

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS MEETING MINUTES

September 18, 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, Daugherty, Johnson, Paisley

1. **Call to order by Mayor Totty at 7:01 p.m.**
  - A. Prayer and Pledge led by Mayor Totty
2. **Approval of the Agenda** – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. Mayor Totty states she has a request for the addition of Item 8D under New Business of Discuss and/or Take Action on New Employee Health Plan. 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).** –
  - Henrietta Hall states she is a citizen and local business owner. She thanks the Board for all they do noting it is a hard job and she admires them for doing it and hopes they take comments and questions as such. She shares her appreciation for the candidates completing the answers to her questions and asks that they be nice stating there's no reason not to be.
4. **Awards and/or Recognitions** – Mayor Totty notes she would like to recognize the City and Nature Fest event for a fantastic job. She notes she is sorry the Chamber is not here but she has thanked Jon personally.
5. **Public Announcements** – City Manager Hall notes the emissions testing every Monday and Tuesday from 7:30 am until noon. Hall continues noting the City is hosting an Economic Development Forum on October 1 at Camp Marymount. Hall and Humber met today with TVA, Williamson Chamber and a TVA Civil Engineer. Commissioner Sutton states Fall Fun Day at Bowie Park is coming up on October 4. Commissioner Carroll notes Friday is elementary school night at FHS and the students can run through the jacket tunnel at 7:00.
6. **Approval of the Minutes** –
  - A. Approval of the Minutes from the September 2, 2014, Board of Commissioners Grant Workshop – Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor.
  - B. Approval of the Minutes from the September 4, 2014 Public Hearing – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.

- C. Approval of the Minutes from the September 4, 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 Bill #2014-23, Ordinance No. 845, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located on Highway 96 North, Owned by Big Little Investments, LLC, As Shown on, the Fairview Geological Listing of Assessment Roll Map 22, Parcel 150.00, 2.34 Acres, From RS-40 to CG (Commercial General) – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. The property owner's engineer was present to represent the property. All were in favor.
- B. Discuss and/or Take Action on Resolution #14-16, A Resolution to Set a Public hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 716 Highway 96 North, Owned by Big Little Investments, LLC, as Shown on the City of Fairview Geological Listing of Assessment Roll Map 022, Parcel 150.00, From (Residential), RS-40), to (Commercial General) CG, 2.34 Acres – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. All were in favor.
- C. Discuss and/or Take Action on Resolution #14-15, A Resolution Authorizing the Cost to Participate in a State of Tennessee Transportation Improvement Resurfacing Grant Pin Number 115693.00 Project #94LPM-F3-D36 – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. Attorney Cantrell states this resolution authorizes the expenditures to participate in the grant and includes items of agreement as required by the State for participation. Mayor Totty asks how this applies with the agreement made on the Friday prior to the Grant Workshop. Codes Director Humber replies they asked the state to move forward so the September 30 deadline would not be missed and keep the process moving. Totty asks how it will reflect as far as dates are concerned. Cantrell states the resolution doesn't memorialize the starting date just that the City will pay 20%. Totty asks if the State will receive the resolution and Cantrell confirms it will. All were in favor.
- D. Discuss and/or Take Action on GAN Resolution and Bond Note – Vice Mayor Johnson reads the caption and makes a motion for approval with Commissioner Sutton seconding. Attorney Cantrell states this authorizes the city to sell notes with the attached authorization. He continues we would fill out the bond amount and submit it to the state for approval. He states this is only to finance this project. Commissioner Carroll clarifies in the workshop we discussed with the bank and it seems this is the best option. She continues there is very little risk to save the grant and get the road improvements. She states she would rather have the money in the bank but we need to move forward. She states Mr. Humber and Mr. Hall will work to get our refund as quickly as possible. All were in favor.
- E. Discuss and/or Take Action on First Bank Commitment Letter – Attorney Cantrell states he believes the commitment letter from the bank was a smart move. He notes we may not have to borrow and if not, will pay no interest. He notes this is a typical commitment letter with the interest rate of 3.25% on the outstanding balance only. Cantrell state he is bothered by the date of September 30 on the letter which would indicate the documents would need to be prepared by then and would require a special meeting. The other option would be to ask the bank to extend the date until October 2 which is the next meeting date. Cantrell states he needed the letter for preparation of the resolution but he thinks the bank would be willing to extend the date. City Manager Hall states he thinks he can get the date changed to coincide with the next meeting. Commissioner Carroll asks if the time frame will be okay to comply with the deadline of the grant. Cantrell confirms yes. Vice Mayor Johnson makes a motion to approve the commitment letter contingent on changing the date to October 2 with Commissioner Bissell seconding. All were in favor.
- F. Discuss and/or Take Action on the Revised Interlocal Agreement Between Williamson County and the City of Fairview for the Shared Cost of the Expansion of the Fairview

