

City of Fairview

BOARD OF COMMISSIONERS

June 21, 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, Carroll, Johnson, Sutton

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

Absent: Bissell, Porter

1. Mayor Totty called the meeting to order at 7:08 p.m.

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

2. Approval of the Agenda –

A. 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 – NONE

5. Public Announcements –

A. City Manager Hyatt reminded everyone that the Independence Day Celebration is July 3, 2012 from 4:00 p.m. to 10:00 p.m. with music, food and fireworks. He mentioned the Back 2 School Bash on Saturday, August 11, 2012 from 10:00 a.m. to Noon, and that this is the third year for this event.

6. Approval of the Minutes –

A. The minutes for the June 7, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. All were in favor.

B. The minutes for the May 17, 2012 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. All were in favor.

C. The minutes for the May 31, 2012 Special Meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. All were in favor.

7. Old Business –

A. Second and Final Reading of Bill #2012-06 Ordinance No. 785 An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 6, "Law Enforcement"

– Commissioner Sutton read the caption. Commissioner Johnson moved for approval. Commissioner Sutton seconded. All were in favor.

B. 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. Mr. Thomas was present. Commissioner Johnson moved for approval. Commissioner Carroll seconded. All were in favor.
- (2) Board of Adjustments and Appeals (Two Openings) – Two applicants, James Beata, Jr. (reappointment) and Wayne Lowman. Both Mr. Beata and Mr. Lowman were present. Commissioner Johnson moved for approval. Commissioner Sutton seconded. All were in favor.
- (3) Board of Zoning Appeals (One Opening) – One applicant, Larry Richards (reappointment). Mr. Richards was present. Commissioner Johnson moved for approval. Commissioner Carroll seconded. All were in favor.
- (4) Industrial Development Board (One Opening) – One applicant, Edward Sullivan (reappointment). Mr. Sullivan was present. Commissioner Johnson moved for approval. Commissioner Carroll seconded. All were in favor.
- (5) Tree Commission (Two openings) – Three applicants, Jack Cannon (reappointment), Jane Woodall (reappointment) and Lacy Chivers. Commissioner Carroll made a motion to reappoint the two existing member because they are present. Commissioner Sutton seconded. Commissioner Johnson stated that Ms. Chivers was present at the last meeting and she did let him know that she would not be here tonight because she would be out of town. All were in favor.

C. Discuss and/or take action on County Fire Contract – City Manager Hyatt stated that he and Chief Cooper had a very productive meeting with two members of the Public Safety Division for the County and feels very confident in the proposal. Chief Cooper stated that the County did negotiate with the exit strategy. Chief Cooper presented the contract proposal. Commissioner Johnson made a motion for approval. Commissioner Sutton seconded. Commissioner Sutton stated that it's a good plan for everyone. Commissioner Carroll asked if this proposal would sever our relationship with the County and Chief Cooper stated that it is a win/win situation for both because of the extra fire engine. Commissioner Johnson stated his concerns about losing our volunteers to the County. Chief Cooper stated that the general consensus is that no one will be leaving. Mayor Totty thanked everyone involved with the negotiations. Attorney Cantrell stated that the approval is to move forward to contract. All were in favor.

D. Discuss and/or take action on the City Arborist – City Manager Hyatt stated that we did re-advertise for the city arborist position and did not get any additional applications; the only one is Mr. Berkley who is currently serving as the advisor to the Tree Commission and to Donn Lovvorn in that capacity and looking for the Board's direction. Mayor Totty made a motion to move forward in discussions of the hiring of the city arborist. Commissioner Carroll seconded. Commissioner Sutton asked if there were changes in the guidelines and City Manager Hyatt stated that we were looking for a licensed arborist. Mr. Berkley was not present and Commissioner Johnson asked if it

was ok to discuss hiring him. Attorney Cantrell clarified that it is ok that Mr. Berkley is not present because this is just for discussion to hire. All were favor.

- E. Discuss and/or take action on Lighting Plan for Fairview Boulevard – Director Lovvorn stated that the lights will start at Cox Pike and goes just beyond Tractor Supply to Planters Road. The plans are according to TDOT specifications and the cost of the lighting from Middle TN Electric is \$18.50 a month per light and there are 35 lights. The monthly cost is \$647.50 for a total of \$7,770.00 a year. Mayor Totty stated that the purpose of the lighting is to complete the roadscape project and the finishing of the road widening with TDOT. Director Lovvorn stated the lights will be going on existing poles and using cobra head lights which are standard on state highways. Commissioner Johnson made a motion to approve. Commissioner Carroll seconded. All were in favor.

