

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

July 21, 2016

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

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Cantrell, Johnson

1. Call to order by Mayor Carroll at 7:01 p.m.

A. Prayer and Pledge led by Mayor Carroll.

2. Approval of the Agenda – Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. Commissioner Crutcher requested the removal of items 10 B and 10 C since we have hired a new city manager who can deal with those issues. All were in favor.

3. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).

- A. Rosemary Kubit of 7312 Clearview Drive, comments on the proposed rezoning on Hwy 96 noting this is in her eyesight and shouldn't be zoned commercial as there are residential homes surrounding it but no commercial. She is extremely opposed to the rezoning. Kubit thanks the city, especially Mr. Hall, for bringing the Roadscapes project back to life and helping Dan's dream become reality. "Keep Fairview Beautiful"
- B. Gary Blackburn – attorney for Lt. Stockdale and Lt. Dunning, Mayor Carroll stated Blackburn is not a citizen and will not be allowed to speak tonight. Blackburn stated he left a courtesy copy of a lawsuit with the city attorney and we will speak.
- C. Leslie Cordoza of 407 Hwy 96 N, notes she is also here about the zoning but it is a hard discussion as these folks are her friends. She has lived adjacent to this property for 16 years in her forever home. Cordoza shares concerns over increased traffic, noise, decrease in property value as well as the fact the property adjoins the school property.

4. Awards and/or Recognitions

A. City Manager Hall recognized Fairview's u10 all-star baseball team for winning the State Championship. They are headed to the World Series in Laurel, Mississippi, on August 5 and are asking for donations. Anyone interested in donating should contact Kelly Hollars at 615-533-3006.

5. Public Announcements

- A. Interim City Manager Hall issues a reminder of emissions testing every Monday and Tuesday from 7:30 am until noon.
- B. Mayor Carroll announces the Back2School Bash at Fairview High School on Saturday, July 30 from 10 am until noon giving away free school supplies.

6. Staff Comments

A. Codes Director Hall shares exciting news on confirmation of funds from the FAST (Fixing America's Surface Transportation) ACT which allocates \$98,679 to be spent by September 30 this year and an additional allocation for 2017-2020 of \$435,797. Hall notes he is researching if this can be spent on the red light at Cumberland Drive and Hwy 100 that is on the project list.

7. Approval of the Minutes (only needed if removed from consent agenda)

8. Consent Agenda Consisting of Items as Follows

- A. Approval of the Minutes from the June 30, 2016 Special Board of Commissioners Meeting

B. Approval of the Minutes from the July 7, 2016 Board of Commissioners Meeting

Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.

9. Old Business

A. Discuss and/or Take Action on Expiring Board Seats

(1) One Tree Commission Seat – no applications received, position still open. No action.

B. Discuss and/or Take Action on City Manager Hiring – Mayor Carroll notes the Board offered the position of City Manager to Mr. Scott Collins, he accepted and we followed up with references and background checks. His family is currently looking for a place to live and he will be reporting on August 1.

C. Discuss and/or Take Action on Status of Investigation – Mayor Carroll notes we have received the report and it is on the city website. Chief Smith has made recommendations and they are under review by the City Attorney. Attorney Cantrell stated he met with Chief Smith and Interim City Manager Hall this afternoon and the Chief is running down additional information. Cantrell hopes to have the City's response prepared by Tuesday afternoon and will forward a copy to the City Recorder for distribution to the Board. Commissioner Crutcher states he hopes the City will take whatever action they deem appropriate as expeditiously as possible and that the federal lawsuit doesn't impede the action. Cantrell states the only way it would be impeded would be by injunction noting he will advise proceeding based on the basis of evidence, following the policies and procedures to the letter and will keep the Board advised. Mayor Carroll questions how the news media can report the lawsuit before it has even been served. Cantrell explains the court puts the documents on a program and it is a public document. No action.

D. Discuss and/or Take Action on Retiree Premium Payment Amount for Retirees Who Are Age at Least Age 60 and Have a Minimum of 25 Years of Service – Commissioner Bissell stated they deferred action on this two meetings ago waiting for a full board to be present. Bissell renews his motion for retirees at least age 60 with 25 or more years of service for the city to continue paying the employee contribution rate until the retiree is Medicare eligible. No second – motion died. No action.

E. Discuss and/or Take Action on Impact Fee – Sutton questions Hall of the status and Hall states the city engineer, Will Owen, has an estimate of \$25,000 to a not to exceed \$30,000 for the study. Hall stated we can move forward with appropriations when Tom returns. No action.

F. Discuss and/or Take Action on Donating to Schools – Mayor Carroll states she believes the timing is still premature and will ask for this item to be placed back on the agenda when she receives the necessary information. No action.