Library – Attorney Cantrell shares his appreciation to the County Attorney for the utmost cooperation. There were several changes made to make the contract read the city will pay 50% up to \$90,025, the city will be present at bid opening, county to bid and oversee the project and the project won't move forward until both boards approve the plans. Cantrell notes the only item not included that was requested is the square footage and the county wanted to leave this open in case they received a lower bid to have the flexibility for more square footage. Cantrell notes this will be executed in duplicate so both parties will have an original. Vice Mayor Johnson made a motion for approval with Commissioner Sutton seconding. All were in favor.

#### **8. New Business –**

- A. Discuss and /or Take Action on Bill #2014-22, Ordinance No.844, An Ordinance for An Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget – Vice Mayor Johnson reads the caption. CFO Daugherty explains this is for the replacement trees for City Hall and fruit trees for the community garden. Vice Mayor Johnson makes a motion for approval with Commissioner Sutton seconding.
- B. Discuss and/or Take Action on Scanner Lease for Codes Department and Print Smart Agreement – Codes Director Humber states the lease on his old scanner has expired and this is for a new, up to date scanner that will work in conjunction with his plotter. He continues that it will allow us to scan plans, create digitized files, allow us to reproduce maps up to 42 inches wide. He notes it will also allow for digitizing the stockpile of old plans to save on storage space. This scanner will cost \$50 more per month than the existing scanner but it will be worth it for the upgrade and it is within his budget. Commissioner Bissell made a motion for approval with Commissioner Sutton seconding. Attorney Cantrell notes he read over the contract and for government they give leeway in the way of a termination clause in case the legislative body does not appropriate funds. Further discussion was had about saving money sending plans to the engineer and the possibility of decreasing or eliminating the request of paper copies from builders or developers. Cantrell notes he has seen cities request one paper copy and one digital copy. Carroll asks for Daugherty's input on the budget and he replies it is within the budget and he feels confident in the purchase. All were in favor.
- C. Discuss and/or Take Action on Scheduling Board of Commissioners Workshop for Audit Review – CFO Daugherty states he spoke with the auditors and they would like to schedule a workshop on October 2 from 5:30 until 7:00 to present the audit findings. Vice Mayor Johnson makes a motion to call a special meeting on October 2 at 5:30 pm for audit review so that it will be recorded and broadcast for public viewing due to the nature of this topic. Johnson also notes, not as part of the motion, he would like to see the Board move away from workshops. Commissioner Bissell seconded. Commissioner Carroll asks if no more workshops was part of his motion. Johnson clarifies that was an additional comment and not part of the motion. All were in favor.
- D. Discuss and/or Take Action on New Employee Health Plan – (see attached for plan details) CFO Daugherty states he has worked with Tim White and the Finance Review Committee and hands the floor over to Tim White of Benefits, Inc. White shows a slide with financial analysis showing the budget numbers that were passed in July, the amount spent July through October, noting the HRA amount is projected best we can but the other number is firm. He notes the budget amount minus the amount spent is the balance we have to work with and we are presenting the best plan possible for the remaining budget. White continues that there have been plan modifications and the new premiums are shown in the third column including HRA expenses after the modifications. He notes the two other pages in the packet are for plan comparison – one is the current plan and the other is proposed plan. White gives an overview of the current plan and notes he used the same employee counts for the new proposal. He notes the premium increased approximately 5% over last year and these are the numbers that made the most sense with the employee monthly contribution modifications. White recommends the City pay dental for the employee only and dependent coverage would be voluntary which drops the monthly city out of pocket for dental to \$1,148.98. Currently the HRA first dollar is reimbursed at 100% and he recommends 50% reimbursement of the first

