

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

July 17, 2014

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

Present: Totty, Johnson, Carroll, Sutton

Others Present: Hall, Cantrell, Humber, Johnson, Cooper, Paisley

Not Present: Bissell, Daugherty

1. **Call to order by Mayor Totty at 7:03 p.m.**
2. **Approval of the Agenda** – Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. Mayor Totty notes some may have picked up agendas with different numbering. Item 8A (also 11A) will be deferred because the property owners were not properly notified. All were in favor. Mayor Totty notes that Commissioner Bissell is ill tonight and sends his apologies for being absent.
3. **Citizen Comments – (Limited to the first five (5) citizens to sign in and a limit of three (3) minutes each).** –
 - A. Donna Brooks- clarifies comments from the last meeting. The approved budget is balanced – there are more revenues than expenditures. When the Finance Review Committee last met further cuts were discussed if revenues are not met. She notes that Attorney Cantrell reviewed her proposal for Friends of the City and stated a 503c would need to be set up in order to receive funds and if anyone had sent in a check it would be returned.
 - B. Scott McCoy – notes he will modify his comments due to the absence of Commissioner Bissell. He stated the behavior of the three gentlemen on the board was irresponsible, juvenile and despicable noting when he began taking an active role to educate fellow citizens he received much personal criticism. He stated that Commissioner Sutton personally misled both him personally and the citizens on past votes and saying one thing and doing another. He continued that Vice Mayor Johnson didn't return the citizen survey and has yet to explain why the fireworks display was delayed. He states that all three gentlemen voted for an underwater budget and prevented the female members from exploring other options and continued with comments about the 12 new police vehicles rather than 8 and the ladder truck that weren't needed and we couldn't afford. He had further statements about the "Kangaroo Court" and investigation of the Mayor asking them to make decisions based on the needs of our city and not misguided emotions.
 - C. Henrietta Hall – encourages the board to be the leaders they were elected to be and suggests that when informed voters ask questions or share thoughts they should open their minds to new ideas and not take it as a personal attack. She encourages them to listen, discuss and share how and why they plan to vote, to inspire the citizens and remember their vote affects all of us.
 - D. Shari Lewis – complimented the fireworks and July 3 event noting that even with the delay it was still great. She also notes that anytime she has had questions of a one of

the commissioners and called them directly they have all taken the time to answer her questions.

- E. Jim Power - notes that he applied for the Planning Commission recently but his application wasn't acknowledged. He further stated he doesn't agree with putting local contractors, developers, or real estate agents on the Planning Commission as it turns into a fox in the henhouse type of situation.

- 4. **Business Spotlight** – Kristin Ertel of GraceWorks West (formerly Helping Hands) stated that GraceWorks merged with Helping Hands on July 1 and they are excited about providing additional support for the community. They will be able to provide financial assistance, case management, food pantry, clothing assistance and will be opening a thrift store to help bring in income to sustain the operation. New hours starting July 21 will be Monday through Friday 9:30 to 2:30. Kristin noted they still need community support including lots of volunteers. Saturday hours will resume when the thrift store opens. Any donation should be designated for Fairview, Helping Hands or GraceWorks West. Mayor Totty noted that FCAP still exists and will continue to host events such as the Back to School Bash and job fair.

- 5. **Awards and/or Recognitions** – none

- 6. **Public Announcements** –

- A. Mayor Totty states the Back to School Bash sponsored by United Way, HOSA, FCAP will be held on August 2 from 10 am to noon at FHS and children must be present to receive supplies.
- B. Mr. Hall notes emissions testing every Monday and Tuesday from 7:30 am until noon

- 7. **Approval of the Minutes** –

- A. Approval of the Minutes from the June 19, 2014, Special Called Board of Commissioners meeting – Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor.
- B. Approval of the Minutes from the June 19, 2014 Board of Commissioners meeting - Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor.
- C. Approval of the Minutes from the June 30, 2014 Public Hearing #1 - Commissioner Carroll made a motion for approval with Commissioner Sutton seconding. All were in favor.
- D. Approval of the Minutes from the June 30, 2014 Public Hearing #2 - Commissioner Carroll made a motion for approval with Commissioner Sutton seconding. All were in favor.
- E. Approval of the Minutes from the June 19, 2014, Special Called Board of Commissioners meeting #1 - Commissioner Carroll made a motion for approval with Commissioner Sutton seconding. All were in favor.
- F. Approval of the Minutes from the June 19, 2014, Special Called Board of Commissioners meeting #2 - Commissioner Carroll made a motion for approval with Commissioner Sutton seconding. All were in favor.

