

City of Fairview

BOARD OF COMMISSIONERS

October 3, 2013

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

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Pewitt, Cooper, Paisley, Harris, Holsinger, Taylor

1. Mayor Totty called the meeting to order at 7:02 p.m.

- A. The prayer and pledge was led by Director Donn Lovvorn.

2. Approval of the Agenda –

- A. Commissioner Sutton stated that he would like to add two things, add item 7D the dissolution and removal of ordinance 802, add item 8H discuss and or take action on future employment of the city manager. On the addition of 7D Commission Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor. On the addition of item 8H Vice-Mayor Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor. Mayor Totty stated that the agenda was approved.

3. Citizen Comments – (Limited to the first five (5) citizens to sign in and a limit of three (3) minutes each). – There were no citizen's comments.

4. Awards and/or Recognitions –

- A. Mayor Totty recognized the four Principals from our four public schools, Westwood Elementary represented by Ms. Garcia, Fairview Elementary represented by Ms. Tidwell, Fairview Middle School, and Fairview High School. They were here to say thank you to this Board and that they are excited about the generosity that the Board showed last year and the funding for the students this year.
- B. Mayor Totty called for a recess. Mayor Totty called the meeting back to order at 7:09 p.m.

5. Public Announcements –

- A. City Manager Hyatt reminded everyone of the emissions testing on Mondays and Tuesdays from 7:30 a.m. to noon at the Hwy 96 fire station.

6. Approval of the Minutes –

- A. The minutes for the September 5, 2013 Board of Commissioners meeting were presented for approval. Commissioner Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.

7. Old Business –

- A. Second and Final Reading on Bill #2013-19 Ordinance No. 814, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2013-2014 Budget, City Hall Exterior Improvements and School Facilities Tax Fund – Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- B. Discuss and/or Take Action on the Community Garden and Reforestation Project with Bowie Park – Commissioner Carroll reminded everyone of the great presentation that Dr. Oyer presented to us regarding the reforestation of Bowie Park and they have partnered with the Friends of Bowie Park and the Community Garden is another program that the Park Board has been involved in and the school is on board with this program. Commissioner Carroll recommended that the City give seed money to these programs and stated that they are ready to move forward and just need a little help. Mayor Totty stated that she agrees that the Community Garden is a great idea and this will be on the Park Board agenda for Monday at 6:00 p.m. Commissioner Carroll stated that the Community Garden does have a dream list of the things needed and thought the City could give them a one-time gift of \$5,000 or \$10,000 to split between the two projects. Commissioner Bissell asked if we could pay for this out of the School Facilities Tax Fund. City Attorney Cantrell stated that if the money is going to the school for an approved program in the school you can take the money from this fund. Commissioner Carroll made a motion to give \$5,000 for seed money for both of the projects, the Community Garden and the Restoration Tree Program. Commissioner Bissell seconded. Vice-Mayor Johnson asked who the money would be given to and who is in charge of the money. Commissioner Carroll stated it would go to the Principal to split between the programs. Vice-Mayor Johnson asked if we were going to do anything to require that we know that the money went to those projects. Commissioner Carroll stated sure and stated she could get the wish list with the dollar figures. Mayor Totty asked Mr. Cantrell about the agreement, is there any limitations, any clarification, do we have to ask the County. Mr. Cantrell stated that we do not have to ask the County and the City has some leeway that the County doesn't have, the money is going to the school for a school purpose and you don't need permission on that. All were in favor. CFO Pewitt stated that this would require a budget amendment before we can cut the check.
- C. Discuss and/or Take Action on Fairview Projects – Project Manager Holsinger stated that regretfully this would be his last presentation of the projects list and stated that it has been a quick 12 months.
 - Parks and Greenways – City Center Greenway Project is currently in the bid process.
 - Bowie Lake Road – Crews are out putting down grass seed and reworking the ditch line into the park and other punch list items.
 - Lake Van Trail – This has been shelved and tabled for now.
 - Bowie Park Forestry – Mr. Holsinger stated that we had a meeting with Dwight Barnett, who is with the state and come to find out, after a few people have viewed the actual areas of land for the different basal types we are actually under the acreage that we originally requested and the basals were not laid out properly so we are still in the process of him and Mike Berkley to get the right areas laid out and Keith is working on that.
 - Triangle School – Mr. Holsinger deferred this to Commissioner Bissell. Commissioner Bissell stated that he and Dr. Rice met last week and their goal was to develop for the Board a definitive action plan that will show who is doing what, when that is going to be done and who is going to pay and the project will be complete and ready for presentation on the 17th the ultimate goal was that in

