

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

August 16, 2018

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, Humphreys, Paisley

1. **Roll Call** – Mayor Carroll confirmed all members of the board were present for a quorum

2. **Call to Order by Mayor Carroll at 7:06 p.m.**

A. Prayer and Pledge led by Commissioner Lucas

3. **Approval of the Agenda**

Motion: Crutcher

Second: none

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. Pat Thomas, 7491 Caney Fork Rd, shares slides of photos taken of the runoff from Cumberland Estates on June 29, 2018 within one hour. Thomas shares 12 photos indicating the flow of the runoff from the detention pond at the project site to Rob's Pond, Rob's Creek, Mangrum Hollow Creek, Caney Fork Creek and finally to the South Harpeth River. Thomas points out the color variations in the clean water noting its not just mud but construction silt also and that destroys the aquatic life in rivers (fish, plant life, bugs, etc.). Cumberland Estates was issued the first notice of violation. Fairview does not have their own stormwater ordinance and relies on TDEC to enforce but that doesn't happen quickly. Thomas requests the city look into what can be put into place to hold developers accountable. The city (enforcing their own regulations) could issue a stop work order until the problems are remedied.

B. Rob Deliello, 7102 Porter Forrest Lane, notes his property is adjacent to the Cumberland Estates parcel and nearly three years ago he begged the city not to let this development move forward but they did and it has severely negatively impacted neighboring streams. Sediment, mud and runoff has nearly destroyed his property. The photos shared by Ms. Thomas are only a snapshot of one day from one rainstorm but the problem happens over and over. TDEC has limited resources and ways to enforce. TDEC has told him the best method to control is through local ordinances. He spoke with city planner, Kristin Costanzo, and she wants a stormwater ordinance. City manager Collins has been quoted, "successful growth starts with listening" so please do something in the

manner of a city ordinance about stormwater. We need to stop, clean up and protect as we move forward. We have pristine waters in Tennessee and these streams contribute to those waters. He implores those involved with the 2020 planning to consider this need. Deliello requests the city stop approving discount shopping centers, dollar stores and burger joints as they are cheapening Fairview.

- C. Lisa Anderson, 7140 Kyles Creek Rd, noted she is here to speak about the first agenda item under new business, park board member censure/removal. Anderson has worked alongside Dr. Rice for years. Neil is old school and when promises of funding are made by representatives of the city he expects follow through but apparently that is not the case now. Rice has written many grants, invested upward of \$100,000 of his own money and is passionate about sharing Fairview's history. There are so many things we wouldn't know about without those passions. I believe several BOC members also have passions such as the United Way, trees, local schools and athletics. I have witnessed many heated debates over the last 14 years, some filled with disrespect. My question is, why Rice, why now? There is no one more passionate than him. Anderson shares the quote, "goals and dreams without passion are dead." Anderson notes items that need attention at the historic village; fencing of the man-made detention pond per our regulations (to prevent lawsuits and we want to do what we ask developers to do), security lighting, adequate parking (additional spaces and ADA accessible spaces).

6. Awards and/or Recognitions – none

- 7. Public Announcements** – Comprehensive plan kick-off event Monday, August 20, at Camp Marymount from 6-8:30 p.m.

- 8. Staff Comments** – City manager Collins notes he understands the runoff concern and, as explained to him by the developer, they recognize there have been errors in construction and they are working with their engineers and TDEC to make the necessary repairs and improvements. All improvements must be approved by their engineer as well as TDEC. As far as what the city can do, adopting a stormwater plan (MS4) is a substantial project for any city. It is required of cities with a population of 50,000 or greater and we have substantially lower population than that. You also must have the resources to implement and manage the plan, such as on-site engineers and inspectors. We are limited in what can be done without a substantial investment. Can the city adopt the state regulations for stormwater runoff? Yes, but we also would have to enforce as part of the state regs also which means our work would be multiplied. We have heard the complaints and we have some of the same questions. If we are to move forward with any regulations we have to consider their timeliness keeping in mind they are expensive to implement appropriately and to ensure their success.