8. New Business –

- A. Discuss and/or take action on Forestry Grant for the Fire Department – Chief Cooper stated that we've applied for this grant many times in the past and have gotten it for the last three years. It is a \$3,100 grant and a 50/50 match and we will use it to buy bunker gear. Commissioner Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor.
- B. Discuss and/or take action on City Owned Parcels to be Included in Master Park System – Mayor Totty stated that the Park Board was asked to review and revise the current master plan for the park system and we need to look at which parcels are in the park system. Bowie Park Property, Evergreen Industrial Property, Deer Ridge Property, Elrod Road Property and Triangle School Property. Commissioner Johnson made a motion to exclude Deer Ridge Property from discussion of Park Plan. Commissioner Sutton seconded. All were in favor. Mayor Totty stated that the out parcel is not in the conservation easement. Commissioner Johnson made a motion to exclude from the Master Park Plan. Commissioner Sutton seconded. All were in favor except Mayor Totty. Commissioner Johnson made a motion to place in the Park Plan, Triangle School Property, Elrod Road Property, Evergreen Property and Bowie Park Property. Commissioner Carroll seconded. All were in favor.
- C. Discuss and/or take action on Community Garden Sub-Committee – Mayor Totty stated that this item was a Park Board recommendation. The purpose of this would be to discuss grants, legalities and contractual agreements. The Mayor stated that she would be on the committee. Commissioner Johnson asked who will police this as far as someone steals off of my tomato plant. The Mayor stated that the sub-committee will be bringing forth how that is done in other cities and an agreement will be put together by the people who participate. Her major concerns are liability, cooperation and maintenance. Commissioner Johnson made a motion to approve the inception of the sub-committee. Commissioner Sutton seconded. Commissioner Sutton asked that it be locally raised products only. City Manager stated that the FFA at the High School may want to get involved with this and participate. All were in favor.
- D. Discuss and/or take action on Community Garden at the Historical Triangle Park Property – Commission Johnson made a motion to defer this until the sub-committee comes back with recommendations. Commission Sutton seconded. All were in favor.
- E. Discuss and/or take action on Bill #2012-09, Ordinance No. 788, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located on Highway 96 North, Owned by Jennifer Rose Bufford, Reda Olivia

Kidder and James Ricky Jones – Commissioner Johnson read the caption and moved to approve. Commissioner Sutton seconded. All were in favor.

- F. Discuss and/or take action on Resolution No. 09-12, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Certain Property, in the City of Fairview, Tennessee, Located on Highway 96 North, Owned by Jennifer Rose Bufford, Reda Olivia Kidder and James Ricky Jones – Commissioner Johnson read the caption and moved to approve. Commissioner Sutton seconded. All were in favor.
- G. Discuss and/or take action on Annexation of 840 – Commissioner Sutton asked Director Lovvorn where we were on this and Mr. Lovvorn referred to City Attorney for the TCA code. City Attorney Cantrell stated that just annexing that portion of 840 by itself is virtually impossible. There is only two ways to annex outside the growth boundaries. One way is to call back together the committee that has the hearings to expand the growth boundary. That has to be approved by the legislative bodies in the county and all the other municipalities within the county. The other way is by referendum, if somebody in the area petitioned the city to be annexed, then you would have to have a referendum to either approve it or disapprove it because it is out of the growth boundary. Commissioner Sutton stated the reason we wanted this in the city is for public safety requests and for drug officers and police officers to patrol. Chief Harris stated because of wrecks. Chief Cooper stated because of hazardous material spills we don't want to wait on the state or county to get here. No action was taken.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hyatt stated that the Lake Van and the Greenway Project have been separated into two different projects. The Triangle School bid package is complete and is ready to be advertised. He announced that there is a special-called meeting on June 28, 2012 at 7:00. Commissioner Sutton asked if he would move forward on the public information officer to represent the city.
- B. Staff Comments –
 - (1) Finance Officer Crystal Pewitt presented the May 2012 financial report. Discussion was made on court cost collections.
- C. City Attorney Comments – Mr. Cantrell stated that the beer code 8-220 and 8-222 need to be revised to the extent that he will recommend to the board that they be repealed and substitute a totally new section. Beer sale hours should be the same as ABC state law. The state law says they can sell beer until 3:00 a.m.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton thanked everyone for coming out and asked everyone to shop local to support local businesses. This Saturday from 10-2 at Tractor Supply the Boys and Girls Club is having a car and dog wash to raise money.
- B. Commissioner Johnson had no comments.
- C. Commissioner Carroll thanked everyone for coming out and especially those who have volunteered to serve on a board or committee.
- D. Mayor Totty thanked everyone for coming out and gave a big shout out to the MDA fund raiser on Saturday at the Rec Center from 9-12 and our very own Jimmy Parnell has pulled together and rallied the troops and he will have the Fairview football players there to help. There will be a bake sale and music.

11. **Mayor Totty called for a motion for adjournment** - Commissioner Johnson made a motion for adjournment and Commissioner Carroll seconded. All were in favor. The meeting adjourned at 8:20 p.m.

Theresa Porter
City Recorder