conjunction with the 4th of July celebration to open the Triangle School for a walk through. Commissioner Bissell stated that he met with CFO Pewitt and compared Dr. Rice's books to her books and the City has actually spent \$85,000 and there is the \$13,000 that has been allocated to the project that will be used on the windows, so our total commitment so far is \$98,000 and Dr. Rice has spent \$143,000 of that \$85,000 has come from the City, \$65,000 in private donations plus he has over \$35,000 in the bank.

Bowie Five Year Strategic Plan – Still in City development.

Hwy 96/100 Roadscapes – Still in the NEPA phase.

Safe Routes To School – This is in our consultants design phase.

MPO/Active Transportation/Surface Transportation – Mr. Holsinger stated that he has not heard back from the extension but he has heard from other people that we weren't the only small municipality that had the same issue of getting approval to get to the construction phase.

City Staff Projects – Welcome signs are done.

City Paving – Mr. Holsinger stated that he is about 75% with the bid package for the tonnage on the asphalt and would like to see his successor take this on as his first project as he takes over.

City Transportation City Overlay – Still in development.

City Survey – Is still online.

Windstream – Should be 100% complete.

Veterans Memorial Park – We are still at 50% complete.

City Hall Repairs – Mr. Holsinger has spoken with a contractor and has a quote for about \$7,300 and we should see a lift parked out here sometime next week.

Commissioner Sutton asked about the foot bridge over Turnbull Creek. Mr. Holsinger stated that he and Keith have reviewed the documents per the Land Trust it appears that the governing board can give authorization to build that bridge. He has contacted MTE to see if he can get them to donate some poles to build the bridge. City Attorney asked that the poles be environmentally friendly.

- D. Dissolve Ordinance 802 – Commissioner Sutton stated that after speaking with the Codes Director and reviewing this ordinance completely he is now under the impression that basically what this does is ban all future home based businesses in the City with the exception of two. Director Lovvorn stated that table 5-102A in our zoning ordinance sets out uses and activities that are allowed in each zoning district and under major home occupations and minor home occupations there are letters there that represent certain things as in C you would have to get a conditional use permit to operate that business under major home occupation and minor home occupations has a ASP meaning it is allowed with supplemental provisions and in the ordinance as it is written right now all the way across the board in every zoning district under major home occupations there is a C which means they would have to get a conditional use permit through the Board of Zoning Appeals. Minor home occupations have the ASP all the way across for every zoning district which means it is allowed with supplemental provisions. Ordinance 802 took out the allowance from RS-40 all the way through RM-12 which only left the AR5 and the AR15 as allowable zones for home occupations. The AR5 zone is an agricultural residential 5 acres and the AR15 is an agricultural residential 15 acre tracks so anything with less than 5 acre tracks would not be allowed, the ordinances are written to safe guard property values, they are not allowed to look like commercial businesses. This came about because a citizen wanted to do gun manufacturing in one of our subdivisions and the Board of Zoning Appeals was not going to approve that conditional use permit, one reason was because there would be some hazardous materials on site which was not allowed by our zoning ordinance. Commissioner Sutton made a motion to cancel any further action on ordinance 802. Vice-Mayor Johnson seconded. Director Lovvorn stated that on the meeting for the 17th there is ordinance 803 that deals with major home occupations so when you look at that ordinance you may want to look at the major home occupations and you may want to do the same thing with major home occupations that you have done with minor home occupations and put businesses in there that are not allowed at all in a residential area like the gun manufacturer. Vice-

Mayor Johnson apologized to the public for that getting out there and caused some disheartening over the last couple of days and to let you know we are taking care of it. All were in favor. City Attorney Cantrell stated that by implication you have also repealed the public hearing for that night on that ordinance.

