

City of Fairview

BOARD OF COMMISSIONERS**October 1, 2009**

Ken Brison, Mayor
 Stuart L. Johnson, Vice-Mayor
 Eddie Arney, Commissioner
 Allen Bissell, Commissioner
 Toney Sutton, Commissioner
 Shirley Forehand, City Manager
 Larry Cantrell, City Attorney
 Kathleen Daugherty, Recorder

Present: Brison, Bissell, Arney, Johnson, Sutton

Absent:

Others Present: Forehand, Cantrell, Lovvorn

1. Mayor Brison called the meeting to order at 7:03 p.m.

A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.

2. Approval of the Agenda –

A. Mayor reported that if there are no objections it has been asked that approval of the use of the City Hall Parking Lot to be used for a Community Prayer Service on November 7th be added to the Agenda. Vice-Mayor Johnson advised that he would like to delete Item C. Under New Business from the Agenda and replace it with the request to use the Parking Lot.

B. Johnson made a motion to approve the Agenda with the above changes. Arney seconded the motion. 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. Janie Wells – She advised that she has been a resident of Fairview for 18 years and a worker for the school system for 26 years. She was responsible for having Joann's Classroom built in Bowie Nature Park and by allowing guns in the Park children will not be able to go there. She asked the Board to be good role models and to think about the kids.

B. Linda Brewer – She advised that she was here as a career educator in the school system and asked the Board to do what Janie asked. They need to think about the children and keep Bowie Park available to them.

C. Bill Robinson – He advised that he has a permit to carry a concealed weapon. He does not feel the Board should be able to tell him where he can carry his weapon. He also does not feel he is a threat to children.

4. Awards and/or Recognitions – (Moved to later on the Agenda)

A. Dan Kubit

5. Public Announcements –

A. City Mgr. Forehand announced that the emission testing for October will be on the 14th and 21st from 7:30 a.m. to 12:00 p.m.

- B. Mayor Brison announced that long time resident of Fairview, Joe Clinard Age 91, passed away on Monday, September 28th. Visitation will be at Westview Methodist Church on Sunday October 4 at 1:00 p.m. A Masonic Service will be held at 2:00 p.m. and a Memorial Service at 2:30 p.m.

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on September 3, 2009. Johnson made a motion to approve the minutes as presented. Sutton seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Board of Commissioners Meeting held on September 17, 2009. Bissell made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.

7. Old Business –

- A. Accept Bid on a New Chipper – City Mgr. Forehand reported that two bids were received. One was from Wilder Motor and Equipment Co. Inc. in the amount of \$27,650 and the other one was from Vermeer Heartland in the amount of \$29,470. Forehand advised that Howard Bridges, the Street Supervisor, has tried out both pieces of equipment and recommends purchasing the one from Wilder Motor. Forehand stated that she also recommends accepting the low bid from Wilder Motor and Equipment. Arney made a motion to accept the bid from Wilder Motor and Equipment Co. Inc. in the amount of \$27,650. Johnson seconded the motion. All were in favor.
- B. Second and Final Reading Bill #2009-26: Prohibiting Parking in Cul-de-sacs in the City of Fairview. Johnson read the caption. Arney made a motion to pass Bill #2009-26 on second and final reading. Sutton seconded the motion. Bissell advised that he would like to make a motion to amend the ordinance by adding that the City may grant a cul-de-sac parking permit to an existing permanent resident for accessibility reasons due to a physical handicap or topographical structure of the property. Permits shall be limited to one vehicle per residence and permit holders must park right hand parallel within eighteen inches to the curb and if no curb exists edge of the roadway. The permit holder will be required to sign an indemnification clause releasing the City of Fairview from liability should their vehicle need to be forcefully moved in an emergency. Annual renewal will be required including proof of condition and residency. The cost of the permit shall be \$10 annually. Sutton seconded the motion. Johnson asked Cantrell if he needed to change the ordinance before they vote on it. Cantrell stated that they need to vote on the amendment but wait on the second reading of the ordinance until he has amended it. Mayor Brison asked for a vote on the amendment: All were in favor. Arney then made a motion to defer the second reading on Bill #2009-26 until the next meeting. Johnson seconded the motion. All were in favor.