\$4,000. He notes that expected claims are at half of the HRA exposure and states there should be some impact from the Rx change as there will no longer be HRA reimbursements for Rx. He notes he can't illustrate that but we have those expenses today and won't tomorrow on this plan. White states this has been a group project and he appreciates all for their help and input. Mayor Totty asks for the wishes of the Board and Commissioner Sutton makes a motion for approval with Commissioner Bissell seconding. Bissell states he would like to give considerations to Donna and Tom who gave a lot of effort. Bissell continues that characteristically those employees in government service have a salary below average but that is supplemented by their benefits package of retirement, insurance, and vacation as equalizers. He states that for years he believes we provided a sub-level of service attributed to high employee turnovers but thinks now we have a much more stable, progressive, dedicated workforce due in part to the attractive benefits offered. Bissell states he believes the package being proposed is a good, fair package. He notes he has heard it referred to as a "Cadillac" plan and contacted other HR departments to compare and it is neither a Cadillac nor a Yugo. Bissell continues that of the plans reviewed some were high, some were low and ours ranks middle of the road. The best policy was the City of Franklin who is not charging employees as much as us and the one we don't want is the State of Tennessee who is charging way more. He states the overall thought that we are providing a plan way above the normal is not accurate on the policy being offered. He states he does endorse the plan but the one thing that bothers him is the amount of increase for employee contributions. He states Brentwood gave their employees two and a half years to prepare for the increase in contributions. Bissell continues he feels the \$37 increase for individual plans and \$50 increase for 2 person plans are reasonable increases. The proposed family plan increase of \$150 really impacts a lot of our younger employees with small children. He states he would like to amend the motion that for the remainder of this fiscal year cut the family plan contribution to \$225. This would leave a cost shortage in the budget of \$16,000 and we can cover that shortage with the \$103,000 allocated to overtime in this budget which we are not spending with the exception of mandatory and not planning to use but rather using comp time. City Manager Hall confirms that we are not using overtime and the employees rather like the idea of time off for working overtime. Bissell continues this money budgeted for overtime is money that would go toward the employees anyway so it would just be a matter of changing the allocation for this fiscal year only. He states the families would have time to prepare to pay the full premium next year. Commissioner Sutton seconds the amendment. Commissioner Carroll asks the CFO what would that do. CFO Daugherty states the overtime budget is well under. Carroll asks what if we need that overtime, what if we have to have it. Vice Mayor Johnson states if the City Manager has a no overtime policy and employees earn comp time only. Hall confirms that is where we are moving forward. Mayor Totty asks for a "B" option if we need those funds for overtime. Commissioner Bissell states that as a government entity, federal law indicates that if there are no funds to pay overtime then we are not required to pay overtime. He continues that comp time is the legal recourse if we get to a zero balance so no deficit is created. Mandatory comp time will not create a budget negative for overtime. Carroll states there was a problem with the plan and we took a huge hit. We were very generous with employees and now we need to cut to fit the budget. Carroll continues she believes we pay lower premiums than average noting on her husband's insurance with metro government they pay \$400 a month. She states we have low monthly costs to the employees and they would feel the pain of doubling that amount and be hard hit if they have not budgeted for it. She states we have tried to look for other ways noting it's not the employee's fault and not fair to them. Carroll disagrees with Bissell noting we were behind at some point and not competitive but those days are gone and we are competitive with pay and gave a really good benefits package. She continues that we no longer have any fluff reserves and must live within our means. This is an 8 month temporary fix to get within our budget. We were projecting without knowing the cost changes and projections this year were way off so we are having to bring back to the level we budgeted for. We can offer whatever we want. These are real people being affected and if they have medical conditions like my

