

City of Fairview

BOARD OF COMMISSIONERS

July 18, 2013

Beverly D Totty, Mayor
Stuart L Johnson, Vice-Mayor
Patti L Carroll, Commissioner
Allen Bissell, Commissioner
Toney R Sutton, Commissioner
Andrew Hyatt, City Manager
Larry Cantrell, City Attorney
Theresa Porter, City Recorder

Present: Totty, Bissell, Carroll, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Pewitt, Cooper, Paisley, Harris,
Holsinger

Absent: Johnson

1. Mayor Totty called the meeting to order at 7:10 p.m.

A. The prayer and pledge was led by Director Lovvorn.

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Carroll seconded. Mayor Totty stated that there are some alterations, she would like to present a request from the public works director of a change order on Bowie Lake Road that will be added as old business item 7E. 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. Mayor Totty stated that at this time it gives her great honor...and asked Sgt. Hill to approach the podium. Mayor Totty stated that she would like to share with him as Mayor, as mom, as high school participant, as community person you have been an inspiration to many. She stated that he has shined in this community not only with his integrity and his strength but by being one on the best gentlemen she has ever met. She stated that he has led these kids to a place hopefully where they will never forget, someone who believed in them, someone who shared common interest, and also told them that they can do anything if they put their minds to it, she stated that was her personal accolade and she was given the honor to share with him, and she read from the plaque, to be presented to Sgt. Larry Hill in the grateful appreciation for your outstanding leadership qualities and dedication to our community the City of Fairview, and stated that the Board of Commissioners want to present this to you and she thanked him for his service. Sgt. Hill stated that he hated to give up teaching but he had to but he is still in uniform and he is not going to quit until the good Lord takes him away, he said he loved this town and he loves the people in it very very much and he thanked everybody.

B. Commissioner Carroll stated that the Back to School Bash is Saturday August 3rd at the high school from 10:00 a.m. to noon this is where several people pitch in and offer backpacks and school supplies. If you have a business or a non-profit and want to share that with the community they are looking for

vendors and you can contact Ms. Joelle at Helping Hands, Mrs. Debby Rainey or Mrs. Patti Carroll.

- C. Commissioner Sutton stated that September 14th is Nature Fest and they are still looking for vendors and sponsorships. Anyone interest can contact the Fairview Chamber of Commerce at 799-9290.

5. Public Announcements –

- A. City Manager Hyatt announced that our Bowie Nature Center turns ten on August 10th there will be an open house celebration, nature crafts, food, nature games, exhibits and more and it is free to the public and it is from 10:00 a.m. until 3:00 p.m. at the Nature Center.

6. Approval of the Minutes –

- A. The minutes for the June 6, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. All were in favor.
- B. The minutes for the June 10, 2013 Special-Called Board of Commissioners meeting were presented for approval. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.
- C. The minutes for the June 20, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. All were in favor.

7. Old Business –

- A. Discuss and/or Take Action on Appointments to Boards and Commissions – Mayor Totty stated that
 - (1) We have one opening on the Industrial Development Board; we have one application Mr. Larry Richards. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.
 - (2) The Tree Commission has one opening and two applicants, one has been withdrawn, and the two applicants that have been presented are Mrs. Debbie Rainey and Mr. John Hall. Commissioner Sutton asked if they were both here tonight and Mayor Totty said yes sir. Commissioner Bissell asked Mrs. Rainey if she was just continuing service, she stated yes that is correct. Commissioner Sutton nominated Debby Rainey. Commissioner Bissell seconded the nomination. All were in favor.
- B. Second and Final Reading on Bill #2013-13, Ordinance No. 808, An Ordinance to Adopt a Nondiscrimination Complaint Procedure and a Limited English Proficiency (LEP) Procedure for the City of Fairview, Tennessee. Commissioner Bissell read the caption. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. Mayor Totty asked CFO Pewitt if this was a company that is being hired, is there a retainer fee, and is there someone who is proficient in all languages; let's say we had the need tonight. CFO Pewitt stated that we have a telephone number to call, the company is Language Line, we have an account with them but there is no retainer, we only pay if we actually use them, there is no contract, if we never call them that is ok, if we call them 800 times that is ok, but we do have an account with them and they charge \$3.95 per minute, when you call you state the language you want translated. Mayor Totty asked what about sign language do they have someone in that case. CFO Pewitt stated that she did not check on that. Mayor Totty asked if this was part of the adopt procedure, is that part of the requirement for all. CFO Pewitt stated that she didn't specify that but that is very likely to be a need. Mayor Totty stated that it may very well be that you are just focusing on the language piece of it but I would

