

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

July 20, 2017

Patti L Carroll, Mayor
Shannon L Crutcher, Vice Mayor
Derek K. Burks, Commissioner
Scott Lucas, Commissioner
Debby Rainey, Commissioner
Scott Collins, City Manager
Tom Daugherty, CFO
Tim Potter, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Burks, Crutcher, Lucas, Rainey

Others Present: Collins, Potter, Johnson, Costanzo, Daugherty, Hughes, Odom, Paisley

1. **Roll Call** – City Recorder Johnson called roll and confirmed a quorum was present.
2. **Call to order by Mayor Carroll at 7:01 p.m.**
 - A. Prayer and Pledge led by Mayor Carroll
3. **Approval of the Agenda** – City Manager Collins requested the addition of item 12P School Funding Request which was inadvertently left off of the agenda. Vice Mayor Crutcher made a motion for approval with Commissioner Rainey seconding. All were in favor.
4. **Public Hearing - NONE**
5. **Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
 - A. Donna Brooks, 7315 Chester Road, notes she really appreciates the new speakers and requests to make sure the mics are on. Brooks states the traffic study said Old Nashville Road would not be affected by the new homes but also that it is not a standard width. We have had discussions about the Cumberland Drive/100 intersection but what can we do in the mean-time to handle traffic? If we are planning to go a different direction with a new master plan then why would we keep approving the same type of houses? Brooks states she is opposed to any more PUD developments.
6. **Awards and/or Recognitions**
 - A. Vice Mayor Crutcher recognized the U12 baseball team who came in as runners-up in the state tournament and will be headed to the Dixie Youth World Series in Oxford, Alabama on August 5.
7. **Public Announcements**
 - A. Fairview High School baseball coach, Matt Putnam, requested assistance in funding as he is working to get the baseball and softball fields up to par and hoping to continue hosting tournaments to bring in additional funding. Putnam requested \$22,500 which would cover the following: press box for baseball and softball, better lawnmower, new bases, improvements to the dugout fencing, backstops, pitching machine, barrier net, and field conditioner. Vice Mayor Crutcher notes both the middle and high school softball and baseball teams use these fields so the funding would benefit both schools and if the fields are in better condition to host tournaments it benefits the entire community.
8. **Staff Comments**

- A. City Recorder Johnson introduced Administrative Assistant, Michelle Martel, who will be filling in for Johnson at the next meeting.
- B. Planner Constanzo gives a step-by-step guide for annexations and, along with City Manager Collins, explains the annexation process noting the resolutions on tonight's agenda are a first step to review and pass on the plan of services to the planning commission and as a step forward prior to the expense of advertising and sending letters to adjacent homeowners

9. Approval of the Minutes

10. Consent Agenda Consisting of Items as Follows

- A. Second and Final Reading of Ordinance 2017-13, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 8, "Alcoholic Beverages," Chapter 2, "Beer," Section 8-203, "Beer Board Established."
- B. Second and Final Reading of Ordinance No. 2017-17, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2016-2017 Budget (General Fund for Safe Routes to School and Transfer from Courts to Public Works)
- C. Minutes for the July 6, 2017 Board of Commissioners Meeting

Vice Mayor Crutcher read the captions with Commissioner Burks making a motion for approval and Vice Mayor Crutcher seconding. All were in favor.

