

City of Fairview

BOARD OF COMMISSIONERS

October 4, 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, Johnson, Carroll, Sutton

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

1. Mayor Totty called the meeting to order at 7:00 p.m.

A. The prayer and pledge were led by Mayor Totty.

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve the agenda. Commissioner Carroll seconded. Mayor Totty requested to remove 8B and defer to a later date. 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. Eva Harris - She asked the Board to consider opening a savings account and have it ear marked for a new grand entrance to Bowie Park and stated that the trust fund on the agenda for tonight could be used for this purpose. She stated that regarding the police firing range, if we are considering using the parks outparcel on Dice Lampley Road she would like to suggest another use for that land. She suggested that it could be used as a camp area.
- B. Milllcent Kidder – She stated that she wanted to formally introduce herself and thanked the Board for letting her speak. Stated she had come to observe and learn as much as possible about city government.

4. Awards and/or Recognitions –

- A. Commissioner Sutton wanted to recognize the people who have been working on the Board of Commissioners chamber, they have been working long hard hours to get this finished and they are doing a great job.
- B. Mayor Totty called our attention to the banner posted in the chambers. It was given to us by the high school principal and she gave big congratulations to the high school football team and homecoming.

5. Public Announcements –

- A. City Manager Hyatt reminded everyone that the emission testing is held on Tuesdays at the fire station on Hwy 96 from 7:30 a.m. till noon.

6. Approval of the Minutes –

- A. The minutes for the September 6, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. All were in favor.

- B. The minutes for the September 20, 2012 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. All were in favor.
- C. The minutes for the September 20, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. Mayor Totty stated that item 11 should read Vice-Mayor Bissell instead of Mayor Totty. All were in favor.

7. Old Business –

- A. Discuss and/or take action on Bowie Nature Park Forest Management Plan – City Manager Hyatt stated that Dwight Barnett's proposed Forest Management Plan was submitted to the Land Trust for Tennessee and reviewed by Doug Rodman. In Mr. Rodman's letter he stated that he accepted the plan as a general outline of the forest types and its potential for future management. He stated that before any timber harvesting or other silvicultural practices are applied to the forest, a detailed harvesting plan or management prescription must also be submitted for our approval that accomplishes the following: Defines the specific management area – calculate the acres and show on a map; lists and prioritizes the specific management objects including associated benefits and potential risks of the prescribed management activities; addresses the concerns of the Friends of Bowie Park and others (including the impact on wildlife, water quality, reforestation etc.); creates an appropriate schedule for follow-up work and necessary monitoring. Mayor Totty made a motion to send this to the Park Board to work along with the master plan and to work with staff and Mr. Berkely, city arborist, for an action plan to present to the Board of Commissioners by the December 6, 2012 meeting for approval. Commissioner Carroll seconded. All were in favor.
- B. Discuss and/or take action on street lighting plan on Hwy 100 – Director Lovvorn stated that the plan everyone was familiar with, that has been approved by the state, has been submitted to us for approval, this will need your input as to move forward with this plan or if you want to do something different. Mayor Totty made a motion to move forward on the plan presented. Vice-Mayor Bissell seconded. *For:* Totty, Bissell, Sutton, Carroll *Against:* Johnson Motion carries 4 to 1.
- C. Discuss and/or take action on city of Fairview projects – City Manager Hyatt stated that the changes to the Commission chambers took place in seven business days, the old station was removed and replaced, new cameras, new computer screens and microphones have been installed and hopefully by next Friday we will be finished with all installations.
 - (1) Triangle School project – Director Lovvorn stated that they are working on the handy cap ramp, they tore it out and will need to build a ramp to get it to the grade to the 1/12 pitch that is required for ADA compatible. This will start next week and they have 60 days to complete the contract which is November 26, 2012.
 - (2) Bowie Lake Road widening project – City Manager Hyatt stated that if we put it out to bid and get the project started it would be delayed until the asphalt plants open in March and usually closes in December. The ad has to be placed for 22 days. Vice-Mayor Bissell made a motion to have the bids go out on January 15, 2013. Commissioner Carroll seconded. All were in favor.
 - (3) Welcome Signs – City Manager Hyatt stated that this project is ready to go out to bid and needed guidance tonight to go ahead and put out for bid and wait to hear about the right of way. Vice-Mayor Bissell made a motion to start the process. Mayor Totty seconded. All were in favor.

- (4) Greenway project - City Manager Hyatt stated that at the last meeting we signed the amendment to the contract for the grant and now we are waiting on the notice to proceed to come back from the state. No direction needed at this time.
- (5) Evergreen Park - City Manager Hyatt stated that this project will be something that will be worked on during the winter months, we will be clearing some trees and brush.