inquire if we had a need tonight for sign language interpretation do we have a procedure for that, in the same light of what you have just done or does it cover under this and you just haven't found that second vendor. CFO Pewitt stated that she would check into that. City Manager Hyatt pointed out that this stated written or oral language services. Mayor Totty stated that it came up as a question of what if we had that need, is this language only or is this other services they provide or would we have to identify by another provider and maybe have that on record so we will know, if we have the need. Attorney Cantrell stated that the bill would include for purposes of getting your grants, etc. you would have to have access to sign language also, and he doesn't think Language Line provides sign language and we would have to get on board with someone who does do sign language. All were in favor.

- C. Second and Final Reading on Bill #2013-15, Ordinance No. 810, An Ordinance for an Amendment to the City of Fairview, Tennessee Budget for Fiscal Year 2012-2013 Budget. Commissioner Bissell read the caption. Commissioner Bissell made a motion for approval. Commissioner Sutton seconded. All were in favor.
- D. Discuss and/or Take Action on City of Fairview Projects – Project Manager Holsinger stated to the board that they should have an updated projects list to go through this evening.

Parks and Greenways – The City Center Greenway, City Manager Hyatt stated that he has spoken with the representative from Recreation Environment Educational Services with the state that represent our area and asked him to locate our amendment; he said it got lost at the state but they are searching for it and he is on this hot and heavy trying to get that accomplished at this point.

Bowie Lake Road – Project Manager Holsinger stated that they are at 75% we should be substantially complete by August 5th we are basically excavating now for the sidewalks, curb and gutter, the roadway expansion portion, all the utilities have been relocated. Commissioner Carroll stated there is a huge drop at the sidewalks in front of the Nature Center and it looks dangerous. Mr. Holsinger stated that there is a phase 2 for that and when it is completed it will be a standard step down. Mayor Totty stated that there was a question about the layout of the sidewalk and asked if the sidewalk was laid according to plan, Mr. Holsinger stated that the only place the sidewalk was going to deviate per the drawings that he had, when he participated in the park board meeting about two or three months ago, he had the drawings and the only area they needed to work around were the mature trees adjacent to the fire station; it was always going to go down the roadway and that is how the drawing has always been. Commissioner Sutton stated that we had a discussion about going around them before when we initially started looking at planning that, the same thing was discussed about moving the sign and those big trees right there and he thinks it is right on line with the way it was.

Lake Van Trail – Mr. Holsinger stated that under the Lake Van Trail line item for \$259,103 that is basically having the contractor do the asphalt walk and city staff building the boardwalks. On the \$259,103 when he broke out the bid, the general contractor's bid to do that same amount of work was \$395,000 so we are saving a significant amount of money but it still is a big investment. Mayor Totty asked if it would be fair to say, if you took Loblolly Loop in to half of the linear foot it would be half the price. Mr. Holsinger said yes, the unit cost, the \$78.70 was the original unit cost bid during the Lake Van Trail project and obviously we would have to increase the scope but other than oil prices changing with asphalt, we would have to rebid it to see what that per foot cost would run out to be. Commissioner Sutton asked what other options do we have other than asphalt or would there be any problems what so ever with any type of run off of the asphalt