- C. Discuss and/or take action on adopting a Resolution No. 17-2009: Prohibiting Handguns in Bowie Nature Park – Commissioner Sutton advised that he has a permit to carry a gun. He also advised that he has received many phones concerning guns in the Park and has done his own survey concerning the subject: Ninety percent were against guns in the Park and ten percent were in favor of allowing guns in the Park. He believes that Miss Bowie's intent was no guns in the Park. Therefore, he made a motion to adopt Resolution No. 17-2009. Bissell seconded the motion. Johnson read the caption. After further discussion, Mayor Brison asked for a vote on the motion. All were in favor.
- D. Report on City Manager Applications – City Mgr. Forehand reported that the deadline for sending in a resume for the city manager position was Noon on September 30th. She has received 19 resumes: 12 from the state of Tennessee (one was from Fairview), 1 from Wisconsin, 2 from Florida, 1 from Nebraska, 2 from Illinois and 1 unknown.
- E. Set Date for Workshop to Review the City Mgr. Applications – City Mgr. Forehand suggested that the workshop be held at 6:00 p.m. before the next Board Meeting on October 15th. A ranking system was discussed. Bissell advised that he thought they were each going to pick out their top five candidates and compare them at a workshop. Arney made a motion to set the workshop for October 15th at 6:00 p.m. Sutton seconded the motion. All were in favor.
- F. Awards and Recognitions –
 - (1) Dan Kubit announced that Casey Totty has been named Youth Volunteer of the Year and he was named Adult Volunteer of the Year. Kubit also announced that the next Clean Sweep will be on October 27th beginning at 8:00 a.m. at Bank of America.
- G. Report on Public Safety Ad Hoc Meeting – Commissioners Sutton stated that on the recommendation of the Police Chief and the Fire Chief the Committee has recommended to ban the sale of fireworks entirely in the City limits and to limit the use of fireworks to the day before and the day after a Holiday. Fireworks usage will be limited to July 3rd, July 4th and July 5th from Noon to 11:00 p.m.; December 31st (Noon to 1:00 a.m.); January 1st and January 2nd from Noon to 11:00 p.m. There were also some ground rules recommended. (see list attached) Cantrell was asked to prepare an ordinance for the next meeting.

8. New Business –

- A. Recommendations from the Planning Commission Meeting held on September 8, 2009: - None
- B. Discuss and/or take action on Renewal of Health Insurance – City Mgr. Forehand reported that the Health Insurance renewal period is November 1, 2009. She advised that Tim White from Benefits Inc. has been the City's agent for the past three years. The increase from Blue Cross Blue Shield as negotiated by Tim White is a modest 4.48 percent. The cost to the employee will remain the same. Forehand also advised that Tim White was present if there were any questions for him. Johnson made a motion to renew the Health Insurance with Blue Cross Blue Shield. Arney seconded the motion. All were in favor.

- C. Mayor Brison advised that "Revisit the Fire Hall Location" was pulled from the Agenda and added in its place was "Allow the use of the City Hall Parking Lot for a Community Prayer Service on November 7th at 10:00 a.m." Pastor Marti Bunch Jeffers of Westview UMC was present to answer questions from the Board. Arney made a motion to allow the use of the City Hall parking lot. Sutton seconded the motion. All were in favor. City Mgr. Forehand will check with the insurance to make sure we are covered for an event on city hall property.
- D. Accept low bid on Fire Station and approve notice to proceed – City Mgr. Forehand provided the Board Members with a spreadsheet showing all the bids received. (see attached list) There were 13 responsive bidders. The low bid was from T and G Constructors in the amount of \$863,090 and Forehand recommended the Board accept the low bid and approve the notice to proceed. She also advised that Horace Spoon was present to answer any questions about the bids. Bissell made a motion to accept the low bid and proceed with the project. Johnson seconded the motion. After Spoon answered questions from the Board, Arney made a motion to amend the motion to include that they start the process to upgrade the road. His motion died for lack of a second. Johnson advised that he felt the issue needs to be addressed but not at this time. Vote on motion: All were in favor.
- E. Discuss and/or take action on Traffic Violation Fees – Commissioners Sutton stated that the City is receiving a grant to fund the salary of a "traffic officer". He would like for the Police Department to be able to keep this officer after the grant is completed. He would like to do this by increasing the traffic fees. Figures were presented to the Board Members only as to how these fees would affect future revenues. Chief Harris stated that they would be able to do away with the 10% of the Court Fines that is presently going into a Reserve Fund. Johnson made a motion to approve increasing the traffic fines if the city attorney agrees that is it okay. Cantrell stated that it is okay as long as the increase is in line to cover costs. Sutton seconded the motion. All were in favor. Cantrell is to prepare the ordinance for the next meeting.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates –
 - (1) Forehand reported that David Mayberry who is a resident of Fairview has been hired as the new City Recorder/Finance Director. He has a BS in Accounting and has his CPA. He will start on October 6, 2009 at the annual salary of \$49,173. Linda Slaughter will be retiring on October 9th and she will not be replaced. Her responsibilities will be consolidated into the work of the City Recorder/Finance Director position.
- B. City Attorney Comments – None

10. Communications from the Mayor and Commissioners –

- A. Vice-Mayor Johnson asked Forehand if anyone has talked with her about the police officers driving their cars home. He was told she planned to speak with the Chief about reinstating that policy. She advised that she has thought about it since there were no pay increases, but she decided that the rest of the employees would still be left out. Also there is only so much gas in the present budget. She decided to wait and let the next city manager make that decision. She is not in favor of changing anything right now. Johnson asked that it be put on the next Agenda. Johnson also advised that he has heard a number of comments about his statement concerning the hiring of a new city manager and the fact that he felt they should also consider someone who has several years of experience even if they don't have a college degree. He still feels that a college degree is great but they should also look at experience. He has also heard comments about carrying his handgun on his side. He advised that he does not carry his gun on his side. It has been on his side once in the last five years. He feels that rumors need to stop.
- B. Commissioner Sutton stated that a college education is a great thing but not having one should not make someone ineligible for the job. But feels credit should be given to those who do. Thanked all who were at the meeting concerning guns in the Park.

11. The meeting adjourned at 8:47 p.m.

Mayor

City Recorder