10. New Business

A. Discuss and/or Take Action on Grant Contract Between the State of Tennessee, Department of Transportation and City of Fairview (Multimodal Access Grant) – Codes Director Hall states this is the contract with the state on the \$939,000 multimodal grant for approval. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

~~B. Discuss and/or Take Action on Suspending all Provisions of Current Policy and Procedures Manual – Mayor Carroll removed from agenda~~

~~C. Discuss and/or Take Action on Hiring Human Resources Consultant for Complete Review of Policies and Procedures Manual – Crutcher removed from agenda~~

D. Discuss and/or Take Action on Bill #2016-22, Ordinance No. 935, An Ordinance to Amend City of Fairview, Tennessee, Ordinance Chapter 3, Park Commission, Section 2-302 Membership, Subs (1) and (6) – Mayor Carroll read the caption and Commissioner Crutcher stated this was discussed at the last meeting as part of correcting a mistake in appointments to the Park Commission. This ordinance eliminates one of the Board positions replacing it with another citizen member. The Mayor nominates which BOC member serves. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell states Crutcher's synopsis is correct noting that if the Park Commission should meet prior to second reading the appointees may take part as part of legislation pending. All were in favor.

E. Discuss and/or Take Action on Bill #2016-23, Ordinance No. 936, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 14, "Zoning and Land Use Control," Chapter 1, "Municipal Planning Commission," Section 14-101 "Creation and Membership." – Vice Mayor Sutton states this was discussed at the last meeting to provide two alternates to the Planning Commission so we can have a full board at each meeting. Vice Mayor Sutton made a motion for approval with Commissioner

Johnson seconding. All were in favor. Sutton requested the recent applicants for the Planning Commission who were not selected be present for the second reading of this ordinance so the alternates can be chosen.

- F. Discuss and/or Take Action on Leasing the Deer Ridge Road Property – Commissioner Bissell states he and Mr. Hall were contacted by Gary Darnell of GraceWorks a few months ago about a long term lease of the city's property on Deer Ridge Road for a nominal price. Once the lease expires the city would take ownership of the improvements to the property. The property would need to be rezoned and we aren't talking lease negotiations tonight but need some feedback to move forward in the process. Mr. Darnell states it will take some time to work through all the issues but there is a great need for assistance in Fairview. Darnell cites the requests for assistance for the first half of this year are at a 30% increase over last year and the poverty rate is right at 12% here in Fairview. Bissell made a motion to begin the rezoning process and entering into a long-term lease with GraceWorks seconded by Commissioner Crutcher. The Board continued discussions on possible opportunities for the property, building ideas, joining with other non-profits, possible daycare on site, who would pay taxes on the property/building if it was rezoned from government use, maintenance of property, etc. Commissioner Crutcher amended the motion to take the appropriate steps in the rezoning the property to CG (Commercial General) seconded by Vice Mayor Sutton. Commissioner Johnson asked Attorney Cantrell to review whether it would be necessary for rezoning if the city retains ownership of the property. All were in favor of the amended motion. Original motion negated.
- G. Discuss and/or Take Action on Recommendation from the Planning Commission for Rezoning Property at 409 Highway 96 North, from Rs-40 (Residential) to CG (Commercial General, Map 42, Parcel 28.00, .96 Acre, owner: Robert B. Hamilton – Mayor Carroll read the caption and Codes Director Hall stated this is a request for the attorney to prepare the documents noting there was a negative recommendation from the Planning Commission. Vice Mayor Sutton made a motion to uphold the recommendation of the Planning Commission seconded by Commissioner Bissell. All were in favor.

10. City Manager Items for Discussion

- A. Miscellaneous Updates – Interim City Manager Hall thanks the Board for the opportunity to serve and states he will do anything he can to assist Mr. Collins with the transition.
- B. City Attorney Comments - NONE

11. Communications from the Mayor and Commissioners

- A. Commissioner Johnson believes the GraceWorks project is a good idea but we need a lot more information. I didn't think it appropriate to charge the same high rates for daycare with a low lease but we will see what we can do.
- B. Vice Mayor Sutton is excited with the opportunity for a common location for the helping organizations as we do have a lot of need here in our community.
- C. Mayor Carroll explains Citizen Comments are available for citizens of our city or community and we extended the courtesy the first time for Mr. Blackburn but decided not to because we learned of a pending lawsuit on tonight's news and didn't feel it appropriate and wanted to state that for the record. Attorney Cantrell confirms Mayor Carroll's comments noting the comments are not state law and not in the charter but created by a Board because they are interested in what the public has to say. Carroll continues this is potentially the last meeting for Mr. Hall as Interim City Manager and I am thankful for what he has done. He did not come into an easy time and I am grateful for his friendship, partnership and he has set the bar high for Mr. Collins. I'm glad he is staying with us and I thank him. Carroll acknowledged County Commissioner Dwight Jones and son Trey in the audience.

- 12. Adjournment** – Commissioner Johnson made a motion for adjournment seconded by Vice Mayor Sutton. Meeting was adjourned at 8:05 p.m.

Brandy Johnson
City Recorder