into the lake. Mr. Holsinger stated that on the original drawings they do have storm water controls for those types of things, once the asphalt is cured, to his knowledge there shouldn't be any issues with the lakes but there should be a storm water prevention program to prevent things like that. He stated he would have to dig a little further into the finite details of the drawings and specifications but he does recall seeing drainage and straw bales and things like that to prevent things like that in the construction process. Commissioner Sutton asked what about after the construction process. Mr. Holsinger stated that after construction you are going to have mechanical weathering just like you do on the roadways and you will have small gravel and asphalt materials and as far as another product, you've probably been in Franklin they have a semi permeable concrete, usually on the front edge on parking strips where it actually absorbs the water, that is something we can look in to but he thinks it is a little bit more expensive product. Mayor Totty stated that she is very concerned with the tar, the oil, the byproducts being that close to the lake, she believes that is very risky and if there are other ways to look at it then she definitely agree with the idea, the concept and the purpose of the project, but definitely looking at it being affordable and it not having any detriment to the nature of the park.

Bowie Park Forestry – Mr. Holsinger stated that this has gone back into city development, we had zero bids turned in for the bid process, he and Keith are in the process of working together to get secure quotes from a couple different contractors to try to find out who is the most qualified and the most cost effective bidder.

The Farmer's Market – Mr. Holsinger stated that we are still working on the PUD.
Evergreen Park – we are 100% complete down there with the funds we had available.

The Bowie Park Five Year Strategic Plan – Mr. Holsinger stated that the city manager asked him and Keith to work together on this, to look at the old strategic plan and not just at the Bowie Park but all the parks in general, especially with the time and resources at the Veteran's Park, we hope to have something together in the next 30 days or so. Mayor Totty stated that one of the key reasons this was placed into the hands of staff was for the purpose of evaluating the current conservation easement and what in the master plan is not permissible, so that omission as part of the master plan is kind of the purpose of, and then to be able to look at the activities and then be able to put goals and aspirations of the departments.

The Roadscapes Project – Mr. Holsinger stated that this is still in the NEPA phase.

Safe Routes To School – Mr. Holsinger stated that have gotten to the design phase we have awarded the design contract to Kimley-Horn.

MPO Active Transportation and MPO Surface – Mr. Holsinger stated that we are still at the NEPA phase on both of these.

City Staff Projects – Mr. Holsinger stated that he has spoken with Mr. Beata about the location of the welcome sign on his mother's property, he has sent the physical description to the city manager to forward it on to the city attorney, and we are currently drafting an easement agreement and once all this is complete we can begin on the installation of the sign. It will be where Southern Road meets Hwy 100 on the North West corner of that property, and he has to work with Middle TN, they do have a power system, to find out if he can go under their right of way. Commissioner Carroll asked if this be at an angle like the original Hwy 100 coming in and is it going to match 100% the Hwy 100 sign. Mr. Holsinger stated that he is still going to send out requests for quotes on the sign so the craftsmanship and materials should be the same, colors will be the same, the lettering should be the same, everything should be the same but the way they

go together will be a little bit different but it should be the same sign. The columns will be the same and the material the same.

City Paving – Mr. Holsinger stated that we were going to go out to bid for King Road but after speaking with the city manager and the city attorney he has a better perspective on what we need as far as the city paving goes and what he would like to work on as far as the next 30 days is to get a bid for a tonnage of service material, base material, stripping distances, find contractors to give us a per ton cost and we can calculate a per ton mile, put them under contract for 12 months with an option to renew an additional 12 months at that rate and then we can go out and say we want this stretch of mile paved, this is what it is going to cost. We don't have to hire them to do anything we can just let the 12 months go by and don't pave anything at all or have them just do a small trip in front of King Road, we can have them do anything around town that the board wants or what the citizens want, we will have that opportunity. Mayor Totty asked if the county be contacted in this as well because they offered to be subcontractors for your paving. Mr. Holsinger stated that we don't currently have an interlocal agreement with the county, he is working on that process to get that in place and as soon as he knows more on that he will report back to the board.