11. Old Business

12. New Business

- A. Appointments to Open Seats
 - 1. Board of Zoning Appeals
 - A. Citizen Seat Expiring 6-30-2018 - DEFERRED
 - B. Citizen Seat Expiring 6-30-2020 - DEFERRED
 - C. Ricky Campbell's seat expired 6-30-2017 (3-year term)
 - D. BOC Seat – Vice Mayor Crutcher nominated Commissioner Lucas seconded by Commissioner Burks. Commissioner Burks amended the motion to re-appoint Ricky Campbell seconded by Commissioner Rainey. All were in favor.
 - 2. Tree Board
 - A. Citizen Seat Expiring 6-30-2018 - DEFERRED
 - B. BOC Seat – Vice Mayor Crutcher nominated Commissioner Rainey seconded by Commissioner Burks. All were in favor.
 - 3. Park Board
 - A. Citizen Seat Expiring 6-30-2020 – Commissioner Rainey nominated John White with Vice Mayor Crutcher seconding. All were in favor.
 - B. BOC Seat – Commissioner Rainey nominated Vice Mayor Crutcher with Commissioner Burks seconding. All were in favor.
 - 4. Planning Commission
 - A. Brandon Butler's seat expired 6-30-2017 (3-year term) – Commissioner Burks made a motion to re-appoint Butler with Vice Mayor Crutcher seconding. All were in favor.
 - B. Michael Mitchell's seat expired 6-30-2017 (3-year term) - DEFERRED
- B. Ordinance #2017-09, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 47, Parcel 66.00, Consisting of 33.81 Acres, Located off Cumberland Drive, from a RS-40 (Low-Density Residential) Zoning District to a R-20 P.U.D. (Medium-Density Residential Planned Unit Development) Zoning District – Vice Mayor Crutcher read the caption. Engineer Jamie Reed was present to represent the project. Mayor Carroll noted there was a lengthy discussion at the Planning Commission meeting and the builder agreed to close the sidewalk gap to Safe Routes to School. Reed states this project is located just south of Cumberland Estates with approximately 30% open space (9 ½ acres). A HOA would be responsible for upkeep of the trails, gazebo and multi-purpose fields. Reed continues the traffic analysis dictated a need for (2) ten-foot lanes. They are adding curb and gutter, bridging the sidewalk gap and the overall design in similar to Cumberland Estates as we are tying into their step system which has already been approved by the

state. Engineer Will Owen points out this is the same plan the PC reviewed and it's his recommendation going forward that the same plan come to the BOC for the first reading along with the PC recommendations. As a first read motion for approval you could include all PC recommendations and then a revised plan would be presented for the second reading. Carroll questions would be responsible for the step system if it breaks down. Owen replies the state requires it be owned by a licensed utility for operation and maintenance. Reed states three certifications are required before the step system becomes active – TDEC, WADC and engineer. Reed has been working with these systems for 20 years all over the state. Commissioner Burks offers concern over the number of homes on the cul-de-sac as current code limits the number to 24 and an emergency could block access for several hours. Crutcher has concerns over the dissolution of the HOA and who would be required to maintain. Reed states they are requesting a variance on the cu-de-sac and the fire chief is ok with that. City Manager Collins suggests removing the stub road and shifting the lots to create parking and a cul-de-sac adjacent to the tot lot to assist with traffic. Vice Mayor Crutcher makes a motion to approve subject to the following: 1) all homes to be four sided masonry products; 2) take out the stub street (Petersborough Lane) and shift lots 140 to 130 to the right to make walking trail access wider for emergency ingress/egress; 3) include recommendations from the traffic study; 4) include engineer and staff comment recommendations; 5) obtain TDEC/WADC approvals; 6) complete temporary cul-de-sac with sidewalk, curb and connect sidewalk with Safe Routes to School; and 7) all Planning Commission recommendations in addition to packet contents; seconded by Mayor Carroll. Roll call vote: Rainey – nay, Lucas nay, Burks – nay, Crutcher – aye, Carroll – aye. Motion failed to carry.