8. New Business –

- A. Discuss and/or Take Action on Addendum A to the Interlocal for the Joint Participation in the Funding of Future School Facilities by use of Receipts Received from the Adequate School Facilities Tax – City Attorney Cantrell stated that the addendum is to the use of the Facilities Tax, the County is in agreement with this but they haven't passed it yet, their meeting is later this month and after reviewing this document this is what the City wants to do, it states that the City is authorized to use Adequate Facilities Funds for the joint venture with the County to expand the library and it doesn't obligate you to any amount, it says an amount to be agreed upon. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- B. Discuss and/or Take Action on Resolution No. 19-13, A Resolution Authorizing the Mayor of the City of Fairview, Tennessee to Execute an Interlocal Agreement for Automatic Response of Fire, Rescue and EMS Services with Williamson County – Vice-Mayor Johnson read the caption. Mayor Totty made a motion to defer this to the Safety Commission for discussion. Commissioner Sutton seconded. Commissioner Bissell stated that he thought we already had an agreement with the County about the funding and all that and asked the City Attorney what this is about. City Attorney Cantrell stated that the resolution would authorize the Mayor to execute the agreement that is referenced in 8C and what 8C is doing is putting into words the agreement that the fire department has had with the County, according to the Chief, for years, it doesn't change anything that we are already doing, the policy just ask that it be put into writing and the County has done that and submitted it to us and if approved it would go on the same agenda with the library. Chief Cooper stated the contract where we parted ways with the County was for service in the County area has nothing to do with automatic aid, when Williamson County has a structure fire we send a truck and when we have a structure fire they send a truck, ISO said it is great that we have been doing it but put it in writing, and all this does is formalize what we have been doing for years and years and there is no change in operations, no additional costs, the only change is that we will have a contract to show ISO when they come to town. For: Totty, Johnson, Sutton, Carroll
Against: Bissell
- C. Discuss and/or Take Action on the Interlocal Agreement for Automatic Response of Fire, Rescue and EMS Services – this was negated by 8B.
- D. Discuss and/or Take Action on the GHSSO Grant - Chief Harris stated that it is time again for the Government Highway Safety Grant, this is our 8th year and this year it is \$36,500 it is a non-match, \$11,900 is for overtime for saturations and road blocks and \$24,600 is for equipment and we were looking at one camera and two citation systems where it automatically writes the citation and prints it out. Mayor Totty asked what the money was used for last year. Chief Harris stated it was used for overtime and equipment, that we pay officers that work the saturations and road blocks overtime. Mayor Totty asked if he had the inventory control report of the equipment purchased with this grant. Chief Harris said he did not have it with him but he could get it. Mayor Totty stated that she would like to see it because there is a requirement as far as grant control and asked how many years have we received this grant. Chief Harris stated that he believes this will be our 8th so we have had it for seven years and has been audited every year. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. Commissioner Carroll asked about the difference in prices on the camera from our quote and the grant price. Chief Harris stated that we are just taken the free money but it was based on a different camera. All were in favor.
- E. Discuss and/or Take Action on Bill #2013-22 Ordinance No. 817, An Ordinance for an Amendment to the City of Fairview, Tennessee Budget for Fiscal Year 2013-2014 Budget, Triangle School and GHSSO Grant – Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Bissell seconded. All were in favor.
- F. Discuss and/or Take Action on City Engineer Job Description and Pay Grade – City Manager Hyatt stated that he put this out to the Board just to get the feed back to see if

you wanted to go this direction to hire back at the same level as Kevin at the director's position, we budgeted \$40,000 for engineering service for this year and we just wanted to see if this is how you wanted to go and if it was something you wanted to pursue further or if you just want to leave it as is. Commissioner Bissell made a motion that we advertise for a City Engineer. Commissioner Carroll seconded. Commissioner Bissell stated that there are a couple of things to look at here by combining the position that Kevin is leaving and getting a new City Engineer there is cost savings that we can generate to where we only have to use Griggs and Maloney on certain things and most of it could be done in house and things can be done at a faster pace and by going on and putting the job out there we can see what is available to us, we can advertise in the paper and on MTAS. Mayor Totty asked if we were creating a new position and keeping the community services director job, the public works director job and the public works superintendent job are all of those on the payroll as well as this is added to the payroll. City Manager Hyatt stated that no you are replacing the community services director position with this, it is just an upgrade to this position, it is just filling a vacancy not creating a new job. All were in favor.