The City Transportation Plan/City Center Overlay – Mr. Holsinger stated that this was still in city development. Director Lovvorn stated that he and Will our City Engineer will be having a meeting next week sometime to get some finalized on the transportation plan once we get everything together and try to get to the second meeting in August for the Board to review and if you approve the thoroughfare plan then we will have to have that thoroughfare plan recorded at the register's office by state statute.

The City Survey – City Manager Hyatt stated that staff has been working on this with Alisha Spann the marketing intern on a survey monkey survey for the park system, we have a sample, we kind of finalized some of it today and we are going to try to get it to you as the chair of the Park Board probably tomorrow or Monday so you can pass it around the Park Board so they can try it and see and do some things, it is a free service, we can go on there and click on certain things and it shows us all the results at one time but we have a few questions and want the Park Board to look at it before we put it on the website.

The Windstream City Networking – Mr. Holsinger stated that we are at 85% complete. We are live with the new metro E line in the building which helps with the internet speed. We still need to do the final training and the final portals for the external phone numbers that are not attached to the building like the fire station, community services building and the park, their phone numbers are live but they are not permanently attached to the city hall main number and should see something in the next two weeks and hopefully we should be 100% complete in the next two to three weeks.

Veteran's Memorial Park – City Manager Hyatt stated that we are putting in the fencing now and we went online and found some flag poles and we will be ordering those next week, they are about \$300 a piece, we will get those set in concrete and order the flags. We have some lighting put on Black Pine Road, MTE put some standard street lights and we have some low lighting and they put a spot light on the flags so they will be lit 24 hours a day. We would like for the Board to think about renaming the road, maybe Veteran's Way or something like that and there is only one business on that roadway that will be affected. We will probably have the fence completed by the first on the week.

Mr. Holsinger stated that one other project was the painting of the commission chamber and he recognized the city staff for doing such a great job and there is a new city seal coming.

Commissioner Carroll stated that she was in a meeting the other day and someone brought up the fact that we put that area in the park system and we have this Board spinning their wheels and coming up with surveys and what to potentially do in the park and then we are already doing something totally different so we probably need to come in the consideration is that something that we want that Board to address. City Manager Hyatt stated that he felt like this memorial was separate from a park, this is like a special place and this is the only thing that is going to be there we are not going to start adding picnic tables and grills, this is a sacred area that he felt like this Board needed to address. Commissioner Carroll stated that she doesn't know that we have gone a wrong direction, it is a great idea and we all discussed it but we have a great Board of people that are volunteering and giving their time and we just basically came in and moved ahead. Mayor Totty stated that the money being spent on flags and poles and lights, which she totally respects and thinks it's a great idea, but when she looks at the Bowie Park sign that is shabby and painted and such it makes her think wait a minute, money is being spent where no one is going to see anything and our crown jewel having a sad looking sign what is the intentions there. City Manager Hyatt stated that it is a work in progress because we are waiting on the construction to be finished, we didn't want to do anything and then the sign get damaged.

Commissioner Carroll asked staff to check into a temporary fix at the unsafe sidewalk in front of Bowie Nature Center.

- E. Discuss and/or Take Action on Change Order Presented by Contractor TN Valley Paving – Mayor Totty stated that there is a zero increase, there is a zero cost of the change order on either part and the change order is taking place from a May 30, 2013 expiration to an August 5, 2013. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.