Mayor Totty requested City Manager Hyatt to update the sheet with all the city projects listed.

- D. Discuss and/or take action on Ad Hoc Committee assignments – Mayor Totty stated that several years ago there were Ad Hoc committees and requested that we update the committees. She stated that some of the committees are current and meeting as needed and they were Public Safety, Fire, Police and Codes. The committees presented to update are Finance, Public Works/Streets, Property, Legal, Policy and Procedures. Vice-Mayor Bissell stated that we should wait until after the election. Commissioner Johnson made a motion to put this off until after the election. Vice-Mayor Bissell seconded. Mayor Totty said she took the 2008 Committees and updated the names. There was a lot of discussion on the Policy and Procedures committee and members of the committee sitting in on interviews. Vote was called. *For:* Sutton, Johnson, Bissell *Against:* Totty, Carroll Motion carries 3 to 2.

8. New Business –

- A. Discuss and/or take action on Bill #2012-12 Ordinance No. 791 An ordinance to amend city of Fairview, Tennessee, Municipal Code, Title 8, “Alcoholic Beverages,” Chapter 1, “Intoxicating Liquors,” Section 8-107 (4) “Retailer’s Licenses, limitation on number of licenses to be issued – Vice-Mayor Bissell read the caption. Vice-Mayor Bissell stated that this puts the cap at 3. Commissioner Sutton made a motion for approval. Commissioner Carroll seconded. *For:* Sutton, Johnson, Totty, Carroll *Against:* Bissell Motion carries 4 to 1.
- B. Discuss and/or take action on Park Board recommendations – This item has been moved to a later date.
- C. Discuss and/or take action on Employee Health Insurance Renewal – City Manager Hyatt stated that Blue Cross Blue Shield gives us our rates and we are very fortunate that our rate has decreased by 8.89% with an annual savings of \$27,492.72. There are no changes in the plan and we would like for the savings to roll over to next year’s budget. Broker Tim White stated that the decrease was largely because of the reduction in claims and the demographic change within the group, our group is younger in age than in the past. Commissioner Johnson made a motion to approve. Vice-Mayor Bissell seconded. All were in favor.
- D. Discuss and/or take action on Bill#2012-13 Ordinance No. 792 an ordinance for an amendment to the city of Fairview, TN budget for fiscal year 2012-2013 budget – Vice-Mayor Bissell read the caption. CFO Crystal Pewitt stated that the amendment was for the upgrade of audio/visual in the chambers, the triangle school structural repairs, and decorative poles at Cox Pike. Commissioner Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- E. Discuss and/or take action on Governor’s Highway Grant – Chief Harris stated that he would like to get approval to accept the Governor’s Highway Safety Grant; we have had this for the past seven years. The grant is for \$28,360 it’s a 100% grant with no matching, it’s to pay the officers for

overtime on road blocks and saturations and to buy new equipment for police cars such as cameras and radars. Vice-Mayor Bissell made a motion to approve. Commissioner Sutton seconded. Mayor Totty stated that she is opposed to the signatory and that she will be acceptable to sign anything that is needed but she does not agree to give her signatory on this but she does approve of the grant and looking forward to signing it for your receipt of the grant. All were in favor.

- F. Discuss and/or take action on bids for the police firing range – Vice-Mayor Bissell stated that the police department needs a new firing range. The current range has a dilapidated building for storage and is not adequate for current training needs and is unable to modify. The property is under WADC control and we must ask permission to use it. There is no classroom space, inadequate storage space and is located next to the sewer plant. Commissioner Sutton stated that we should look into grants and the potential for an enclosed range. Vice-Mayor Bissell stated that he looked at the 3 properties the city currently owns. The Deer Ridge Road property is too close to people and the decibel level would be unacceptable unless we built an enclosed range. The Brownland Farm land does not have the population problem but there is no tree absorption. That brings us to the Dice Lampley Road property. This property is already being used by Community Services for mulch dumping and there will be no wildlife impact. It is across and down from most park activity, the closest residence is 1,000 feet and the decibel level is in acceptable range at that distance before 12 foot dirt wall and tree absorption of sound. Vice-Mayor Bissell stated that we need to get started and asked the Board to seriously think about this project. Mayor Totty stated that we need to finish some of the existing projects and not start any new projects and the money is not budged. Vice-Mayor Bissell stated that this is something that is needed and we could use the revenue from the new traffic officer and that the revenue from traffic is up by 14%. Commissioner Sutton stated that we are going to need this and we need to start looking into this for the next 2 – 3 years. Mayor Totty made a motion to refer this to the current Public Safety Committee for discussion and to bring back information to the Board as more is gathered. Commissioner Johnson seconded. Commissioner Carroll stated that there are other places to go and we should look for other options, she would hate to see the 25 acres on Dice Lampley go to a gun range, doesn't think that's the best use of that property. Commissioner Sutton stated that there is a large grant process out there and the land needed is an acre and a half. Chief Harris stated that this would be for public safety, the fire department and the police department would be using the land and an acre and a half would not be enough. Mayor Totty called for the vote. *For:* Sutton, Johnson, Totty, Bissell *Against:* Carroll Motion carries 4 to 1.
- G. Discuss and/or take action on regulating the parking of commercial vehicles in the city of Fairview, TN city limits – Chief Cooper stated that 840 is opening soon and there will be more commercial vehicles coming into Fairview. He stated that he would like for the city attorney to draw something up that we can use to regulate commercial vehicle parking. He stated that he is concerned with what is inside the trailers and we need to limit the heavy trucks parked in those areas that are zoned industrial and commercial. Attorney Cantrell stated that this would be an ordinance and there will need to be some research done but you can keep vehicles off the city streets. Mayor Totty made a motion for the Fire Chief, the City Manager and the staff to discuss what we can regulate and put something together to present to the Board. Commissioner Sutton seconded. All were in favor.