- C. Resolution No. 07-17, A Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent and Approving a Plan of Services, Tax Map 42, Parcels 78.00 (87.71 acres), 78.01 (15 acres), 79.00 (13 acres) and 79.01 (16.04 acres) = total of 137.75 acres, 7818 Old Nashville Hwy, Owners: Jennifer Bufford & Reda Kidder – Vice Mayor Crutcher read the caption with Commissioner Burks making a motion for approval and Commissioner Lucas seconding. Crutcher states we need to review this before any additional money is spent by either the city or the developer. This is a significant amount of land to annex and provide services to and I personally don't feel the city is in a position to provide those services. Mayor Carroll points out the developer agreed to all engineering recommendations for widening, etc. to Fernvale Road so this is an opportunity for some much-needed improvements. No members of the board had heard any positive response from area residents but noted they were likely not aware of the improvements that had been agreed on. FOR: Carroll; AGAINST: Burks, Crutcher, Lucas, Rainey. Motion failed to carry.
- D. Resolution 08-17, A Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent and Approving a Plan of Services, Tax Map 42, Portion of Parcel 77.08 (.60 acres), 7312 Taylor Road, Owner: Kenny Taylor – Vice Mayor Crutcher read the caption. No motion was made.
- E. Ordinance #2017-19, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 42, Parcels 78.00 (87.71 acres), 78.01 (15 acres), 79.00 (13 acres) and 79.01 (16.04 acres) = total of 137.75 acres, 7818 Old Nashville Road, from a RS-40 (Low-Density Residential) Zoning District to a R-20 P.U.D. (Medium-Density Residential Planned Unit Development) Zoning District – ITEM NEGATED DUE TO ACTIVITY ON ITEM 12B
- F. Ordinance #2017-20, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 42, a Portion of Parcel 77.08, Consisting of .60 Acres, Located at 7312 Taylor Road, from a RS-40 (Low-Density Residential) to a R-20 P.U.D. (Medium-Density Residential Planned Unit Development) Zoning District – ITEM NEGATED DUE TO ACTIVITY ON ITEM 12C
- G. Agency Funding Process – City Manager Collins reviews the suggested method of advertising for the agency funding established in this year's budget. Collins notes there is a total of \$25,000 available, organizations should currently have non-profit status and must provide with application a letter on agency letterhead stating the specific amount of funding requested and the intended use; the agency's most recent financial report (audited or non-audited); and copies of the agency's non-profit certification. Requests should be submitted by August 31 and will be considered at the September 21 Board of Commissioners meeting.
- H. Resolution No. 11-17, A Resolution Authorizing the Fire Department of Fairview, Tennessee, to Participate in the Pool's "Safety Partners" Matching Grant Program – Vice Mayor Crutcher read the caption and made a motion for approval with Commissioner Burks seconding. Burks questioned how

much the grant provided and Fire Chief Hughes stated \$1,500 noting the department has received this grant for several years and utilizes the funds to offset the purchase of turnout gear. The gear has already been budgeted for. All were in favor.