8. New Business –

- A. Discuss and/or Take Action on Resolution 09-13, A Resolution Authorizing the Fire Department of Fairview, Tennessee to Participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant Program – Mayor Totty read the caption. Chief Cooper stated that every year we have a low claims rate resulting in a TML refund as part of premium and it is only used for fire equipment, he is under a mandate to replace bunker gear at ten years and 13 of his 26 will go out during 2013-2014, \$1,500 of this money will go towards the replacement on one set of gear which is \$1,900 just for the pants and coat. TML requires a resolution every year and the Board has it in front of them and we need the approval. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. Chief Cooper stated that it is a 50/50 matching grant, we are buying 2 sets of gear for \$3,400 and they are giving us \$1,500 so \$1,900 will be coming out of the budget. All were in favor.
- B. Discuss and/or Take Action on SB129 Authorization to Manufacture – City Manager Hyatt stated that senate bill 129 was approved by our state legislature to allow a distillery of high content beer manufacturer to operate within cities and we are looking at it to see if we want to opt out of it or to be included in it which allows someone to ask to get a permit. Attorney Cantrell stated that this is public chapter number 445 and signed by the governor on the 16th of May to be effective on July 1st and that is the reason we wanted this before the Board tonight. This allows the manufacturer of alcoholic beverages, high alcohol content beer, it allows the actual manufacturer of liquor and the only requirement to the city is notification that they want to manufacture this alcohol, unless the city opts out. The legislation does allow the city to opt out by resolution but you have to do this within 45 days from July 1st which gives us up to August 15th and it requires notification to the Alcoholic

Beverage Commission that you have taken this action to opt out. If the city doesn't opt out the city has no control on the number of manufacturers allowed. Mayor Totty made a motion for approval of the opt out resolution and authorize the city recorder to notify the ABC by certified mail that city has opted out. Commissioner Sutton seconded. Commissioner Bissell read the caption – Resolution No. 11-13 A resolution to remove the City of Fairview, Tennessee from the application of mandatory allowance of the manufacture of alcoholic beverages in accordance with the provisions of T.C.A. 57-2-103. All were in favor.

- C. Discuss and/or Take Action on Bill #2013-16 - Commissioner Bissell read the caption, Bill #2013-16 Ordinance No. 811, an ordinance to amend the approved Master Development Plan for Fairview Historic Village, as shown on, Williamson County, Tax Map 69, Parcel 62.00, Zoned H.O.D. City of Fairview, Tennessee owner, 3.54 acres. Commissioner Bissell made a motion for approval. Commissioner Sutton seconded. All were in favor.
- D. Discuss and/or Take Action on An Ordinance to Pay the Chairman of Various Boards and Commissions for Their Services as Chairman of the Various Boards and Commissions and to Set the Amounts – Commissioner Sutton stated that based on previous conversations that the Planning Commissioners pay go from \$100 to \$150 and that reason was because they are required to attend almost every other meeting that we have as the Tree Board and everything else. The other item that we agreed to discuss was a stipend for any other meetings that are held and the stipend was \$40 for the Chairman of that board and \$20 for each member of the board that attends those meetings, that was his intend that we try to set that so we can encourage more people to participate in the boards and this would be for any meeting that is not a regular scheduled meeting. Any other meeting that is a special called meeting that would be the Chairman and each member of that commission would get the stipend the \$40 and the \$20. Commissioner Sutton stated that there is \$5,000 in the new budget for these stipends. CFO Pewitt confirmed that it is in the budget and it has its own line item. Mayor Totty stated that her only question on the ordinance would be that it specifies what boards it addresses. Attorney Cantrell stated that he could add as a third item the all boards because at the time it only addressed Planning Commission and the Chairman and the other came up in the budget discussion, if it passes he will amend it before the second reading. Mayor Totty stated that the five Board of Commissioners are not addressed in this ordinance. Attorney Cantrell stated that they will be in the amendment because his understanding is that if you call a special called meeting then this Board will get the stipend. Commissioner Bissell stated that this should be deferred until all five Commissioners are here and he feels this Board should treat themselves just like we are treating the Chairman of the Planning Commission and he agrees with the idea of a stipend but would prefer a simpler system, he thinks the Board of Commissioners should just get a raise and not get paid for being the Chairman of other Boards, he thinks we should start slow and have the attorney draw up an ordinance that goes down the line and set a rate for that called meeting. Commissioner Sutton made a motion to approve. Commissioner Bissell made an amendment to the motion to defer. Commissioner Carroll seconded. Attorney Cantrell stated that the Board of Commission can increase the stipend to all the other Boards but there is a state law to the effect that a sitting Board can't vote itself a raise, that would have to take effect at the next election or after the next election and he will have to pull up that statute and look at it. Mayor Totty stated that she wanted to highlight that anything that is below the Board of Commission such as the Tree Commission, Park Commission we can say a \$40 stipend and it's not the same as if we said the Board of Commissioners is now getting a \$2 raise, we vote on it, we can't vote on our own raise. Commissioner Bissell stated that for example, Mayor Totty is the Chairman of the Park Board too and she currently receives