- H. Discuss and/or take action on Bowie Park Trust account at Bank of America – CFO Crystal Pewitt stated that this account was opened on 6-12-96 and has roughly \$700 in it and Bank of America is charging a \$15 a month service charge. She stated that she calls every month to ask them to credit this back to our account and there is the potential that one day they will stop giving us the \$15 back and they did tell her that they cannot stop charging the fee. It receives .05% interest. There are two options for now, one is the LPG Park Fund we could close the Bank of America account and put that money in this account with the rest of the Park Fund. The second option is to move it to First Bank where we have our regular checking account, as long as there is \$100 in the account there is no service charge and it earns .15% interest. Vice-Mayor Bissell made a motion to move the money to First Bank. Commissioner Johnson seconded. Mayor Totty made an amendment to the motion to move the money to the big account and designate as seed money to do the entrance. Vice-Mayor Bissell seconded. Vice-Mayor Bissell stated that if you roll it into the big account you lose the earmark to leave it segregated. Mayor Totty withdrew her amendment. Vice-Mayor Bissell withdrew his second. All were in favor of the original motion.

Commissioner Johnson left the meeting.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates - City Manager Hyatt stated that with 840 opening it could change the traffic pattern in the city, Public Works superintendent final interviews are set for October 10th and 11th, Fall Fun Day is October 20th from 10-4 in the park, Haunted Forest is October 26th and 27th from 7-10.
- B. Staff Comments –
- (1) Fire Chief Cooper presented the Fire Department report and announced that the Public Safety Ad Hoc needs to meet next week on Monday at 4:00. Thanked the staff and the Board for work on the city contract with the county.
- (2) Director Donn Lovvorn presented the Planning Department, Zoning, permits and Codes Department reports.
- (3) Police Chief Harris presented the Police Department report.
- C. City Attorney Comments – Last Tuesday night we had a Settlement Conference and the citizens should be proud of the way the Board handled this and proud of the businesses for taking the steps to correct the problem and it was an honor being part of that. He cautioned himself, the staff and the Board to be mindful of the Hatch Act, can't pursued employee on how to vote.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton stated that there was a Boy Scout here to get his patch for meeting an elected official and attending a government meeting and he will follow up tomorrow on getting this young man a letter stating he was here.
- B. Commissioner Carroll stated she hears a buzzing sound and wondered if it was a part of the new system, she asked if the debate was going to be held here and stated that it would be a good idea to have a nonpartisan venue and keep the tradition of having the debate. She thanked City Attorney Cantrell for mentioning the businesses and their cooperation with the Settlement Conference.
- C. Vice-Mayor Bissell stated that we all struggle to keep the formality when we address each other and he didn't realize that Bissell was so hard to remember so if he is re-elected as a gesture to my fellow Board member he will be known as Commissioner Smith.
- D. Mayor Totty thanked everyone for their time and interest and encouraged everyone to fill out the survey on the website. Commissioner Carroll stated that

the survey is for other City properties not just the park and she reminded everyone that there are two seats on the Planning Commission and encouraged anyone interested in joining to please fill out the application.

11. Mayor Totty asked for adjournment.

- A. Vice-Mayor Bissell made a motion to adjourn. Commissioner Carroll seconded. All were in favor. The meeting adjourned at 9:40 p.m.

Theresa Porter
City Recorder