

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS MEETING MINUTES

SEPTEMBER 5, 2019

John Blade, Mayor  
Debby Rainey, Vice Mayor  
Derek K. Burks, Commissioner  
Rod Dawson, Commissioner  
Scott Lucas, Commissioner  
Scott Collins, City Manager  
Tim Potter, City Attorney  
Brandy Johnson, City Recorder

Present: Blade, Burks, Dawson, Lucas, Rainey (arrived at 7:06 p.m.)

Others Present: Collins, Johnson, Potter, Daugherty, Hughes, Humphreys, Paisley, Sullivan

### 1. Roll Call – by Johnson

	Present	Absent
Commissioner Burks	x	___
Commissioner Dawson	x	___
Commissioner Lucas	x	___
Vice Mayor Rainey	___	x (entered the meeting at 7:06 p.m.)
Mayor Blade	x	___

### 2. Call to Order by Mayor Blade at 7:01 p.m.

3. **Beer Violations** - City Attorney Tim Potter notes neither of the two vendors present tonight are members of the Tennessee responsible vendor program but they are willing to take the steps to become one. He urges any vendor selling alcohol for off-premise consumption to become certified through the responsible vendor program. The beer board has oversight over vendors and holds these quasi-judicial hearings to deal with violations with the city attorney acting somewhat as a prosecutor. Potter has negotiated with both to pay a \$1,000 fine conditional upon providing proof within 7 days they have become a responsible vendor. Both vendors have been very cooperative and neither dispute the violation.

- A. Flash Market, 1425 Highway 96 – City Attorney Tim Potter explains the permit holder that was listed is no longer employed by the company and has not been for several years. Proper notice was not delivered so this will have to be addressed at a later date.
- B. Flying J, 1420 Highway 96, represented by Mr. Escala, regional manager for 15 locations. Previous violations were noted in 2012 and 2013. Escala notes upon hiring each employee watches a training video on legally selling tobacco and alcohol and are certified annually. It is their policy to always card under the age of 30.

Motion: Lucas – to accept the agreement proposed by City Attorney Potter

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	ABSENT			



of arrests remained at 96 including 16 thefts (which were almost all shoplifting). We issued 123 citations for the month including 28 for violations of the hands-free law. There were no public relations events for the month but we want to remind we are available for child safety seat checks as one officer on each shift is certified – stop by the police department or give us a call and we can come to you.

- B. **Fire Report** – Fire Chief Scott Hughes presented the August fire report noting they had 104 calls for the month with 11 overlapping calls and 3 mutual aid events to include 3 fires (one apartment fire and one MVA). Medical calls lead the overall number of calls totaling 65%. Training hours totaled 467 for the month. If residents need smoke detectors please contact the department to schedule a time for installation.
- C. **Public Works Report** – City Manager Scott Collins reminds we recently posted openings for either a staff engineer or public works director position, received applications and have decided to promote Micah Sullivan to the public works director role. He will continue to assist with planning and conduct building inspections. This was our best opportunity internally to improve services for the money we have to spend. Our current engineers, CEC have agreed to enhance the services they provide and we are in the process of finalizing a schedule to have them in office certain hours every week. We have filled an open crew member position and William Adkins begins Monday to help with chipping and leaf pick up, mowing and street repairs. We will be closing out chipper services for the year soon and transitioning to leaf pick up. Staff developed postcards to be mailed weekly to any non-compliant residences for chipper or leaf service. The postcards indicate what exactly wasn't compliant with regulations and directs citizens to our website for a full explanation of services.

**10. Consent Agenda** (Any Item May Be Removed for Individual Consideration)

- A. Minutes from the August 15, 2019, Board of Commissioners Meeting
- B. Minutes from the August 15, 2019, Board of Commissioners Work Session
- C. Second and Final Reading of Ordinance 2019-17, An Ordinance to Amend Title 12 of the City of Fairview Municipal Code, Specifically Sections Related to the City's Fee Structure for Permits and Fees Related to Construction, Remodeling, Building Permits; and Industrial, Commercial and Residential Development

Motion: Lucas  
Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

**11. Old Business** (none)

**12. New Business**

- A. Appointment to Open Seat on Parks and Landscaping Board
  - 1. Daniel Derwelis
  - 2. Megan Grimaldi

Motion: Dawson – to fill the two empty seats with the two applicants  
Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- B. Beer Permit Application for Flash Market, 1425 Highway 96, new owner: Ralph Samuel Bell – Cynthia Rutledge was present with power of attorney for Mr. Bell. City Attorney Tim Potter encouraged Rutledge to become a certified Tennessee responsible vendor.

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- C. Resolution 27-19, 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 (7109 County Line Road, owner: Civil Engineering Service, PC, agent: Ray Flake) – Mr. Flake notes he is a resident of Fairview and has been for some time so he is aware of the need for housing. He is looking to build apartments on the property if it can be rezoned once annexed.