family and have to use their insurance I think doubling the amount is a big hit but I am worried about using the overtime if we need it. Carroll continues that we don't know if there will be a disaster. She states we have given this a lot of thought and think we have to raise the rate especially with the changes of the Affordable Care Act the premiums are going up and get less for your money. We should consider ways to fix this issue and make it a desirable place to work. We need to be realistic. Are there any other suggestions? City Manager Hall states that Mr. White has shopped us around to other carriers and this is the best option. CFO Daugherty is asked to double check the figures of the overtime budget. Tim White states he sent an RFP to all the other carriers within Tennessee and the only one other even quoted, Aetna, was nearly 25% higher on an apples to apples plan and the others declined to even quote. He states our actual rates are not going up much at a 5% jump and there will potentially be more carriers next year noting Community Health as a new group born out of the Affordable Care Act but it does not have a network currently. Commissioner Carroll states so we are doubling the individual employee, adding \$50 to 2 person plan and doubling the family plan. If we bring the family plan to \$225 it's not fair to the individual employees. Some employees see a more significant increase than others. Bissell states as he figured the percentage can be a bit deceiving and he looks at the real dollars as what is not going to be in their paycheck. For individuals that is \$37, for the 2 person plan that is \$50 and for families it is \$150 noting this is one of the things with a 3 tier plan rather than 2 tier. Bissell states it is notable as he talked to other cities, in Brentwood, Williamson County and Spring Hill the employee's insurance is free, Franklin charges \$80 but their deductible is \$500 and as an individual the State charges \$140 with no deductible so the \$300 for families is reasonable but could seriously impact those who have not had time to prepare. We need to be responsible to the citizens, responsible as a good employer and we don't want the increased premiums to cause people to not take the insurance which could have a catastrophic effect. The financial strain could be brought to work. We have good people in these jobs and the overtime money would go to the employees anyway. We have this large pot of money sitting and while the goal is to save as much as possible they need more time to prepare for the change. Bissell states he would like to see us do away with the HRA in the long range. He states he has spent a lot of time researching and thinking about this. Carroll states she appreciates Bissell taking the time and looking it up. She knows we were given a good plan based on her own experience and has asked people and learned how good, especially in corporate America, how good the governmental plan is. Carroll notes she worries about the employees but she also worries about using money assigned to overtime just because we don't know. CFO Daugherty states through August 31 we are \$8,963 under budget in the overtime line item. City Manager Hall asks how much was budgeted for the year and Bissell replies \$103,000. Hall states that the three divisions that normally create overtime are Police, Park, Public Works and their directors are holding to the no overtime policy (Fire is on a different pay scale) and I believe we can handle that. Mayor Totty asks for Bissell to restate his amended motion. Bissell states for the remainder of this fiscal year for the family plan the employee contribution will be \$225 instead of the \$300 that is stated and the additional monies which he calculated as 27 people on the family plan times the \$75 difference times 8 months equals \$16,000 and I want to take that from the overtime allocation which would reduce the overtime allocation from \$103,000 to \$87,000 and the \$16,000 would go over into the medical line item. Commissioner Carroll states she needs a total and asks Bissell to give a figure on how much that would be per, I don't know how many families we have on. Bissell states 27 families times \$75 per month times 8 months equals \$16,200 for the remainder of the fiscal year and that is assuming all currently on the plan sign up so it could vary slightly. Right now there's no need to make that adjustment and we could monitor it throughout the year and make the adjustment at the end but wouldn't want to use the overtime and not have the money to pull from at the end. Mayor Totty asks who seconded and it was Commissioner Sutton. Commissioner Carroll asks if the rest of the Board has any opinions on this. Sutton states he feels this is a fair way to catch up and for the employees not to take a big hit at one time. Vice Mayor Johnson states he definitely feels it is fair especially when other governments don't charge for