- 8. **Old Business** –

- A. Second and Final Reading of Bill #2013-06, Ordinance No. 801, An Ordinance to Change the Zoning in the City of Fairview, Tennessee, Located at 7355 Overbey Road, as Shown on, the City of Fairview Geological Listing of Assessment Roll Map 46, Parcel 44.00, From RS-40 to RS-15 (Mixed Use PUD), 108.41 Acres, Kathy Beata, owner – ITEM DEFERRED
- B. Discuss and/or Take Action on Vacant Board Seats – Mayor Totty notes we have Richard Biggs who has an application for the Beer Board and asks him to come to the podium. Biggs states he saw this opportunity and he has an active interest in best practices for business and is an advocate of the craft beer industry. Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor. Mayor Totty notes we have a new application for the Industrial Development Board from Jacob Blik and the existing seat holder Ken Weaver has expressed an

interest as well. Jacob Blik notes he has lived in Fairview for 7 years, is a Navy veteran, and has spent 37 years in Commercial/Retail, State & Federal design/construction management and commercial/real estate construction management. Ken Weaver states he would be proud to serve but not offended if someone else has an interest and that he thinks industry should be more welcomed and encouraged noting that we need to be more proactive if not aggressive so we don't miss out on opportunities. Commissioner Carroll made a motion to nominate Jacob Blik for the open position on the Industrial Development Board with Mayor Totty seconding. All were in favor.

C. Discuss and/or Take Action on Fairview City Projects – City Manager Hall gives the following updates:

- Joann's Classroom handicap trail – waiting on Chapdelaine to start the process with a survey which will be done as soon as he can get on his schedule
- Resurfacing grant – has been in the works for three years and we have received the grant but we need to decide how to pay for it. It's an 80/20 grant with a total of \$640,000 so our part is \$128,000. We may have to fund it all up front and be reimbursed which we can't afford to do. We already have a \$24,000 investment in the project. One option is a grant anticipation note we could get through comptroller approval. It would be paid back this fiscal year once funds are received from the grant and our portion is covered through State Street Aid funds. The grant covers milling, shoulders, paving, striping on Old Cox Pike and Cumberland Drive to the city limits. The deadline to initiate is September 1, 2014 and we just received the documents since the last Board meeting. Approval was granted for further research on the Grant Anticipation Loan to be presented at the next meeting to include details such as interest rate and payback terms (monthly vs lump sum).

9. New Business –

- A. Discuss and/or Take Action on Recommendation from the Planning Commission on Rezoning Application for Property Located on 7062 City Center Way, Map 42, Parcel 173.00, 1 Acre from RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use), Karen Dirkse, owner – City Attorney Cantrell states he is requesting permission to move forward with preparation of documents. Vice Mayor Johnson makes a motion for approval with Commissioner Sutton seconding. All were in favor.
- B. Discuss and/or Take Action on Recommendation from the Planning Commission on Rezoning Application for Property Located on 7061 City Center Way, Map 42, Parcel 172, 0.58 Acre from RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use), John Harrison, owner - City Attorney Cantrell states he is requesting permission to move forward with preparation of documents. Vice Mayor Johnson makes a motion for approval with Commissioner Sutton seconding. All were in favor.
- C. Discuss and/or Take Action on State of Tennessee Public Chapter 901 Relating to Notice Required by Said Chapter to County School System and Agreement with County Regarding Distribution of Proceeds of Certain Funds Collected by the City Required by this Chapter and T.C.A. 57-4-306 – Attorney Cantrell states this is related to a new chapter that was passed on May 13, 2014 and he is requesting permission to prepare correspondence and wishes to make the Board aware of the new regulations regarding collection and distribution of liquor by the drink taxes. He continues that prior to August 1 a letter needs to be prepared and sent out as an official statement of how these taxes are to be distributed. He is asking for permission to prepare the letter to be applied to city letterhead to send to the County Mayor, County Attorney and School Superintendent. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- D. Discuss and/or Take Action on State of Tennessee Contract with the City of Fairview for Mowing and Litter Pick Up – City Attorney Cantrell states this is a carbon copy of the contract from the state from this past year extending the contract from 7/1/14 – 6/30/15

