

City of Fairview

BOARD OF COMMISSIONERS**October 15, 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
 David Mayberry, Recorder

Present: Brison, Bissell, Arney, Sutton

Absent: Johnson

Others Present: Forehand, Cantrell, Lovvorn, Daugherty

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

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

2. Approval of the Agenda –

- A. Mayor reported that Item C under new business, use of Police Department City-Owned vehicles, would be deferred at Vice-Mayor Johnson's request. Item C would instead be a report on the City Manager workshop that was held at 6:00 p.m. on October 15.
- B. Sutton made a motion to approve the Agenda with the above changes. Bissell 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. Bob Benson – He advised that he was a member of the Planning Commission, but he was representing himself and not necessarily the Planning Commission. He stated that the Planning Commission had voted in September to approve the Bowie Lake Road location of the new fire hall with improvements to Bowie Lake Road when the funds were available. He expressed his concern for the safety of the people using the road to access Bowie Nature Park, as the road was not wide enough to meet current City standards and it did not have sidewalks. He also expressed his disappointment that there was a motion made at the last meeting to begin the plans to upgrade Bowie Lake Road, but it was not seconded.
- B. Rosemary & Dan Kubit – Rosemary mentioned that there were many people at the last meeting who expressed concern for the children of the community, and she noted that all the money from the local recycling programs goes to help the schools, and she encouraged people to take the time to recycle. She also mentioned the Clean Sweep event coming up Saturday, Oct 17. Dan then added that this is the 20th anniversary of the State's Adopt-A-Highway Program, and representatives from the State and possibly the television news media will be on hand to celebrate.

4. Awards and/or Recognitions –

- A. At Mayor Brison's request, Commissioner Arney read a proclamation declaring the first Clean Sweep Event in October every year would now be known as "Dan Kubit Day", honoring his contributions to keeping Fairview beautiful. Mr. Kubit then asked to say a few words, and he stated that it was certainly an honor and he was shocked to receive it. He thanked the Commission, the Mayor, City Manager and all the volunteers for their support of his efforts.

5. Public Announcements –

- A. City Mgr. Forehand reminded everyone that the emission testing is the 2nd and 3rd Wednesdays of the month from 7:30 a.m. to 12:00 p.m.

6. Approval of the Minutes –

- A. Presented for approval were the corrected minutes of the Board of Commissioners Meeting held on September 3, 2009. Greg Robble felt he had been misquoted in the original minutes, and his remarks were corrected at his request to read, "Greg Robble advised he was representing himself and wanted to present an opposing point of view. He believes one's natural rights can not be voted away in America and the Board should recognize these rights and then leave them alone." Sutton made a motion to approve the minutes as amended. Arney seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Board of Commissioners Meeting held on October 1, 2009. Arney made a motion to approve the minutes as presented. Bissell seconded the motion. All were in favor.

7. Old Business –

- A. Second and Final Reading Bill #2009-26: Prohibiting Parking in Cul-de-sacs in the City of Fairview. Bissell read the caption. Commissioner Arney then asked to clarify whether or not the vehicle had to be parked in front of the residence where the permit was issued and registered to that residence. The City Attorney stated that he did not have that information when he was preparing the Bill. Mayor Brison then stated that he thought the bill stated you had to be the owner of the property, and Commissioner Sutton added that he thought the vehicle had to be registered to that address. After further reading of the bill, the commissioners were satisfied with the wording regarding the residency requirement. Fire Chief Cooper then asked to clarify that this ordinance did not change the 15 foot "no parking" zone around fire hydrants, and permit holders will still have to abide by that part of the ordinance. Commissioner Arney then asked about the parking situation during inclement weather, when lots of people are unable to use their driveways and park on the street instead. Commissioner Bissell stated the intention was to limit the number of regular and recurring vehicles parking in cul-de-sacs and he hoped the Police Dept. would use good judgment in certain circumstances. Commissioner Sutton made a motion to adopt Bill 2009-26. Commissioner Bissell seconded the motion. All were in favor.
- B. First Reading of Bill #2009-27: Amend Fairview Municipal Code on Fireworks. Bissell read the caption. Mayor Brison stated that he talked to the City Attorney before the meeting and asked the intent of Commissioners Bissell and Sutton on the sale of lower class fireworks, because he would like to add an amendment allowing permanent

businesses to sell “unregulated” fireworks. Commissioner Arney seconded the amendment, which passed unanimously. A motion to vote on the bill as amended was made by Commissioner Bissell and seconded by Commissioner Sutton. It passed unanimously.