their employee's coverage. He notes for anyone saying we have a Cadillac plan I guess that means they have the Mercedes plan. He states he appreciates all the good work. Carroll states they are only paying for the individual not family coverage for free and asks Bissell if he found anyone who gave family coverage for free. Bissell replies yes, Spring Hill gives family coverage free as well as dental and has a \$1,000 deductible. Mayor Totty asks if anyone on the Board is currently on the family insurance plan. Vice Mayor Johnson replies he is and Sutton states he is on the plus one. Totty asks Johnson if he will recuse himself and he states no. She asks if he does not have personal interest and he states no. Johnson states he is on the family plan as his wife is an employee but that has nothing to do with; Mayor Totty interjects whether you do or don't pay premium. Johnson states there has been a lot of discussion brought up on Facebook and we've just discussed Williamson County and their commission is offered the insurance as well. He continues that Mr. White represents many governments and utility districts where many of their Board of Directors are on a plan. If everyone was on the plan how could it get passed if they didn't vote on it. Johnson asks City Attorney Cantrell to explain this scenario. Cantrell states it is comparable to a tax increase for general services to citizens so everybody benefits. Every time there's something personal, myself I wouldn't vote. There is not a statute saying it's a conflict of interest and it would be a close call. The only answer would be if that person's vote were challenged. If talking about passing the tax bill for the city you would get some benefit. Johnson asks why it's different on the insurance from voting on the tax and assessing the tax to himself. Cantrell states it's probably not any difference. Johnson states all of us voted on the tax rate and it affects all of us. Cantrell states the insurance rate probably doesn't affect everyone in the city and that would be the distinction. Cantrell continues if you are going to get personal gain out of it then you have to look at it as a potential conflict. He notes that any Board who votes on a tax increase on the general population of a city faces that and they all vote. Johnson states he always thought if you disclosed your interest you didn't have to recuse and notes he has no problem recusing. Cantrell states there are some cases you disclose but if you are going to get anything personal out of it some depends on when you were elected and what was in effect at the time but the law does not absolutely require recusal but the vote could be challenged. Bissell states he discussed ad nauseam with Cantrell his receiving of pay as a Park Ranger and voting on the Parks budget. He states from his recollection you must disclose and indicate publicly your involvement. Bissell continues you should vote your conscience. You can abstain or not and if you vote and the Board wishes to discount your vote they can make a motion and by majority rule do so and your vote would not count. Cantrell states it's yielding to the ethics statute but there is no definitive law. Bissell states you determine your own ethics. Cantrell states to disclose interest goes a long way. Commissioner Carroll states she viewed a book at the Finance meeting that had a listing of the employees and rates under the family plan. She states the Board was listed under this and had Johnson and Sutton on the family plan. White states he has that with him and Carroll asks to see it and she can show him what she is talking about but it listed Stuart Johnson and Toney R. Sutton. White discusses with Carroll in an aside. Sutton states it is election year and he understands completely but he clarifies he is on the 2 person plan, not the family. Johnson states he did not receive benefits until after his wife was an employee. Carroll states the list had Stuart Johnson not Brandy. Johnson states this is a privacy issue and we should probably leave names out of it to prevent a HIPAA violation. Johnson states he will be recusing himself from the vote. Sutton states he does not have to. Vote on the amended motion – all in favor. Commissioner Sutton requested a roll call vote on the original motion. Bissell: aye, Carroll: aye, Totty: aye, Sutton: aye, Johnson: abstain. Motion carried.

## **9. City Manager Items for Discussion –**

- A. Miscellaneous Updates – City Manager Hall notes as a point of interest we will change the way reports are presented in October. All reports will be part of a complete City

Manager report that will be included in the BOC packet. After the presentation at the second meeting of the month they will be posted on the City website.

