

BOARD OF COMMISSIONERS

September 6, 2012

Beverly D Totty, Mayor
Allen Bissell, Vice-Mayor
Patti L Carroll, Commissioner
Stuart L Johnson, Commissioner
Toney R Sutton, Commissioner
Andrew Hyatt, City Manager
Larry Cantrell, City Attorney
Theresa Porter, City Recorder

Present: Totty, Bissell, Carroll, Johnson, Sutton

Others Present: Hyatt, Cantrell, Porter, Harris, Cooper, Pewitt, Lovvorn

1. Mayor Totty called the meeting to order at 7:01 p.m.

- A. The prayer and pledge to the flag were led by Donn Lovvorn.

2. Approval of the Agenda –

- A. City Manager Hyatt stated that Ms. Bartholomew, item 8A, asked to be moved to the October 18th due to some health issues.
B. Mayor Totty asked to add item 7B Discussion of City Projects.
C. Mayor Totty asked to add item 7C Discussion of ADHOC Committee Assignment and Acceptance. Vice-Mayor Bissell stated that on short notice he is not prepared to get into that at this time.
D. Commissioner Carroll made a motion to accept the agenda with changes. Commissioner Johnson seconded. All were in favor to add 7B to the agenda.

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

- A. Rita Mangrum of Bahne Road in Fairview. She stated she is here with concerns for item 8G the development on Crow Cut Road. She is concerned with the well water and the traffic and stated she opposes the project. She stated her grandchildren live in Park Village Apartments and that there was an electrical problem and said it took a call to the state to get someone out there and she is very upset with the City of Fairview and wondered who would be responsible for this PUD development and with the commercial properties coming into Fairview the City has their hands full. She also stated that her father has lived on Crow Cut Road for 76 years and asked the Board to consider the elderly because he would love to have the remaining years of his life living the way he was raised.
B. Les Wescher stated he will be surrounded by 25 houses with this development on Crow Cut Road. He gave the Board pictures of the area and stated that it is 100% wooded area and by the time 25 houses, sewage, right of way and open space are carved out of there, every single tree will be gone. He stated that their horses will not be able to stay on that property while the building is going on because horses are skittish animals. He state that there is a creek water shed area and he opposes the development.

4. Awards and/or Recognitions – None

5. Public Announcements –

- A. City Manager Hyatt announced that Fall Fun Day will be on Saturday, October 20th and the Haunted Forrest is October 26th and 27th and that there will be information at the next meeting.
- B. Chief Cooper announced that the annual Fairview Dental pancake breakfast is Saturday from 8 – 10 a.m. at the Fire Hall.
- C. Mayor Totty announced that the 28th annual Nature Fest event will be on September 8, 2012 from 10 – 5 at Bowie Nature Park.

6. Approval of the Minutes –

- A. The minutes for the August 16, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Bissell seconded. Mayor Totty asked that item 8G show the For and Against votes. All were in favor.
- B. The minutes for the August 16, 2012 Public Hearing were presented for approval. Vice-Mayor Bissell made a motion to approve. Commissioner Carroll seconded. *For:* Totty, Bissell, Johnson, Sutton *Against:* Carroll After the meeting it was discovered that the minutes were not in the packet. This will be placed on the next agenda.

7. Old Business –

- A. Second and Final Reading of Bill #2012-10 Ordinance No. 789 - An Ordinance for Final Amendment to the City of Fairview, Tennessee Budget for Fiscal Year 2011 – 2012 Budget – Vice-Mayor Bissell read the caption and made a motion to approve. Commissioner Sutton seconded. *For:* Bissell, Sutton, Johnson *Against:* Carroll, Totty Motion carries. Mayor Totty asked the CFO if we could keep the budget amendments current through this fiscal year. CFO Pewitt said she would and the only two items so far this year are the upgrades to the commission chamber for \$96,000 and the triangle school for \$50,000. She stated that she would have this at the first meeting in October.
- B. Discussion of City Projects – City Manager Hyatt stated that the sign bid packets will be ready next week and will go out for bid and the bids are due back by October 2, 2012. There will be a pre-construction meeting on Tuesday for the Triangle School structural contract. The Forestry Management Plan has been approved by the Tennessee Land Trust in its general term and they will be coming back with recommendations. The surveys will be distributed at Nature Fest and working on getting it on the website and would like to get it where it can be filled out on line. Mayor Totty encouraged everyone to fill out the survey and be involved.

8. New Business –

- A. Presentation by Pamela Bartholomew, Tennessee Department of Agriculture, Funding for Fairview Farmer's Market – this was deferred to October 18, 2012.
- B. Discuss and/or Take Action on the Recycling Rebate Offer for FY 2013 – City Manager Hyatt stated that the recycling rebate would be \$486.00 and we would need to decide where the money is spent. Last year the Elementary Schools received recycling containers. Mayor Totty stated that there is a need for High School Seniors to have a full blown application of community service and that maybe we could look towards that and maybe working towards the recycling at the High School, bringing more awareness to it. Commissioner Carroll moved to approve. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or Take Action on the TDOT Local Agency Project Agreement Number 120192 – City Manager Hyatt stated that this is for the sidewalk project on Old Franklin Road, and is the active transportation grant through the MPO. The total grant that was awarded was \$178,000, the figures they have here go

over that and it is for design, right of way acquisition if needed, construction and environmental studies. The total they have is \$222,544. The original grant was 100% of the \$178,000 but that did not include right of way acquisition, that cost has not been determined. Completion date is October 2015. Vice-Mayor Bissell made a motion to move forward. Commissioner Sutton seconded. Director Lovvorn stated that this is a five foot sidewalk; it will be on the left of Old Franklin Road from the elementary school to Castleberry subdivision. All were in favor.