- C. Approval of contract with TG Constructors – City Mgr. Forehand reminded the Commissioners that at the last meeting they approved the low bid on the new Fire Station. Commissioner Arney stated that he wanted to amend the date in the contract to March 15, 2009 as they had agreed last meeting, instead of the March 22 date that was currently in the contract. The representative from Spoon Architecture told the commission that the contractor wanted the date to be at least March 21st due to the contract not being signed until this meeting. Commissioner Arney also stated that he didn't want to sign the contract without the contractor in attendance. Attorney Cantrell informed the Board that they could not change the contract date without the contractor's permission, and they would have to call a special meeting if they wanted to change the date and sign the contract before the next regular meeting. Commissioner Arney withdrew his amendment and made a motion to approve the contract in its current form. Commissioner Sutton seconded the motion. All were in favor.

8. New Business –

- A. Approval of the Governor's Highway Safety Grant – City Mgr. Forehand informed the Board that this was the same grant the City received last year, except the State is funding 75% instead of 100%, with the City responsible for the rest. This was an expected change. Commissioner Arney moved to approve the grant. Commissioner Sutton seconded. All were in favor.
- B. Approval of the Spot Safety Improvement Grant – City Mgr. Forehand stated this grant was for the installation of an emergency traffic signal at the intersection of Fairview Blvd. and Bowie Lake Rd. The total cost of the project was expected to be \$142,200, and this grant would cover 80% of the cost up to \$100,000. The net cost to the city would be \$42,200. A motion to submit the grant was made by Commissioner Arney and seconded by Commissioner Sutton. All were in favor.
- C. Report of Workshop on applications for City Manager – City Mgr. Forehand reported that they received 19 applications for City Manager. The Commissioners each picked their top 5 and met to decide which candidates would be interviewed. Mayor Brison reminded the commission that they needed to give permission to the City Manager to notify the applicants and inform them of the salary range and give the candidate names to MTAS for any input they might have. He also mentioned travel reimbursements for candidates, suggesting standard mileage of \$0.51 and one night's lodging, not to exceed \$300 in total, be reimbursed to each interviewee. Commissioner Arney made a motion to this effect and was seconded by Commissioner Bissell. The motion passed unanimously. The commissioners then considered when to start the interview process. After some discussion, Commissioner Bissell made a motion to hold interviews on October 29th and 30th, starting at 6:00 p.m. each night. Commissioner Sutton seconded, and the motion passed unanimously.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates – None
- B. City Attorney Comments – Mr. Cantrell advised the Board that there would be an executive session immediately following the Board meeting.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell congratulated Mr. Kubit on his honor, and stated that he shares his passion for the Clean Sweep projects. He noted that he would be participating in the following Saturday's event. He then addressed the concerns expressed regarding improvements to Bowie Lake Road. He stated he did not second Commissioner Arney's motion regarding the road at the last meeting because he believed there were other solutions that should be looked at before they commit to one. He mentioned the possibility of creating a new entrance to the park and making Bowie Lake Road a limited-use street.
- B. Mayor Brison thanked Mr. Kubit for his service to the city.
- C. Commissioner Sutton then stated that one of the first things he saw when he came to Fairview was Mr. Kubit painting a sign for one of the subdivisions in the City, and wanted to thank Dan for all he's done for the City.

11. The meeting adjourned at 7:52 p.m.

Mayor

City Recorder