

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

August 21, 2014

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

Present: Totty, Johnson, Bissell, Carroll, Sutton
Others Present: Hall, Cantrell, Humber, Johnson, Paisley

1. Call to order by Mayor Totty at 7:01 pm

A. Prayer and Pledge by Mayor Totty.

2. Approval of the Agenda – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. 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). –

A. Jack Cannon – notes the Community Garden is ready for kickoff and they are asking for volunteers September 12 from 8:30 until noon at FHS to get dirty, setup raised beds and put in the ADA compliant sidewalk. This will be the first teaching garden in Williamson County. The ribbon cutting will be held on September 25 at 11 am by Mayor Totty. We hope to grow this fall season and would like to thank the city for the funding provided.

4. Awards and/or Recognitions – NONE

5. Public Announcements – City Manager Hall gives a reminder of the emissions testing every Monday and Tuesday from 7:30 am until noon.

6. Approval of the Minutes –

A. Approval of the Minutes from the August 7, 2014, Public Hearing – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.

B. Approval of the Minutes from the August 7, 2014, Board of Commissioners meeting - Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.

7. Old Business –

A. Discuss and/or Take Action on City of Fairview Projects – Codes Director Frank Humber states reimbursement on the resurfacing grant should be coming soon and we will get back \$16,000 of the \$16,800 we requested. On Safe Routes to Schools the consultant is finalizing the plan. On the Roadscapes Grant we are moving forward and should be ready for implementation early spring. Commissioner Bissell notes we are on track for November 15 opening of Historical Village adding that the interior finish work is usually the slowest part.

- B. Discuss and/or Take Action on Fairview Park System Citizen Survey #2 – Mayor Totty notes she wanted the Board to be aware of the recent survey results and to ask for ideas on how to increase the number of responses. This survey had about 350 participants and was broadened to consider the entire park system. (The first survey was completed at Nature Fest last year). Mayor Totty also noted that Bowie Nature Park is under a conservation easement so there are limitations to what can be done there. She reviews the survey noting that the top two requests from this survey are neighborhood playgrounds and a splash pad. Commissioner Bissell added it was interesting the number of responses who would be willing to have their property taxes raised to fund these items. He continued that it would be great to put a non-binding referendum on the ballot in November to see if that is true plus it would likely improve voter turnout. Commissioner Sutton mentioned putting a survey into the property tax notices if the referendum is too late. He continues that we should also check with the Land Trust to see what items would be allowable in Bowie under the conservation easement. Commissioner Carroll noted the survey results were the same as the information from citizens in the meetings and agreed we need to work on promoting the survey. Vice Mayor Johnson states he has had many citizens contact him regarding the neighborhood parks and splash pad and he will make these items a priority to get done. Mayor Totty notes she would like to increase awareness and promote the survey again. She made a motion to place the survey back on the website for another 90 days with Commissioner Carroll seconding. All were in favor. City Manager Hall notes that in recent economic development meetings one of the first things they promote is the park.
- C. Discuss and/or Take Action on TDOT Mowing/Litter Pickup Contract – Attorney Cantrell states this is the new version of the contract. He points out we must invoice the state for work done within 60 days of the month end in which the work was carried out and penalty for untimely invoice may cost us up to 100% of payment. The state asked that we approve this version with their current language. Commissioner Bissell made a motion for approval with Commissioner Sutton seconding. Bissell continues that we are not in a position to negotiate with the state but this is an area we can't afford to not maintain. We don't like the reduction but have no leverage and would rather take \$2400 than nothing for what we are doing. Commissioner Sutton asks how much easement we are responsible for. Streets Director Keith Paisley notes he is not sure as we are cutting what has been cut in the past. Sutton asks Paisley to look into the amount of right of way as we should not be cutting private property. Commissioner Carroll states we are put in a bad place by the state and tend to agree take what we can for what we do anyway even though it's not cost efficient. She continues that we should look at what other cities do that depend on money from the state and decide whether we do it in the future. Johnson states the option is to cut or not cut and if the state doesn't have the money we don't have an option. Commissioner Bissell suggests we be more proactive in working with our state reps to see if we can get more funds before we get to next year. Mayor Totty states this contract leaves a deficit of \$15,500 from what was approved in the budget and asks if cuts have been looked at to cover that deficit. CFO Daugherty reports that the Finance Review Committee has discussed cutting expenses wherever possible and if the revenues come in like we hope they will we can overcome. He continues the FRC listed areas of possible cuts in the July 17 report but they don't want to make any drastic decisions based on the amount involved. Totty agrees that we need to take what has been given to us by the state but the deficit needs to be looked at case by case and should be addressed quickly. Commissioner Bissell asks to speak and Mayor Totty calls the vote. After several back and forth comments Commissioner Bissell asks for a point of order and for a vote on whether he may speak. Attorney Cantrell states the Chair has been challenged and a vote is needed. All were in favor of letting Bissell speak. Bissell states in the FRC discussion it was agreed that as we work through the budget process each month items that do not add up will be addressed and that budget amendments, if necessary, will be reviewed quarterly. Vote on the original motion: all in favor.