Motion: Burks

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- D. Parks and Landscape Board Presentation on Proposed Playground Organization Structure – The parks and landscape board meeting has been moved to next Monday with hopes of many in the community attending who are interested in volunteering for the project. Scott McCoy has compiled a project proposal with the guidance and input of Rachel McAuley (Mary's Magical Place), the parks and landscape board and the Friends of Bowie Park. Commissioner Dawson notes he reached out to Eileen Brogan (president of FOBP) and believes this is an opportunity for community involvement. The plan is great but he would like to see it presented to the community for feedback before the BOC votes. Commissioner Burks offers he wants to move forward and sees this as the framework to do so and he hasn't seen any other plans proposed. Vice Mayor Rainey notes the plan can change and McCoy agrees the plan should be fluid as we move forward. Dawson argues if we are already talking change then is this the plan to adopt? Dawson continues that on August 23 Collins sent a memo proposal timeline to the BOC with the parks and landscape meeting set for September 9 for receiving community input and we receive this proposal on August 27. He wants to see what the community wants and vote at the next meeting. The parks and landscape board is an extension of the city and he doesn't want to push when we have the opportunity to ask what the community wants. Commissioner Lucas offers his concern of rushing as this is a really big project. The plan has not been published for the community yet and he's not against it just doesn't want to rush.

Motion: Dawson – defer this item to the next meeting

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	___	x	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	___	x	___	___
Mayor Blade	___	x	___	___

MOTION FAILS

Motion: Rainey – Proceed with the plan

Second: Burks

Motion and second were withdrawn and no vote on this motion.

City Manager Collins has concern over approval of this specific plan because it must be adhered to as drawn and proposes assigning the task to the parks and landscape board instead.

Motion: Rainey – resolution assigning the Bowie Park playground project management to the city of Fairview Parks and Landscape board with the final design to be approved by the Fairview Board of Commissioners

Second: Burks

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	___	x	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

Motion: Rainey – authorize the parks and landscape board to operate their own website, separate from the city, for which they are responsible for the management, oversight and content, not the city

Second: Burks

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- E. Ordinance 2019-20, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2018-2019 Budget (Proceeds for Debt and Capital Outlay for Fire Truck and Motorola Public Safety Communication Equipment) – City Manager Collins notes this is to clean up last year's budget accepting the capital and including as inventory.

Motion: Burks

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- F. Resolution 28-19, A Resolution of the City of Fairview, Tennessee, Designating a Vehicle or Vehicles, and/or Equipment as Surplus, Authorizing the Disposal of Said Vehicle(s) and Equipment, and Designating the Auction or Sale Proceeds from Surplus Items

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- G. Ordinance 2019-21, An Ordinance to Amend Title 7, Chapter 2 of the City of Fairview's Municipal Code. By Repealing Section 1 of Ordinance 949, Adopted January 5, 2017 and Replacing it in its Entirety by the Above Styled Ordinance

Motion: Rainey

Second: Burks

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- H. Resolution 29-19, A Resolution of the City of Fairview Board of Commissioners to Establish the "Keep Fairview Beautiful" Initiative for the Purpose of Making Resources and Materials Available to Community Groups, Neighborhood Associations and Other Volunteers who Desire to Assist in Maintaining the Landscaping and Appearance of Certain City Owned Properties and Rights of Way – Commissioner Dawson states he sponsored this resolution hoping to provide cost savings to groups wanting to maintain areas owned by the city, such as the median on Grand Boulevard. It should also boost community involvement and save the city from needing to mow certain areas.

Motion: Rainey

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- I. Ordinance 2019-22, An Ordinance to Amend Title 17, Chapter 1, Section 108, of the City of Fairview Municipal Code Regarding the Issuance of Burn Permits Within the City of Fairview

Motion: Lucas

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- J. Resolution 30-19, A Resolution of the City of Fairview Board of Commissioners Authorizing the Mayor to Execute All Proposals, documents and Contracts with the State of Tennessee for its Sidewalk Project from Bowie Lake Road to Deer Ridge Road - City Manager Collins notes this is a state project, not a city project but the state will need access to the right of way as previously discussed. The state requires this resolution as a part of the process.

Motion: Rainey

Second: Burks

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

**13. Communications from the Mayor and Commissioners**

- A. Commissioner Burks believes the vote on moving forward with playground plans was a good compromise and it takes someone taking the first step to get moving. He and Vice Mayor Rainey are hosting a BBQ competition on October 26 in Bowie Park as a fundraiser for the playground. They hope to have a website up next week with all the details but the public will be invited for tastings, there will be a cornhole tournament and TSC is donating prizes for the winners.
- B. Commissioner Dawson reminds everyone of the celebration of life ceremony honoring John Stark this Saturday at Joann's Classroom in Bowie Park from 2-4 p.m. He is really excited about the playground and everyone working together so all have a voice.
- C. Commissioner Lucas wishes his daughter a happy sweet 16<sup>th</sup> birthday today warning that Fairview is still safe because she's not yet driving.
- D. Vice Mayor Rainey feels the need to defend herself noting she expected Commissioner Burks to say she was crazy when she brought up the idea of a BBQ contest. She hopes the fire and police will all compete and reminded everyone it is a fundraiser for the playground.
- E. Mayor Blade thanked the Board members for good discussion in a professional manner noting that teamwork always wins.

**14. Adjourn to Executive Session** at 8:15 p.m.

- 15. Adjournment** –Commissioner Burks made a motion for adjournment with Vice Mayor Rainey seconding and meeting was adjourned at 8:50 p.m.

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**Brandy Johnson**  
**City Recorder**