and is a revenue producer for the city so it requires Board approval. Streets director Keith Paisley explains the amount has been reduced drastically this year not in the amount for the job but in the number of cycles being paid. It dropped from \$31,000 last year to \$2,358 this year for 4 cycles of litter pick-up and 3 cycles of mowing. Paisley was questioned about when the contract was received and it was noted that it was received after the budget was passed but we had \$18,000 in this revenue line item in the budget. Further questions were asked about how much we are paying employees to mow, how much for gas and equipment, how often we mow and where the amount came from in the budget. Paisley noted that the State reduced everyone's budget and we are one of two cities still being paid to mow. Mayor Totty made a motion to defer to the next meeting until more details can be presented with Commissioner Sutton seconding. All were in favor.

- E. Discuss and/or Take Action on Recommendations from Tree Board – Mayor Totty shares the following recommendations:
- The Tree Board voted 3 to 1 to approve the removal of one 30" caliper tree and one 10" caliper tree adjacent to the Taco Bell property in exchange for \$1,000 for alteration of the original plan but noting they will still be held to the Tree Removal Standards. The funds will be deposited into the Tree Bank Fund. Commissioner Sutton makes a motion for approval with Vice Mayor Johnson seconding. All were in favor.
 - Follow up on a deferred item from March 6, 2014 to amend the Tree Planting and Protection Ordinance to include a basal density for Loblolly Pines of 60 to 80 per acre on public properties within the city of Fairview. Vice Mayor Johnson makes a motion for approval with Commissioner Sutton seconding. All were in favor.
- F. Discuss and/or Take Action on Recommendations from Finance Review Committee – Donna Brooks of the Finance Committee presents the report due to Commissioner Bissell and CFO Daugherty being absent. Brooks states that Bissell resigned as chair and Daugherty is the new committee chair. Attorney Cantrell states the CFO should not be chair of the committee because he cannot hold 2 positions so a new chair will need to be selected at the next meeting. Mrs. Brooks continues that the stabilization plan requested at the June 30th meeting is in the works but due to other previously scheduled items such as year-end closeout and auditors they would like to postpone the plan presentation until the first meeting in October. She continues they have discussed at length where we are and the fact that revenues and/or expenses can't vary much in either direction. They highly recommend the sale of any city property not being used and the separation of restricted funds out of the general account. A list of steps that would need to be taken if revenues don't come in as planned was reviewed as well. Brooks also added due to changing the way employee contributions for medical benefits were entered we have ended the year with a \$30,000 surplus. The Finance Review Committee will meet on the second Thursday of each month at 6:00 pm. Mr. Hall suggests the Deer Ridge property be sold. Further discussion was had about selling assets to pay bills versus whether they could be useful to the city in the future. The bottom line is we need to get revenues into the reserve fund. At the request of the Vice Mayor, Mrs. Brooks recommends 5% of the budget amount in an emergency fund and 25% in unassigned reserves. Mayor Totty states we need a plan to get this settled so we can march out and stop digging noting that good leadership will find a way out of the hole we are in. Totty makes a motion that by October 9th the Finance Review Committee will present a comprehensive fiscal policy containing a stabilization plan and any workshops or special meetings needed to get this accomplished should be planned. Commissioner Carroll seconded and all were in favor. (see attached Finance Report)
- G. Discuss and/or Take Action on Resolution #11-14, A Resolution Authorizing the Fire Department of Fairview, Tennessee to Participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant Program –Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. Attorney

Cantrell states it is the same every year, a win-win for the City 50/50 equipment grant. Chief Cooper notes this is to replace protective clothing that expires in January but has to be ordered at least 2 months in advance because they are custom made. Further discussion was had about the \$20,000 in the equipment line item of the budget and how much other equipment needed to be purchased for the year and more is expiring but they only order replacements for what is currently being worn and the City can foot the bill for all of it or the grant can cover the first \$1,500. Chief Cooper noted they would likely need more money by the end of the year. VOTE: For: Carroll, Johnson, Sutton, Against: Totty. Motion carried.