- G. Discuss and/or Take Action on Authorization to Purchase In-Car Camera System – Chief Harris stated that the Police Department would like to ask the Board so they don't have to bid out the cameras and he turned it over for Sissy to explain why. Sissy Taylor stated that they wanted to sole source the cameras because they already have the infrastructure for the current camera we are asking for, meaning that we already have the software and we already have the server in place by bidding out and possibly going with another camera system would mean that we would have to pay for a new server and new software, new wiring, the entire system infrastructure would have to be redone as these systems are not compatible with each other, each camera system is in proprietary with their software and so to save that money with the infrastructure we want to be able to sole source and go strictly with the system that we already have in place. Commissioner Sutton asked if we stay with the one we have now, it will be good for another seven years. Sissy Taylor stated that was correct we just put that system in this last year so the training for the installation and software will last for several years. Mayor Totty asked Chief Harris what are these cameras for. Chief Harris stated that these cameras are in the vehicles and they keep us out of lawsuits, for every stop and every time you turn your blue lights on the cameras come on. Mayor Totty asked if these were to replace cameras or are they for the new cars. Chief Harris stated these were for the new vehicles. Mayor Totty stated that ordinance 514 speaks of no purchase or contract shall be executed on the behalf of the City of Fairview where in the aggregate amount of the purchase or contract exceeds \$10,000 and the 12 times the \$6,540 is a \$78,480 purchase and she doesn't see how we cannot go to bid without an ordinance to follow. City Attorney Cantrell stated that the only way you can do a sole source bid is upon written recommendation of the City Manager, detailing why and the Board has to approve it by resolution. Mayor Totty made a motion for deferment until it is presented properly. Commissioner Carroll seconded. All were in favor.

Commissioner Bissell asked to suspend the agenda to allow the City Manager to make his comments before we move on to item 8H. Commissioner Sutton seconded. All were in favor. City Manager Hyatt stated that with mixed feelings he is tendering his resignation tonight, effective at the close of business on October 18, 2013. Commissioner Bissell made a motion to return to the agenda items.

- H. Discuss and/or Take Action on Future Employment and Replacement for the City Manager – Commissioner Sutton asked if there were any suggestions for the replacement of the City Manager. Vice-Mayor Johnson made a motion to hire Wayne Hall to that position. Commissioner Sutton seconded. Commissioner Carroll stated that she was just taking in that the City Manager is leaving and doesn't know if she is ready to decide right now what the replacement is or if we have decided yet to have some sort of discussion of do we want to speak with the City Manager and see if he has already taken

the position and is gone or if we can do something else. Commissioner Sutton asked the City Manager if he had already taken the position. City Manager Hyatt stated that yes he has. Commissioner Carroll asked if he had already signed a contract. City Manager Hyatt stated that yes he has. Commissioner Carroll amended the motion to have a meeting to review options of what to do, to pick an interim until we get through the process as to what we are going to do with the City Manager's position. Mayor Totty seconded. Commissioner Bissell asked if his fellow Board members would withdraw their motions; that we move to executive session to have a discussion among ourselves about what we want to do with this and then come back and open it back up and proceed forward. Vice-Mayor Johnson withdrew his original motion, Commissioner Sutton withdrew his second. Commissioner Carroll withdrew her amended motion. Mayor Totty withdrew her second. Commissioner Carroll made a motion for executive session. Commissioner Sutton seconded. The meeting was closed for executive session at 8:20 p.m. The meeting was reopened at 9:14 p.m. Bissell made a motion that the current City Manager be placed on administrative leave through the 18th with full pay and benefits to that point and time and then the normal process for employee leaving will take effect beginning immediately till further notice he made a motion that the acting City Manager be the Chief Financial Officer Ms. Pewitt and that she will serve in that capacity until another interim City Manager or a permanent City Manager is selected and that we call a special meeting on Monday for the Board to interview and then to make a decision on Commissioner Johnson's previous nomination of Mr. Hall for the city manager's job. There was discussion on the day and time of the special meeting and was decided on Tuesday the 8th at noon. Commissioner Sutton seconded the motion. Mayor Totty stated here at City Hall and Commissioner Bissell stated yes here in this chamber. Commissioner Sutton asked if we needed to run this by her. Ms. Pewitt approached the podium. Commissioner Sutton asked Ms. Pewitt if she was willing to do this for us and she stated yes sir, Commissioner Sutton stated thank you that is all he needed to know. For: Bissell, Sutton, Johnson
Against: Carroll, Totty

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – None
- B. Staff Comments –

Chief Harris presented the September police department report.