nothing for that and if he understands the city attorney correctly, if we pass an ordinance then the Chairman of the Park Board is entitled to the \$40 a month Mayor Totty is not entitled to that as a member of the Board of Commission because that is a raise. City Attorney said he would have to look to clarify that. Mayor Totty stated that it is the title money, because she could switch tomorrow but the title still gets \$40. Commissioner Bissell stated that he has trouble with that because that to him is backdooring a raise for the Board of Commission and he doesn't agree with that, if we are going to treat the Planning Commission Chairman as \$150 and they are expected to go to the Tree Board and other Boards and represent the Planning Commission, we ought to receive a flat amount and as part of our job it is expected and he is in total agreement for the public and soliciting the public and all that but the five Board of Commissioners need to be careful how we structure this because to him all of that is part of being a Commissioner. All were in favor to defer. Commissioner Bissell asked the Mayor if we could go ahead and place this on the August 15th agenda.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hyatt stated that he will be engaging Senator Johnson and Representative Durham in the next few days about some of the accidents and things that have happened along Hwy 100 and 43% of our accidents happen on Hwy 100 and he feels there is some attention that the state needs to pay to Fairview because of the amount of traffic and the left turns and that type of thing, widening or guard rails or whatever we need to do. Usually when there are fatalities it gets their attention.

- B. Staff Comments –

Project Manager Kevin Holsinger stated that the guys are out on the roadways doing ditch work; we have flag men out there, just be cognizant of them and slow down for them, we are trying to make drainage better and just keep an eye out.

Codes Director Lovvorn gave the codes department report for June, Taco Bell was granted a variance; Deer Valley Downs was approved for their preliminary master development plan and have submitted a final subdivision plat for phase 1 and phase 2 to be on next month's agenda and part of this will be under the new subdivision regulations. Mayor Totty asked on the building permits on Brandenburg Cove if they were Habitat for Humanity and if they were worked through with reduced fees. Director Lovvorn stated that there were actually three permits and only one complied with the ordinance at no fees, the majority of service calls were for brush pickup, and the majority of violation letters that went out are for grass. Director Lovvorn stated that on Triangle School he is waiting on proposals back from the architects for the design of the NP&E. Commissioner Sutton stated that at the Industrial Park, the grass has grown up so high that you can't even see the businesses and asked if they are not the same as residential. Director Lovvorn stated yes, it is the same as residential, that they are working on those, John sent out a letter today on the one on Black Pine Road.

Park Superintendent Keith Paisley stated that there is a star party tomorrow night from 8:30 to 10:30. The Nashville Running Company was out here Sunday and had 89 runners and 100 actually paid, they loved it and a lot of them stated that it is about 30 minutes away from where they lived and gave a lot of good comments, they did a good job of cleaning up and there was no extra work on our staff. TWRA came out and shocked Lake Van and Evergreen Lake at Memorial Park and they gave us some recommendations and we have started on those by putting in grass carp which will help eliminate some of the vegetation and another recommendation was to fertilize it to stop some of that vegetation in the spring time if the grass carp did their job and another

recommendation is to put size limits, creel limits and daily limits and they did recommend that Evergreen Lake be stocked with catfish.

C. City Attorney Comments – None.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton stated that it was a good meeting and we touched on a lot of subjects.
- B. Commissioner Bissell had no comments.
- C. Commissioner Carroll had no comments.
- D. Mayor Totty had no comments.

11. Mayor Totty asked for adjournment.

- A. Commissioner Sutton made a motion to adjourn. Commissioner Bissell seconded. All were in favor. The meeting adjourned at 8:56 p.m.

Theresa Porter
City Recorder