- H. Discuss and/or Take Action on Engagement Letter with Hardee, Patterson, Ballentine, P.C. – Attorney Cantrell states this is an engagement letter from the auditor for a personal service contract so no need to bid and they adjusted the two items he previously questioned. Questions were asked about which line item this \$9,000 expense was budgeted in (determined it is Professional Fees) and what other items are budgeted within that \$35,000 line. It was asked that be reported by the CFO. Commissioner Carroll asked if this auditor did all we need based on the current financial situation and didn't receive any warning/advice from them on it or if we should look for someone else. Cantrell states it is too late to look for another this year due to time constraints. Mayor Totty called the vote and all were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – none
- B. Staff Comments –
 - (1) City Manager Hall – notes that he, Mr. Humber and the Mayor attended the ICSC KY/TN Idea Exchange and made contacts with many and have already made several appointments about bringing more business to Fairview. He states he sees a good upswing in the near future. He thanked the employees for donating their time for the Independence Day Celebration and noted the goal was to gain enough sponsors to Codes Director Humber – Mr. Humber presents the Codes Department report for the month of June. He stated they are reviewing plans for the Home Town Pet Store which will occupy four storefronts at Bowie Commons, Taco Bell is on schedule to open mid-August, we have a new industry very interested in locating here and have several new subdivisions or additional sections being approved. Safe Routes to school is underway and construction should begin next spring to early summer. TDOT Roadscapes project for extensive Roadscapes at the 4 lane and cloverleaf of Hwy. 96 is being revisited. Resurfacing grant additional funds approved by NPO and sent on to FHA for approval. We should know very soon about the obligation of funds.
 - (2) pay for the fireworks and we actually paid for more than that.
 - (3) Keith Paisley – reminds every one of the Star Party at Bowie on Friday, July 25 from 3:30 – 10:30
- C. City Attorney Comments – City Attorney Cantrell notes that many are aware of his recent health problems and thanks everyone for their kind words and deeds, especially his colleague Dan Alexander who covered for him on June 30, he noted he is feeling much better.

11. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton states for the last ten years he has had health issues and notes he will be resigning from several of the boards he currently sits on and is withdrawing from the Mayoral race. He notes early voting starts tomorrow so get out and vote. He asks all to be positive and notes his phone number is out there if anyone wants to know the truth on anything.
- B. Vice Mayor Johnson notes there are five members of the Board for a reason noting they won't always agree. He notes with the delay in fireworks the third band was cut short and has heard of attacks on the last band which is his 11 year old son's band and they cut their act by 6 songs noting the fireworks were only 30 minutes later than planned but apologized if that inconvenienced anyone. He reiterated that last years budget ended with a \$30,000 surplus in case anyone missed that from Mrs. Brooks earlier and noting that we can make this work.

- C. Commissioner Carroll notes with every event it is live and learn and re-evaluate what was good and what wasn't. It was good for the community to come together to celebrate and even Nashville had a 20 minute delay for their fireworks the next night.
- D. Mayor Totty stated there will be an Economic Task Force meeting on August 18 at 6:00 p.m. at City Hall. She has asked Melissa with TVA to share trends. Mayor Totty noted she really enjoyed the celebration on July 3rd and had a wonderful time in the children's area. She thanked all the employees for their contributions and requested profit/loss info on the July 3rd event to share at the next meeting. She noted the value of GNRC with the example of looking at neighboring counties for what they are doing.

12. Adjournment – Commissioner Sutton makes a motion for adjournment. There was no second. All were in favor. The meeting was adjourned at 9:58 p.m.

Brandy Johnson
City Recorder