- D. Discuss and/or take action on capping the number of liquor license in Fairview - Commissioner Sutton made a motion to cap the number at three. Commissioner Carroll seconded. Attorney Cantrell stated we would need to amend the ordinance, currently section 8-107 (4) states that population determines the limit. He suggested we get something in writing from the ABC Board stating whether they have issued license to the current certificate holder. Discussion was made on what if someone came in and applied for a license while the change on the limit is being made. Attorney Cantrell stated that if the Board instructs him to amend the ordinance, there is a legal doctrine called legislation pending. If pending you have the right to continue the application until you have a chance to consider legislation. Commissioner Sutton made a motion that at this time we are going to restrict any further action for any further applicant for a fourth location until pending on the outcome of the ABC Board and to initiate the attorney to start the ordinance to amend the limitations on the number of retail liquor stores in the city of Fairview. Commissioner Sutton removed his first motion. Commissioner Carroll seconded the new motion and removed her second from the first motion. All were favor.
- E. Discuss and/or take action on Under-Aged Alcohol Compliance Checks – Commissioner Sutton made a motion to have at a minimum one sting operation a quarter. Commissioner Johnson seconded. Discussion was made on finding under age people to help with the sting. Chief Harris stated that his department could handle one operation about every six months. Vice-Mayor Bissell made an amendment to the motion to have the City Manager, Police Chief and staff get together and come back to the Board in 30 to 60 days with a plan on how we are going to address this compliance problem. Commissioner Carroll seconded. Commissioner Johnson withdrew his second. Commissioner Sutton withdrew his motion. Vice-Mayor Bissell withdrew his amendment. Commissioner Carroll withdrew her second. Mayor Totty stated that the direction from the Board to the City Manager without the vote is that within 90 days a plan be given back to the Commissioners of the action taken in the compliance check.
- F. Discuss and/or take action on the number and makeup of membership on the City of Fairview Planning Commission – Vice-Mayor Bissell stated that he feels that by having the Mayor and 3 Commissioners on the Planning Commission it negates the appeal function of the Board of Commissioners. He suggested that two Commissioners step down from the Planning Commission and leave those vacant until we can change the ordinance to make it seven again or we fill those two positions with two citizens. Vice-Mayor Bissell made his suggestion a motion. No second so the motion dies. Vice-Mayor Bissell made a motion that two of the Board of Commissioners step down from the Planning Commission and replace them with two citizens and keep it at nine. Commissioner Carroll seconded. Commissioner Carroll stated that she is willing to step down and feels it is important that the citizens be involved on the Planning Commission. Commissioner Johnson stated he is willing to step down. All were in favor. The Board instructed the City Manager to start taking applications from citizens to be on the Planning Commission.

- G. Discuss and/or take action on Recommendations from the Planning Commission – Donn Lovvorn stated that at the planning commission meeting on August 14, 2012 the following items were asked to be forwarded to the Board for consideration.
- (1) Annexation request for property located on Crow Cut Road. MAP 18, PARCEL 35.01, 8.47 Acres, Philippe Jeanty owner. Mr. Lovvorn stated that it was a unanimous decision; all were in favor, to proceed with the annexation. The action tonight if you choose to proceed forward would be to ask the city attorney to prepare the ordinance. Commissioner Johnson made a motion to approve. Commissioner Sutton seconded. *For:* Totty, Bissell, Johnson, Sutton *Against:* Carroll
 - (2) Rezoning application and master development plan for property located on Crow Cut Road, MAP 18, PARCEL 35.01, 8.47 acres. From RS-40 to RS-15 PUD, Philippe Jeanty owner. Mr. Lovvorn stated that the action tonight, if you choose to proceed forward would be to ask the city attorney to prepare the ordinance. Commissioner Sutton made a motion to approve. There was no second. The motion dies. City Attorney Cantrell stated the owner has the right to appeal for the approval, the next step is up to the owner if he wants to appeal and wants to appear on the agenda for a vote up or down on the rezoning.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hyatt stated he received an email with the amendment to the local parks and recreation fund grant this will be placed on the 9-20-12 agenda. Mr. Hyatt gave the park program report and the street department report.
- B. Staff Comments –
 - (1) Donn Lovvorn gave the planning department report, the codes department report and an update on the public safety officer.
 - (2) Chief Cooper gave the fire department report, reminded everyone of the pancake breakfast and stated that coming up in a future meeting will be a proposal for an ordinance restricting commercial parking.
 - (3) Chief Harris gave the police department report.
- C. City Attorney Comments - None

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton stated that he is constantly asked about the changes in Fairview and stated that there has been an increase in employees of 20%. He encouraged everyone to buy local.
- B. Commissioner Johnson invited everyone to Nature Fest and the pancake breakfast.
- C. Vice-Mayor Bissell thanked everyone on the Board for the discussion and actions regarding the planning commission.
- D. Commissioner Carroll asked the city recorder to consider moving items to the beginning of the agenda for the people who come out for those specific items and possibly came from out of town so that they don't have to listen to the city business unless they choose to stay.
- E. Mayor Totty asked the city manager about the public works supervisor. He stated that interviews have been scheduled over the next two weeks and there is 8 people being interviewed for the position. She re-invited everyone to come out to Nature Fest.

11. Mayor Totty asked for a motion for adjournment –

- A. Commissioner Sutton made a motion for adjournment. Commissioner Carroll seconded. All were in favor. Meeting adjourned at 9:10 p.m.

Theresa Porter
City Recorder