9. Approval of the Minutes – N/A

10. Consent Agenda Consisting of Items as Follows

- A. Minutes from the August 2, 2018 Board of Commissioners Meeting
B. Minutes from the August 2, 2018 Board of Commissioners Work Session

Motion: Rainey
Second: Crutcher
All were in favor

11. Old Business

- A. Second and Final Reading of Ordinance 18-10, An Ordinance of the City of Fairview, Tennessee, Adopting a Schedule for the Retention of Municipal Records – Collins notes this is the second reading on model policy from MTAS on the retention of records

Motion: Crutcher
Second: Rainey

	Yes	No
Mayor Carroll	x	___

Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

12. New Business

- A. Park Board Member Censure/Removal Request – Commissioner Burks requested this item at the request of a park board member. We don't currently have a process for removing a member and I wanted to put one in place. Attorney Tim Potter notes all members serve at the pleasure of the Board and you could pass a resolution for the process if wanted but it's not necessary. Park Board chair Brian Hendrix spoke regarding another members' behavior noting it was disrespectful and disruptive to the meeting and requested assistance from the Board on how to handle the issue. Dr. Rice began to read a lengthy prepared statement but Mayor Carroll asked him to stop because she didn't want the issue to become personal noting that we never want to take our volunteers for granted and she respects Dr. Rice and his passion. Carroll states as a chair, she applauds Hendrix for coming forward and continues that we don't want to judge but we do want common ground and a productive board. Vice Mayor Crutcher made a motion to suspend all activity of the park board pending further direction from the BOC seconded by Commissioner Burks. Rainey and Carroll object that the park board has just been tasked with a project and to suspend activity would not be productive, however the chair of the committee has approached the board requesting action. Commissioner Burks called the vote and Vice Mayor Crutcher withdrew his motion and Burks withdrew his second. No action.

- B. Triangle School Events and Uses – Commissioner Burks notes he requested this on the agenda. So far, the triangle school/historical village has been utilized for tax prep service, chamber of commerce offices and the Veteran's Day parade. Burks requests this be placed on a work session agenda for discussion. NO ACTION.

- C. Ordinance 2018-14, An Ordinance Renumbering Certain Sections of Title 17, Entitled "Refuse, Garbage and Trash Disposal" of the City of Fairview Municipal Code

Motion: Crutcher

Second: Rainey

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- Ordinance 2018-15, An Ordinance Amending City of Fairview Municipal Code Section 17-101, Entitled "Definitions", to Include Paragraph (8) Defining "Brush and Chipper Waste."

Motion: Crutcher

Second: Rainey

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- Ordinance 2018-16, An Ordinance Establishing Operational Rules and Guidelines for Brush, Materials and Debris to be Processed by the City's Chipper Service

Motion: Crutcher

Second: Lucas

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- Resolution 24-18, A Resolution of the City of Fairview, Tennessee, Establishing the Review of Routes for its Residential Chipper Service and for the Continuing Consideration of the Chipper Service Regarding Residential Development

Motion: Crutcher

Second: Burks

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- Ordinance 2018-17, An Ordinance Amending City of Fairview Municipal Code Section 17-110, Entitled "Violations", to Include "Brush and Chipper Waste."

Motion: Crutcher

Second: Rainey

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- D. Ordinance 2018-12, An Ordinance to Repeal Section 11-806 of the City of Fairview Municipal Code, as Written, and to Reserve Section 11-806 of the Fairview Municipal Code – Collins notes currently smoking is only prohibited at public meetings at city hall and what we are repealing leads to the next item. We want to amend to ban smoking on any city property and it was easiest to repeal and replace.