8. New Business –

- A. Discuss and/or Take Action on Street Paving Plan and Development of Alternative Bypass of Highway 100 – Commissioner Bissell states he would like to see a comprehensive street program including potential expansion and possible bypass effort with the county/state. Bissell makes a motion that the City Manager, in conjunction with the Codes Director, Police and Fire Chiefs, and appropriate participation from the Planning Commission will develop a 5 – 10 year comprehensive road maintenance and improvement program for the period July 1, 2015 through June 30, 2016. This plan will include at a minimum the following: 1) year by year paving plan for the existing streets including cost, 2) the impact of the sidewalk efforts, 3) a list in priority order of streets that need to be re-routed (ie: Chester, Lake and Cox Pike) including cost, 4) a potential list including maps of streets the city should consider building to facilitate commerce and reduce traffic congestion, 5) an examination of a bypass linking Hwy 96 with Hwy 100 in such a manner as to alleviate traffic issues on Hwy 100 and to provide for emergency access across town. This effort should be coordinated with TDOT and the county and may consist of remaking current roads or construction of a new road. This effort should be completed by April 1, 2015 for submission to the Board as part of the FY 15-16 budget process. Commissioner Sutton seconds. Commissioner Carroll agrees this is a great idea and we should look to the future because we are behind on paving jobs. Carroll adds she would like citizen input in this process. Mayor Totty notes she would like to reference a discussion of roads identified by police and fire and money was spent on an engineer and Kevin evaluated the streets about a year and a half ago with estimates. Carroll restates she would like to have an active part in the discussion. Mayor Totty asks about a road maintenance plan that was developed a couple of years ago that would be good to have as a starting point. All were in favor.
- B. Discuss and/or Take Action on Revising Tree Bank Ordinance – Commissioner Sutton states he would like to look at the Tree Fund and what we can and can't do. His understanding is it's for landscaping on publicly owned city property. He is interested in placing a fence on the road to the park and landscaping at History Village. He makes a motion that we move forward with pricing landscaping and fencing at those two areas. Johnson seconds. Cantrell notes we can do that but would need to amend the ordinance to include fencing so we need to get the ordinance in order first. Bissell states he would like to grandfather in the existing funds and it would be clearer going forward to clarify can be used for hardscapes. Johnson seconds and questions the definition of landscape as he's discussed with several landscape professionals and their definition includes hardscapes. Cantrell notes it is in the eye of the beholder and he suggests changing so as to not invite challenges and most interpretations are something that grows. Bissell states looking at the source document that speaks about trees he prefers to not sound insincere when taking money for the fund. Commissioner Carroll notes we have a huge upcoming expense of thinning the trees and asks why we would take tree money and build a fence? Bissell asks if the school is not generating hardwood trees and Paisley notes most of them died. Totty asks about the location of the fence and Bissell notes it would be to create a barrier between France and us because a lot of people turn short there. There were questions of the amount of right of way there and it was determined there is a small amount but enough for a fence. Bissell withdrew his second and restates the motion to charge the city attorney with drafting a change to the ordinance to allow future receipts of the tree fund to be used on any landscaping effort on city property which may include trees, flowers, fences, irrigation, etc. non-restrictive from this point forward and create a separate account for funds with Commissioner Sutton seconding. Mayor Totty asks what the available amount is in Bowie Park Fund and CFO Daugherty replies \$194,751 and further stated that is the non-obligated amount. Mayor Totty asks if we have a cost estimate and City Manager Hall states \$8,900. Totty states the funds are there, it is within the City Manager's authority to do and this could have already been done. Mayor Totty asks for the motion to be restated and has concerns about the verbiage non-restrictive and etc. Attorney Cantrell asks for the information to be sent to him for drafting the revision to accomplish what the Board wants noting he will not use the motion verbatim. Cantrell continues he can state including but not limited to in the ordinance to give some wiggle room. Bissell states we want to charge the city attorney to

draft revisions to the ordinance and set up so city can use any future money paid into the fund in a broader way than plants. FOR: Bissell, Johnson, Sutton, AGAINST: Carroll, Totty. Motion carried.

