housekeeping ordinances. A couple of years ago the City adopted some national codes but did not adopt the appendices that go with them. Therefore, we are amending the codes to add the appendices.
  - (1) First Reading Bill #2009-15: An Ordinance to Amend the Municipal Code, Title 12, Chapter 1, Building Code.
  - (2) First Reading Bill #2009-16: An Ordinance to Amend the Municipal Code, Title 12, Chapter 2, Plumbing Code.
  - (3) First Reading Bill #2009-17: An Ordinance to Amend the Municipal Code, Title 12, Chapter 3, Gas Code.
  - (4) First Reading Bill #2009-18: An Ordinance to Amend the Municipal Code, Title 12, Chapter 4, Housing Code.
  - (5) First Reading Bill #2009-19: An Ordinance to Amend the Municipal Code, Title 12, Chapter 5, Model Energy Code.
  - (6) First Reading Bill #2009-20: An Ordinance to Amend the Municipal Code, Title 12, Chapter 6, Excavation and Grading Code
  - (7) First Reading Bill #2009-21: An Ordinance to Amend the Municipal Code, Title 12, Chapter 7, Unsafe Building Abatement Code.

- (8) First Reading Bill #2009-22: An Ordinance to Amend the Municipal Code, Title 12, Chapter 8, Mechanical Code.
- (9) First Reading Bill #2009-23: An Ordinance to Amend the Municipal Code, Title 12, Chapter 9, Life Safety Code.
- (10) First Reading Bill #2009-24: An Ordinance to Amend the Municipal Code, Title 12, Chapter 10, Swimming Pool Code.

After discussion on the codes, it was decided some of the language in the codes need to be changed. Arney made a motion to defer the first reading on all of the Bills until the wording can be changed. Sutton seconded the motion. All were in favor.

- B. Presented for approval was the Training Agreement for Park Personnel – City Mgr. Forehand explained that this is the training site letter between the City and the National Council on Aging for Helen Harwood who works at the Nature Center and is paid by the National Council on Aging. Arney made a motion to approve the Agreement. Johnson seconded the motion. All were in favor.
- C. Presented for approval was an Agreement with Image Tech for the Zerox Scanner – City Mgr. Forehand advised that the city attorney has reviewed the Agreement and it is covered in the budget. Johnson asked if they had checked with other companies. Lovvorn advised that he had and this was the lowest bid for a black and white scanner. Sutton made a motion to approve the Agreement with Image Tech. Arney seconded the motion. All were in favor.
- D. Approve redistribution of sewer flow – City Mgr. Forehand advised that at the present time the City has six thousand gallons of flow that had been allocated to residential. She asked the Board to reallocate that flow to commercial developments since we have had interest from two commercial parties. The flow had been allocated to Historical Estates on Chester Road. The Developer was given six months to go to the Water Authority and claim that flow. He was sent a certified letter which he did pick up but did not respond. Bissell made a motion to reallocate the flow to commercial. Sutton seconded the motion. All were in favor.
- E. Discuss and/or take action on amending Ordinance No. 496 and Resolution No. 8-2001 (Reimbursement of expenses to elected officials) – Commissioner Bissell advised that when they were going over the line items in the Budget, one of the line items was reimbursement of expenses to elected officials. When he asked the city manager what that was, she provided him with a copy of Ordinance No. 496 and Resolution No. 08-2001. He then began some research to see if that is the type of thing they need to be doing in these economic times and if they could eliminate it from the budget and create a small surplus. He was also concerned about the legality of the kind of payment mentioned in the ordinance. With his personal contacts and thru the Division of Municipal Audit he found that the claims for reimbursement have to be identified for business use. He also found that since the ordinance was enacted the City has paid out over \$40,000 for use of cell phones, internet services, and call waiting. Therefore, he suggested they rewrite the resolution and make it stricter in what will be reimbursed or to just repeal Ordinance No. 496 because the city manager already has the authority to reimburse the

Commissioners for luncheons and mileage. Bissell then made a motion to repeal Ordinance No. 496 and Resolution No. 08-2001. Brison seconded the motion. Johnson asked Cantrell to explain the letter from the Division of Municipal Audit. (see copy attached). Sutton suggested that they limit what is reimbursed rather than repeal the ordinance. After further discussion on city issued cell phones and use of city internet services, Mayor Brison asked for a vote on the motion. For: Bissell, Brison. Against: Arney, Johnson, Sutton. Motion failed.

Johnson then made a motion to put on the next agenda to completely go through Ordinance No. 496 and Resolution No. 08-2001 based on our City Attorney's interpretation of everything that needs to be done from this point forward and that City issued cell phones be made available to the Commissioners who choose to participate. Sutton seconded the motion. For: Arney, Johnson, Sutton. Against: Bissell. Abstain: Brison. Motion passed.

Johnson asked if the ordinance once it is revised can be sent to the State for their approval. He was told that it can.

Bissell quoted from the letter from the State in which it stated that a reimbursed expense must not only be related to official city business, but also relate directly to an actual expense incidental to holding office. Mr. Jackson from the State went on to say the items listed in Resolution 08-2001 appear to be permissible as long as they are accompanied by detailed supporting documentation of the expenses. Bissell advised that the present forms used for reimbursement do not ask for supporting documentation. Therefore he made a motion that the city manager issue a letter to all commissioners who received reimbursements since the Ordinance was adopted and give them 120 days to produce documentation that their expenses were government related. Motion died for lack of a second. Bissell advised that the amount they are discussing is \$40,394 and he feels it is a lot of money for the Board to not be interested in looking into.

- F. Adoption of Resolution No. 13-09 in support of Continuing Operation of the GM Facility in Spring Hill. Johnson read the caption and made a motion to adopt Resolution No. 13-09. Arney seconded the motion. All were in favor.

**9. City Manager Items for Discussion -**

- A. Miscellaneous Updates – None
- B. City Attorney Comments - None

**10. Communications from the Mayor and Commissioners –**

- A. Johnson welcomed Mr. Benson to the Planning Commission.
- B. Brison also welcomed Mr. Benson to the Planning Commission.

**11. The meeting adjourned at 7:50 p.m.**

Kathleen Daugherty, CMC  
City Recorder