Motion: Crutcher

Second: Lucas

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___

- E. Ordinance 2018-13, An Ordinance to Ban Smoking on All Property Owned by the City of Fairview and Within All Assets, Facilities and Structures Owned by the City of Fairview, and to Establish a Fine for Violations of the City's Ban on Smoking on City Owned Properties and Within City Owned Assets – Collins notes the only ordinance is prohibiting smoking at city meetings at city hall and this repeals

Motion: Crutcher

Second: Rainey

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___

Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- F. Resolution 22-18, A Resolution of the City of Fairview, Tennessee, Designating Certain Items as Surplus and Authorizing Their Disposal (Fire Department Tools & Equipment)

Motion: Crutcher
Second: Lucas

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

- G. Resolution 23-18, A Resolution of the City of Fairview Accepting the Lowest Bid Proposal for Financing the 2018 Fire Pumper Truck and Authorizing the City Manager to Execute the Financing Documents – Collins notes he requests approval of the lowest financing bid which was from First Bank. The first fixed rate payment isn't scheduled until August of 2019 but we budgeted \$45,000 this year so we may put down that amount toward the purchase so we don't end up with 11-year financing.

Motion: Crutcher
Second: Rainey

	Yes	No
Mayor Carroll	x	___
Vice Mayor Crutcher	x	___
Commissioner Burks	x	___
Commissioner Lucas	x	___
Commissioner Rainey	x	___

12. City Manager Items for Discussion

- A. Miscellaneous Updates – City manager Collins clarifies that when he arrived in August of 2016, there had already been an open house for history village (in 2015). The city had agreed to fund some remaining projects to get the facility to a point it could open to the public. There were some funds remaining (approximately \$6,000) and the topic of installation of the cabin structure was brought up by Dr. Rice. The foundation had already been installed and paid for out of city funds (approximately \$2,500). We still had a series of items to get the school open to the public and had already held an open house without a certificate of occupancy or inspection, no underpinning, electrical and plumbing issues, lights not to code, no restrooms, etc. The historical association remitted the balance of funds from the city (\$5,400) so the city could complete these items and with an added \$10,000 allocation. It was the understanding that three items remained; parking, security lighting and fencing the detention pond. The lighting at both the front and back of the school has been upgraded and the proposal for parking came in at \$135,000. That would include curb, gutter, striping and drainage. It's not that we have interest not to complete the parking area, but more a matter of can we versus should we from a budgetary standpoint. As for the detention area, the speaker mentioned liability but I am not aware of any document requiring it to be built, indicating the design, or notes where it was engineered on site. I am also not aware of a site plan that was approved requiring this piece of infrastructure. We will get with our engineer for a second time to see whether it is required. What is there was done by staff to move the sheeting water.

- B. City Attorney Comments - NONE

14. Communications from the Mayor and Commissioners

- A. Commissioner Rainey questioned Collins on whether the log cabin mentioned has any local history. Collins notes from his knowledge it is from another county and he's not aware of any connection to

Fairview. In planning the Veteran's Day parade last year the intent was to make the site safe for foot traffic. The foundation still exists under grade but the structure above grade was removed and stored.

- B. Commissioner Lucas notes tomorrow night is the first Yellow Jacket football game, battle of 840, at Page High School. Football seems to be the one thing that brings all of Fairview together.
- C. Commissioner Burks thanked all who volunteer to serve on boards or commissions. He notes it is time consuming and we all need to be professional on how we interact with one another and be polite. Burks requests Collins research a stormwater ordinance, not MS4, but something easier to help out the process.
- D. Vice Mayor Crutcher notes some issues at the high school press box were brought to his attention last week by Coach Hughes. The city didn't participate in the construction but we did donate a chunk of funds for the project. The end product is rather concerning and I'm not sure what the remedy is but we do need to talk about it. Coach Hughes would be happy to show you around and it would be helpful for everyone to see it before discussing.
- E. Mayor Carroll agrees that Collins was 100% correct and Triangle School was a stalled project when he came on board and now it is usable space. It always comes down to budgetary issues and it's easy to get hurt feelings. This is city property that we are required to maintain. I agree with Commissioner Lucas, I don't think this should have been an agenda item and specific people brought up. We need volunteers and we never want anyone to walk away not respected for giving their time. I hope they can work it out and move forward. You may have heard that I will not be seeking re-election. It has been an honor to serve the city of Fairview and I thank you for your love and support through the years. I'm thankful for all who want to serve and give up their lives to do so.

- 15. Adjournment** – Commissioner Burks made a motion for adjournment with Commissioner Lucas seconding and meeting was adjourned at 9:16 p.m.

Brandy Johnson
City Recorder