- I. Agenda Distribution – Commissioner Rainey makes a motion to send the agenda to all board members and allow them to respond before sending the paper. Mayor Carroll responds that the Mayor chairs the meeting so in turn is responsible for the agenda. I'm not sure why but this is how it's always been done and I checked with Rick Graham (Mayor of Spring Hill) and they use the same process. If the deadline is Thursday at 10am then why were there changes and additions after? It makes sense to have two sets of eyes on the agenda unless you want to take that away. Rainey offers she is proposing 4 additional sets of eyes for review. Carroll has concerns over violating the sunshine law if we are going back and forth. Attorney Potter notes it would not violate the sunshine law unless you were deliberating on issues. Potter continues the requirement is to have the agenda out at least 3 days prior to the meeting but any commissioner can request additions to the meeting agenda. The meetings are regularly scheduled meetings so the agenda is not required to be published in the paper. Citizens are aware of the schedule and that city business will be discussed. Vice Mayor Crutcher states we need to revisit the resolution limiting additions to the agenda for such times as to night with the addition of school funding request and agrees that it would be helpful for all to see due to time sensitive items. Rainey repeats her motion of all commissioners reviewing the agenda prior to the deadline for the paper and Crutcher adds via email to the recorder and mayor. Rainey withdraws her motion. Mayor Carroll makes a motion to defer that dies due to lack of a second. Vice Mayor Crutcher made a motion for the agenda deadline to be end of business Wednesday preceding the BOC meeting with the draft agenda forwarded to all five members of the BOC and changes submitted by end of business Thursday and request requirement for hearing to add item for emergency or exigent circumstances be repealed with all items to be added to the agenda be sent to both the recorder and mayor via email. Motion seconded by Commissioner Burks and all were in favor.
- J. Mayor's Building Access – Mayor Carroll addressed concerns as we no longer have an officer present at meetings and need designated staff to secure the building. Carroll notes she emailed the concern to Collins who assured her he would take care of but this also brought up some additional questions. Carroll noted her first instinct was to go downstairs but access was cut off. What is the procedure? Knowing we have a new board, new city manager, we have been told we are all equal but the citizens don't understand that and in a state of emergency I am in control. City Manager Collins notes access to the police department has been limited for a variety of reasons including security and evidence. Vice Mayor Crutcher agrees noting this has been an issue in the past and he doesn't believe any of the board need access for all the same reasons and the fact it just creates a liability. Carroll replied she wasn't asking for the board, it's for her. She notes there's a whole process in the case of a natural disaster and it's in the charter. Carroll states she's not wanting to abuse it but we need a protocol and need to discuss. Carroll claims she's actually supposed to have a walkie talkie and asks the attorney to look up and clarify. Commissioner Lucas agreed with Crutcher that the board doesn't need access downstairs, however, they should have a real key for building entry access. Mayor Carroll states she doesn't know when the change happened but somebody should have told her. Commissioner Burks believes it could be a safety hazard and possible liability and is best if none have access and enter through the police department front door if need access. Assistant Police Chief Robert Odom confirmed that no board members have access to the police department in Dickson as a safety net. Carroll states she didn't know that something she always had had been cut off and just wants the protocol in writing for clear reference. No action.
- K. Staff Attendance at Meetings – Carroll notes this was mostly discussed in the previous item but the City Manager has always attended the Planning Commission meetings but since you've been here you haven't come. Is this something we can look into? Collins stated he talked with staff who told him it wasn't required but there is no issue and he will be attending in the future. No action.
- L. Use of City Property – Mayor Carroll notes this is in regards to the park opening times. City Manager Collins states he discussed this concern with the citizen who stated opening time was sunrise but there were a lot of times the gates weren't open at sunrise. Discussion with staff led to the thought that establishing a set time would be simpler. The issue with having the fire department as backup for opening gates has several issues but the greatest being their regular availability. The current gate closes the roadway but the park can be accessed from many other locations. We suggest establishing the park as open during daylight hours with signage noting such and additional signage noting

violators will be subject to prosecution with the addition of a police badge on the sign and additional patrols throughout the park on each shift. Collins also notes our park rangers no longer carry weapons and all patrol officers running patrol through the park one time per shift adds increased police presence. Vice Mayor Crutcher made a motion for the park gate to remain open with the exclusion of inclement weather or emergency situations, adding signage at the entrance for setting daylight hours as operating hours of the park and additional signage stating violators may be prosecuted seconded by Commissioner Burks. All were in favor.