**B. Staff Comments –**

- (1) Codes Director Humber is pleased to report we received the \$16,000 reimbursement from TDOT this week. He continues that we requested an extension on the \$94,000 from last year's STP allocation and have an unofficial yes. In September the City issued permits for 6 houses. Humber continues noting the MPO site contains an up to date summary of our grants and states he will send access information to the Board and will present a synopsis monthly going forward in the City Manager's report.
- (2) CFO Tom Daugherty presented the financial report for the month of August 2014 (attached). Commissioner Sutton asked if the insurance was considered to be renewed last July 1. Daugherty answers it was but in discussions with Tim it would have set everything back to zero and at that point would have cost more. Daugherty states we will start mid-February and hope to have two or three options for the July 1 renewal. Commissioner Bissell notes the Finance Review Committee will need until the second meeting in October for the Stabilization Plan due to insurance discussions. Totty replies that she believed it was the 16<sup>th</sup> when they were due to report anyway.
- (3) Parks Director Paisley notes we will have a Star Party on Friday, September 26 from 7:00 pm until 9:00 pm and Bowie Fall Fun Day is on October 4 from 10:00 am until 4:00 pm.

- C. City Attorney Comments –** Attorney Cantrell apologizes to the Board for not having a definitive answer noting he would never mislead them. He notes he addressed the Vice Mayor in his opinion as requested. Cantrell continues noting the grant workshop was one of the better workshops he has ever attended as everyone came prepared to discuss. He complimented the Board for listening and attending with an open mind.

**10. Communications from the Mayor and Commissioners –**

- A.** Commissioner Sutton thanked the Chamber for Nature Fest noting he thinks it was the best one we've had and states the City did a great job assisting. He thanked the City Manager and employees and noted he has not seen as much harmony in the city in a long time. He states losing employees is a cost factor and he thanks everyone for doing their job. Sutton continues that the insurance plan voted on tonight was not a plus for anyone with increases in rate and deductibles but it was a necessary cost savings for the city.
- B.** Vice Mayor Johnson states he would like to make it clear that he was not on city insurance until his wife was a full time employee. As his opponent said, Facebook had some disparaging remarks. He clarifies that the city did not pay for his surgeries and asks if anyone has questions to please ask someone personally. He thanked Tim White who has served the city well in this partnership noting that he saved the City a quarter of a million dollars the first year we came off the state plan.
- C.** Commissioner Bissell had no comments.
- D.** Commissioner Carroll states she was basing her questions off what the mayor asked the Board. She states she came to the Finance Committee meeting and saw a book of what was spent with names noting she was not doubting Sutton. She states she almost giggled at this election year comment noting it is the first time she ran in this seat. She continues she is not sure how she is acting different noting she has asked questions for the last four years for clarification and to understand what she is voting for and to allude she is wrong for asking questions. Carroll continues stating she is not sure about the Facebook posts noting she is probably not allowed on that page for telling truths. What matters is what the public thinks and anybody can say anything. What happened to me and my husband we didn't ask to get beat up. Carroll states overall we have great employees and she wants to protect them. She states the question asked was to get what is fair and she asked the citizens because they don't always feel they have a voice. She wanted to use it for good, to find out what other companies are paying and is not going to stop that. She appreciates everyone coming out tonight and clarifies that she didn't understand what she saw and it was not a personal attack. She hopes the citizens can understand they had to do what is fair to employees and had to make increases and

adjustments. She notes it's not fair for the employees to have to pay for our mistakes and I hope we can budget for a strong package next year.

- E. Mayor Totty asked if the minutes from the Grant Workshop could be posted on the website and City Manager Hall confirmed yes.

**11. Commissioner Sutton made a motion for adjournment with Commissioner Bissell seconding. All were in favor and meeting was adjourned at 9:12 p.m.**

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