- C. Discuss and/or Take Action on Resolution 14-14 (Grant Anticipation Note) – City Manager Hall states they have in their packet the resolution we have been working on as a way to fund the grant and it's up to you which way to go. Vice Mayor Johnson states he doesn't feel it's fiscally responsible to go into debt and we should deny the major portion of the grant offered and it's wiser to accept the smaller grant. He makes a motion to deny the loan, refuse the major portion of the grant but accept \$94,118 with Commissioner Sutton seconding. Mayor Totty notes that last meeting Johnson and Sutton gave City Manager Hall permission to move forward with asking for the loan and asked what changed in the last two weeks. Johnson states he put more thought and feels we can jump on the area of Cox Pike that is in the worst shape and we have had multiple citizens complaining about. Mayor Totty asks for the amount in the TIP fund from MPO and Humber replies \$559,432. Totty states that's not allotted but obligated and Humber for this project the FHA obligates but this is the amount set aside by TDOT for the city. Johnson continues that their request for further information was by no means an acceptance of a loan but finding out additional information. Commissioner Carroll states she tends to agree with Johnson and do what we can but asks about why the extension allowed on only part of the funding. Humber replies it's because of the various phases of the project and the length of time it's been going on. Additional discussion was had about when the grant was received and expiring time. Mayor Totty reads from an email from the state about the timeline of the grant which began in June of 2010. Mayor Totty states in September 2013 the match money was discussed and she asks CFO Daugherty if we have the match money. Daugherty replies no. Totty states she is never for reaching out for a loan, it is reckless and past spending has put us in this position. Vice Mayor Johnson asks Daugherty for the street aid fund balance. Daugherty states the audit draft shows a discrepancy but his figure is \$147,000 and we obligated \$74,000 in the budget. Johnson asks if CFO's figure is correct do we still not have enough for the match? Daugherty replies it would depend on the timing of when payments would go out but he doesn't feel comfortable saying yes. Mayor Totty asked what is being paid for with the \$74,000 obligated and CFO Daugherty replies no salaries which were permissible up until this year for street workers. Streets Director Paisley replies street lights, electrical and maintenance, sign parts and supplies, street paving/improvements, gravel/repairs, equipment, traffic signal maintenance. Mayor Totty asks if there is a plan for the street repairs and Paisley replies no but there is the repair for Catherine Drive that will be around \$10,000 plus we entered into the agreement with the County. Vice Mayor Johnson asks what has been spent to date and Paisley replies July expenditures for state street aid were \$2,643.76. Mayor Totty states on October 13 we received from the state another opportunity of \$94,118 from the state and these funds have not been set for a project. Commissioner Bissell restates that \$391,000 of these funds will go away September 30 and agree with CFO we do not have that in the bank we could apply to this. If we did have our matching portion of 20% we could ask for an extension on \$169,000 that could be reprogrammed by the MPO and would need \$33,800 match. We expect \$216,000 in revenue with \$80,000 obligated leaves a surplus in excess of the \$33,800 in street fund even if the auditor figures are correct. Bissell makes a motion to let the \$391,000 go and ask for an extension of the \$169,000 and pay as we go. Setting the paving for springtime when the \$18,000 monthly has time to accrue. Johnson withdraws his motion and second Bissell's motion. Mayor Totty states we can request an extension if the money is obligated by the deadline. If the extension is granted then MPO can amend the TIP to include \$167,735 but recommend obligating as much as possible before the 9/30 deadline and request extension for additional \$168,000. After further discussion and Mayor Totty re-reading her information, Bissell changes the wording of his motion to turn back in the \$480,000 the one that is expiring, but we accept the \$94,000 grant and use that with funds in street aid to pave Cox Pike. City Manager Hall states not sure that \$94,000 will pave Cox Pike and Vice Mayor says we could pave as much as it will starting with the worst area. It was noted that we would have 20% match

on top of that plus more funds in street aid by the time paving occurs. Mayor Totty asks if we have a motion on the floor on the agenda item of the Resolution. Totty reads the caption for Resolution 14-14 and asks wishes of the board. Commissioner Bissell makes a motion not to take the loan with Vice Mayor Johnson seconding. Vice Mayor Johnson asks Commissioner Carroll if she knew about all the information the Mayor has been sharing and Carroll replies no. Totty states it's information Mr. Hall and Mr. Humber have been discussing, Aaron Arrington and others with TDOT have been discussing. Johnson states he asks because Carroll looked like she was caught off guard and he feels it's a good idea for all five of us to have the same information in discussions like this and Carroll agrees. Mayor Totty states she definitely agrees and that all should be discussed before voting on the grant. Vice Mayor Johnson asks what member of the board asked for it to be on the agenda and Mayor Totty reads from City Manager comments on minutes of last meeting. Johnson repeats his question and Totty responds that is what she asked in her email. Johnson replies we were told not to respond to the email. Commissioner Bissell states what we are voting on tonight is the grant anticipation note not the grant. He continues that the City Manager, believing we were under a September 1 deadline, was charged with gathering the information for us to make a decision – not requiring us to act a certain way, but to know what the options are. Bissell continues stating he's made a motion which was seconded and he believes the appropriate action is to vote on it and reschedule a discussion for what action to take on the grant. He apologizes for his participation in straying from the agenda item. All were in favor.