- M. Resolution No. 12-17, A Resolution to Dissolve the Board of Adjustments and Appeals – Vice mayor Crutcher read the caption making a motion for approval with Commissioner Lucas seconding. All were in favor.
- N. Resolution No. 13-17, A Resolution Requesting a Change to the Industrial Development Board By-laws – Vice Mayor Crutcher read the caption and made a motion for approval with Commissioner Rainey seconding. All were in favor.
- O. Resolution No. 14-17, A Resolution Approving an Employment Contract for a City Manager – Vice Mayor Crutcher read the caption with Commissioner Lucas making a motion for approval and Commissioner Rainey seconding. Mayor Carroll questioned who placed this item on the agenda and Commissioner Lucas stated he did. Mayor Carroll stated Mr. Collins noted several times he didn't want a contract. Collins replies he has mixed emotions as he appreciates the sentiment and a lot of hard work has been put in by all. He is not from a contract background and feels the job comes with a responsibility on his part to fulfill. Crutcher states Mr. Collins came in at a crucial time and a massive amount of work has been done including new police, fire, planner, attorney and the city looks like a different place. He has put in place the foundation to do some real work and I feel a contract would be beneficial. Crutcher voices concern over the contract being one-sided and would like the city to be protected if Collins should leave at some point during the contract. Carroll questioned who drafted this and Collins replied he did at Lucas' request using examples from former city managers Andrew Hyatt and Wayne Hall as well as one from Spring Hill. Commissioner Burks suggests an attorney draw up the contract but questions whether Mr. Potter would be appropriate. Potter states he works for the city and he would have a few changes to suggest and additional provisions to protect the city. Commissioner Lucas removed his motion and Commissioner Rainey removed her second. Item deferred.
- P. School Funding Request – Vice Mayor Crutcher made a motion to approve the \$22,500 in funding requests made by Coach Putnam for the baseball and softball equipment seconded by Commissioner Rainey. Crutcher notes these funds were appropriated in the budget and this gives permission on where they should go. All were in favor.

13. City Manager Items for Discussion

- A. Miscellaneous Updates - City Manager Collins shares the following items:
 - (1) The new Planning Department office trailer will be delivered next week and we will be transitioning staff to their new locations soon
 - (2) Plans to submit a RFQ for the comprehensive plan by the end of August and estimate selecting a firm anywhere from the end of September to end of October and begin the process of the approximately \$75,000 project soon after
 - (3) As discussed in budget talks we have a need for a new pumper truck. Several sources have been identified and build time is roughly 380 days. We will begin moving forward with the pricing and finance options soon (FY 18/19 will begin the cash portion of this purchase) and estimate 90 days as the time needed to plan how best to move forward. The cost will be approximately \$500,000 over a 10-year period and we are currently looking at a lease to purchase option.
 - (4) A year ago I didn't know anything about Fairview and it's not easy uprooting your entire family but I thank everyone has made this home pretty quickly and eased the transition.
- B. City Attorney Comments - NONE

14. Communications from the Mayor and Commissioners

- A. Commissioner Rainey is very thankful for the air conditioning.
- B. Commissioner Lucas welcomes the new board members appointed tonight, thanked folks for all of their work behind the scenes to make the BOC look good, is thankful to be part of such a caring community with events such as the mobile food pantry that occurred last week where over 200 families were helped
- C. Commissioner Burks thanked the Planning Commission members for their work at a long meeting last week which he missed due to chaperoning at church camp

- D. Vice Mayor Crutcher notes each commissioner has \$5,000 in the budget to use how they choose in support of the community. We have a U12 baseball team headed back to the World Series which is a big deal and not easy on the families. Crutcher wishes to donate \$2,000 of his funds to the Fairview Recreation Association earmarked for the U12 team.
 - E. Mayor Carroll noted some commissioners thought her agenda items were not necessary and in actuality they probably could have been addressed in a single item. We have new staff and I would like to know if access has been cut off, what is the protocol. Let's learn the strengths while respecting each other's abilities and roles. Some of these conversations may be painful. I know the meeting is late and thank all for their input. Sometimes why we have always done something doesn't work anymore and we need to be on the same page of a solution. I forwarded a cheat sheet on Robert's Rules of Order to the Board which might be helpful in moving meetings along. I appreciate all the citizens who volunteered for board positions and even the lady who came tonight with a sign showing her passion.
- 15. Adjournment** – Commissioner Burks made a motion for adjournment with Commissioner Rainey seconding and meeting was adjourned at 11:02 p.m.

Brandy Johnson
City Recorder