Codes Director Donn Lovvorn presented the September codes and planning report.

Chief Cooper – presented the September fire department report. There was a type-o in the ad for the firefighter position; the closing date is the 11th so to be fair we will advertise again for another 3 weeks and the new closing date is the 25th. He thanked Kevin for his service and thanked Mr. Hyatt for his service.

CFO Pewitt – requested a workshop for one day next week to go over the employee health insurance plan. The Board decided on Tuesday at 1:30 p.m.

- C. City Attorney Comments – stated he received from the legal action the law suit from the County Tax Collector, it doesn't require anything on behalf of the City in response we are only listed on there because we have taxes that are owed to us for the property on Lake Road, just wanted to make the Board aware that it was out there and it doesn't require us to do anything. He thanked the City Manager and said he was easy for him to work for and he was especially gracious when he broke his ankle and for about six weeks he picked him up and got him to the meetings.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell stated that he would like to congratulate Mr. Hyatt on his new position and that we have been very fortunate to have him as our City Manager for the last 4 years, he wished for him and his family the very best that life has to offer and that East Ridge doesn't know what a good deal they are getting and he thanked Mr. Hyatt. He offered his thanks to Kevin and stated that Kevin blessed us with a Fairview child that will always be a citizen of Fairview having been born here and Kevin did a lot in his short time here and he will be missed. He stated that he thinks the signs look great and thanked all the staff. He mentioned that Fun Day in the Park was last Saturday and estimated about 700 people and Jenny said it was more like 900 and we had kids everywhere and Randy Beck gave hay rides all day long, this was our second year and was much better than the first year, it was a county fair without all the glitz, he commended Keith, Jenny and Nancy, the teachers, the volunteers and everybody that participated on that.
- B. Commissioner Carroll thanked Kevin for his service and getting some of the projects done that kind of lingered, she told Mr. Hyatt he was going to be missed and that she appreciated everything that he has done for the City, his diligence and just working hard for the citizens and trying to please a commission of five, she doesn't know how he did it, she wished him and his family luck and that they were in her thoughts and prayers and best wishes and she is very sorry for us but change happens and we will adjust and we will be fine and she knows he left us in good hands.
- C. Commissioner Sutton stated to Kevin and Mr. Hyatt that he appreciated all the work that they have done and that he agrees that your first responsibility is your family and wished them the best of luck and announced that there is a bar-b-q and chicken dinner at the Masonic Lodge on Saturday the 5th from noon to 5, he invited everyone to come out, the price is \$10 for adults and \$5 for children and it all goes out to some great charities.
- D. Vice-Mayor Johnson stated to Kevin that it had been good knowing him and thanked him for his service. He stated to Mr. Hyatt that he was proud to one of those who hired him and hoped the next City Manager will do as good or better than him and to keep doing what you have done to help the City grow and thanked him for his service. He thanked Crystal Pewitt for stepping up and agreeing to do this for as long as it takes and thanked Mr. Hall for agreeing to come to the interview on Tuesday.
- E. Mayor Totty stated to Kevin the first thing she said to him was help us get some things accomplished and he stepped up to the task and she greatly appreciates that and his commitment to the City even though it wasn't his City he called it his and she appreciates that, to the rest of the staff she believes that you have showed gallant growth and have pulled together and have made the City better with the leadership of Mr. Hyatt and she thanked Mr. Hyatt for holding the staff accountable and being able to show that the City is moving in a positive direction and that we are looking for change and that is what he is experiencing now and she asked for blessings on him and his family as they move into the next chapter of life and she encouraged all of the staff to continue doing the great job that they have done and she appreciates the diligent conversation that the Board was able to have in the executive session and the time that it took them to look at the process and to look at the due diligence and the betterment of the City and as they sit here they try to make the best decisions for the City as a whole.

11. Mayor Totty asked for adjournment.

- A.** Commissioner Sutton made a motion to adjourn. Vice-Mayor Johnson seconded. All were in favor. The meeting adjourned at 9:33 p.m.

Theresa Porter
City Recorder