

City of Fairview

BOARD OF COMMISSIONERS**August 7, 2003**

Stuart L. Johnson, Mayor
 Darrell Mangrum, Vice Mayor
 Eddie Arney, Commissioner
 Ken Brison, Commissioner
 Wayne Hall, Commissioner
 Al Deck, City Manager
 Larry Cantrell, City Attorney
 Kathleen Daugherty, Recorder

Present: Johnson, Mangrum, Arney, Brison,
 Others Present: Deck, Cantrell
 Absent: Hall

1. The meeting was called to order by Mayor Johnson at 7:00 p.m.

A. Prayer and Pledge to the Flag was led by George Ferguson.

A recess was called to have the Public Hearing on amending the Fairview Zoning Ordinance at 7:02 p.m.

The meeting was called back to order at 7:03 p.m.

2. Approval of the Agenda -

A. Deck asked that the following be added under City Manager Items:

(1) Dept of Commerce & Insurance Contract.

(2) Tree Protection Ordinance – Changes & Appointment

Brison asked the city attorney if changing the tree ordinance had anything to do with private citizens cutting their trees. Cantrell stated that he would have to review the ordinance. Deck stated that the only thing he is requesting that they change is taking out the reference to the arborist as a full-time employee and appoint someone to serve as the arborist.

The items were added to the agenda.

3. Citizen Comments –

A. Daniel Ferguson a member of the local boy scouts advised that he would like to obtain the rank of Eagle Scout. In order to do this he has chosen to help his community by planting some trees and wild flowers in the area around the intersection of Hwy. 100 and Hwy. 96. He knows that it is state property and he will have to petition to the State for permission to do his project but he would like to tell the State that he has the support of the Board of Commissioners for the City of Fairview. The Board asked Deck to prepare a letter for all of the Board Members to sign in support of the project.

4. Awards and/or Recognitions - none**5. Public Announcements – none**

6. **Approval of Minutes –**

- A. Presented for approval were the minutes of the Public Hearing held on July 17, 2003. Arney made a motion to approve the minutes as presented. Mangrum seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Board of Commissioners Meeting held on July 17, 2003. Mangrum made a motion to approve the minutes as presented. Brison seconded the motion. All were in favor.
- C. Presented for approval were the minutes of the Beer Board Meeting held on July 17, 2003. Mangrum made a motion to approve the minutes as presented. Arney seconded the motion. All were in favor.

7. **Old Business -**

- A. Further information from the Property Ad Hoc Committee on obtaining property for the land use application – Jay Tant presented a proposal from GORE Inc. for Geotechnical Services on the three parcels of land near the wastewater plant. The fee for these services is \$6,000. Tant advised that these tests will help the Committee decide which site is best. (see attached proposal) Arney made a motion to approve the proposal from GORE Inc. Mangrum seconded the motion. All were in favor.
- B. Further discussion on a recommendation from the Parks and Recreation Ad Hoc Committee on a fee schedule for use of the Nature Center was deferred as the Committee has not met since the last Board Meeting.
- C. Presented for first reading was Bill #2003-18: An ordinance amending the provisions of Article XI “Sign Regulations” of the Fairview Zoning Ordinance. Johnson read the caption. Mangrum made a motion to approve Bill #2003-18 on first reading. Arney seconded the motion. All were in favor. A Public Hearing will be held on August 21st.
- D. Report on Meeting with LRK – Deck reported that he met with LRK and MPACT and there are some items that do not need any action from the Board but do need to be discussed following the Board Meeting.
- E. Appointment of Planning Commission Members – Cantrell stated that he needed to correct information that he provided at the last Board Meeting concerning the appointment of Planning Commission members. At the time he thought the information was correct but later it came to his attention that the information that the Mayor makes all appointments to the Planning Commission is not correct. The Board of Commissioners should vote on the appointments. He asked the Board to let the reappointment of Tim Mangrum stand as he was already on the Planning Commission and it will allow the Planning Commission to have a full Board for their next meeting. Arney made a motion to keep Tim Mangrum on the Planning Commission for another term. Brison seconded the motion. All were in favor.

8. **New Business –**

- A. Approval of Application by Ken Karger for a Certificate of Compliance for Retail Liquor License – Arney made a motion to approve the application. Mangrum seconded the motion. All were in favor.
- B. Discuss Right of Ways not being cut – Arney stated that he has had a number of complaints about the right of ways and asked Deck about them. Deck stated that the Public Works Department is working on them periodically. But that when the budget was adopted he informed the Board that it included some reductions in certain areas.

9. City Manager Items for Discussion and/or Action -

- A. Deck presented a resolution adopting a City Court tax in the amount of \$21.75 and a Judge's tax in the amount of \$10.00 to offset the increased cost of operating the Court system. Mangrum made a motion to adopt Resolution #14-2003. Arney seconded the motion. *For:* Mangrum, Arney, Johnson *Abstain:* Brison Motion passed.
- B. Mutual Aid Agreement with Dickson County – Deck stated that he was asked to check and see if the agreement could be automatically renewed. Deck advised that he checked with Dickson County and they want it to renew every year. Therefore, Mangrum made a motion to approve the Mutual Aid Agreement with Dickson County. Arney seconded the motion. All were in favor.
- C. Fire Department Grant – Deck stated that the grant is a 50% matching grant and is ready to sign if the Board approves it. Brison asked if the fire chief has the money to match the grant in his budget. Deck advised that he did. Mangrum made a motion to apply for the grant. Arney seconded the motion. All were in favor.
- D. Department of Commerce and Insurance Contract – Deck reported that the Codes Dept. presently issues electrical permits and collects the State fees from the Contractors, which is paid by check or money order, and mail them to the State. The State wanted to change the contract to state that the City would collect the fees and then mail one check to the State at the end of each month. This would make the City responsible for any returned checks. Deck stated that he informed the State that since the City only receives a \$5.00 service charge for issuing the permits the City would not continue to issue them. The State has now revised their contract said that we can continue to collect the contractor's checks and mail them to the State. Arney made a motion to approve the contract with the State on issuing the electrical permits. Mangrum seconded the motion. All were in favor.
- E. Tree Protection Ordinance – Deck reported that in the Tree Protection Ordinance page 1 last paragraph it states that the City Arborist is a full time employee of the City. Deck asked the Board to strike that last sentence. A discussion followed on the ordinance stating that the appointments shall be made the Mayor and Board of Commissioners. Brison felt it should say "appointed by the Board of Commissioners". Deck stated that he is only asking for the one sentence to be deleted at this time and for the Board to appoint an Arborist. Arney made a motion to amend the ordinance by deleting the sentence that the Arborist shall be a full time employee of the City. Mangrum seconded the motion. All were in favor.
Deck then recommended that the Board appoint Mike Berkley, owner of Growild Inc. to serve as the Arborist for the City and Tree Commission. Brison made a motion to appoint Berkley. Mangrum seconded the motion. All were in favor.

10. Communications from the Mayor and Commissioners -

- A. Arney encouraged the public to visit the City's new web page. Arney also advised that since the Presidential Primary has been changed to February he would like to see the sales tax referendum put back on the ballot.
 - B. Johnson asked Deck to have information on a motel-hotel tax at the next meeting.
11. The meeting adjourned at 7:50 p.m.

Mayor

City Recorder