Commissioner Carroll calls for a recess and all were in favor. Meeting Recess 9:23 – 9:28.

- D. Discuss and/or Take Action on Planning Commission Recommendation to Adopt a Fee Schedule for Sidewalk Variances – Codes Director Frank Humber states the Planning Commission had a workshop to discuss section 4-104.5 Waivers and Alternative Pedestrian Ways of the Subdivision Regulations and they have a recommended amount of a minimum of \$5 per square foot be placed into an account for sidewalks waived by variance, however, if the city engineer deems a higher amount based on site conditions the engineer's recommendation would apply. Mayor Totty asks if sidewalks are required within a subdivision and Humber responds yes. Mayor Totty asks if this doesn't contradict existing regulations about frontage on existing public streets and Humber replies no. Mayor Totty makes a motion to defer until the Board has an opportunity to review and discuss further with Commissioner Carroll seconding. Vice Mayor Johnson asks for confirmation that we currently do not have a fee schedule and Humber replies yes. Johnson asks if the Planning Commission would work this out on a case by case basis with this vote. Humber replies no there would be a set rate of \$5 per square foot unless the engineer feels site conditions warrant an additional amount. Johnson agreed there is not enough information to vote tonight. All were in favor of deferring.
 - E. Discuss and/or Take Action on Vacant Board Seats – Mayor Totty notes there is an opening on the Codes Review Committee and we have an application from Jacob Blik who is present tonight. Mr. Blik discussed his vast experience in commercial, residential and retail design, development and construction. Vice Mayor Johnson made a motion for approval with Commissioner Carroll seconding. All were in favor.
- 9. City Manager Items for Discussion –** Mr. Hall thanks Taco Bell. He also notes he visited the test site in Bowie Nature Park and hardwoods are starting to come up from opening up the canopy.
- A. Miscellaneous Updates – NONE
 - B. Staff Comments –
 - (1) CFO Tom Daugherty presents his report for the month of July 2014 (attached). He notes we received the approval letter on the budget from the comptroller. He also notes that Donna Brooks and Brian Baker are now co-chairs for the Finance Review Committee. He notes the projected shortfall did not occur. Mayor Totty asked about specific line items: clarify unassigned expenses – Daugherty states it's a term the state

wants us to use for expenses coming out of the general fund; Independence Day Celebration – Daugherty stated he thought more expenses were in the previous fiscal year but that is actually reversed; Mayor asked if we've always had vision insurance and Daugherty replies yes for this year's plan and notes his expenditure estimates for insurance are based on renewal adjustments; there was discussion about netting out employee health contributions which is not how they were shown in the past; Mayor asked about line 945 and Daugherty explains that is Police radio equipment purchased with a donation check from Walmart. Mayor questioned the profit/loss statement from July 3 and Daugherty confirmed it was correct.

- (2) Keith Paisley, Parks Director – Bowie Jubilee on September 6 from 11 until noon with the pickin' party to follow from noon until 2:00 pm, featuring Lane Johnson & the Jingo Jammers. Pea shelling and storytelling with Jerry Carey Monday September 8
 - (3) Frank Humber, Codes Director – notes that August is looking good as more building permits go out. He states he has now been here 120 days and is really enjoying things noting the city sells itself and we have a lot to look forward to. Commissioner Sutton states he has heard several compliments on the professionalism of the whole department since Humber has been employed.
- C. City Attorney Comments – No Comments

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton- thanks citizens for their attendance, the staff for their work as well as his fellow Board members, Mr. Hall and Attorney Cantrell
- B. Vice Mayor Johnson – apologizes to citizens for having to listen to the budget squabbles especially when caused by the state over the mowing/litter contract, he notes we will do everything we can to keep the gateway to our city looking pristine
- C. Commissioner Bissell – presents a powerpoint due to comments on the perception that the BOC votes 3 to 2 on the majority of votes (see attached)
- D. Commissioner Carroll – No Comments
- E. Mayor Totty – talks about scheduling a workshop to further discuss the Resurfacing Grant and notes it will be publicized when finalized

- 11. Adjournment** - Commissioner Sutton makes a motion for adjournment with Commissioner Bissell seconding. Meeting adjourned at 10:20 pm.

Brandy Johnson
City Recorder