

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS MEETING MINUTES

October 15, 2015

Patti L Carroll, Mayor  
Toney R Sutton, Vice-Mayor  
Allen Bissell, Commissioner  
Shannon L Crutcher, Commissioner  
Stuart L Johnson, Commissioner  
Wayne Hall, City Manager  
Larry Cantrell, City Attorney  
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson  
Others Present: Hall, Cantrell, Daugherty, Johnson, Paisley

**1. Call to order by Mayor Carroll at 7:06 p.m.**

A. Prayer and Pledge by Mayor Carroll

**2. Approval of the Agenda –** Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Additions to the agenda include Item 9B Discuss and/or Take Action on Change Order for Resurfacing Grant and Item 10F Discuss and/or Take Action on Waiver of Insurance for Fishin' for Tuition Benefit. All were in favor.

**3. Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**

- A. Marsha Elliott of 7113 Bethshears Road announces John & Gerry Stark were honored for their service to the city in a ceremony last Saturday and the Friends of Bowie Nature Park as well as City Manager Hall were present to unveil a unique bench built by Friends member Jim Powers. The bench is located on the Sycamore Springs trail near the dragon tree.
- B. Jeff Wynn states the organizers of the Fishin' for Tuition benefit to be held in the park have encountered a dilemma while trying to obtain the required liability insurance for the event. Organizers have contacted their individual insurance providers, the Jason Foundation and third party brokers without any luck. They request a waiver of this requirement noting the activities taking place at the event will not vary from normal activities in the park daily with the only difference being this event was given a name and a reason for citizens to unite.

**4. Awards and/or Recognitions –**

- A. Mayor Carroll reads a proclamation from Governor Haslam honoring Friends of the Library Week in Tennessee, October 18-24

**5. Public Announcements –**

- A. City Manager Hall reminded everyone of emissions testing every Monday and Tuesday from 7:30 am until noon.
- B. Vice Mayor Sutton announced the first Fairview High School open mic night tonight and it is scheduled to be a regular occurrence

**6. Staff Comments –**

- A. City Manager Hall as Interim Codes Director noted at the last Planning Commission meeting we had 3 subdivisions, approved Hardee's and I have another meeting in the morning on another possible large subdivision that I hope to report on at the next meeting
- B. City Recorder Johnson stated census letters should be in mailboxes now and the first deadline to return is November 23. You may return the form in the envelope provided or the online form available on the city website.

- C. Finance Director Daugherty announced he is very encouraged by the numbers from the first quarter financial report and stating that property taxes are already starting to come in. Daugherty stated revenues were \$1,156,479 with expenditures at \$1,050,051 for a 6% increase in the overall fund balance. He noted the target date for payoff of the GAN is January and commended the department heads noting expenses are currently \$31,650 under projections.
- D. Parks Director Paisley announces Rocktoberfest Saturday, October 17 from 7 to 10 pm, the last Starlight Jam of the season featuring The Natchez Tracers on Friday, October 23 from 7 to 10 pm and thanked all the volunteers for their help at Fall Fun Day

**7. Approval of the Minutes** – (only needed if removed from consent agenda)

**8. Consent Agenda Consisting of Items as Follows:**

- A. Approval of the Minutes from the October 1, 2015 Board of Commissioners meeting
- B. Second and Final Reading of Bill #2015-31, Ordinance No. 896, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article SVI, "Administration and Enforcement," Section 16-107, "Amendments," 16-107.9, Zoning Districts as Applied to Territory Added to Planning Jurisdiction of the City"
- C. Second and Final Reading of Bill #2015-32, Ordinance No. 897, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article IV, "Establishment of Districts Provisions for Official Zoning Map," Section 4-105, "Zoning of Annexed Territory."
- D. Second and Final Reading of Bill #2015-34, Ordinance No. 899, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Ordinance Table 6-102A, Item J, (Religious Facilities), Article VI-6, "Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts."
- E. Second and Final Reading of Bill #2015-25, Ordinance No. 900, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Special Census)

Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.

**9. Old Business**

- A. Discuss and/or Take Action on Employee Health Insurance Benefits – Johnson asked CFO Daugherty to explain his research. Daugherty reviewed the current policy and the TCRS options from the meeting packet. Vice Mayor Sutton states those retiring will typically be replaced by someone on a lower pay scale so that savings should cover the costs of insurance. Mayor Carroll asked what other cities are doing. Johnson stated Franklin, Brentwood and the state cover the employee and the spouse. Bissell states the Federal government treats the retiree as a continued employee but their contributions are taken post tax versus pre-tax. Citizen Donna Brooks presented the Williamson County plan to Mayor Carroll. Carroll states she wants to know what is comparable noting she wouldn't be opposed to mirroring Williamson County's policy. Daugherty asked how many comps the Mayor would like and Carroll asked for Nolensville, Spring Hill, Franklin, Brentwood, Williamson County and Kingston Springs and any difference for law enforcement versus other staff. Bissell states after reviewing our existing policy the question is whether we should raise the percentage we pay or include spouses since we agree the retiree should qualify for TCRS retirement. Commissioner Johnson makes a motion to adopt a 60 year old with 30 years of service or 25 years of service at any age policy with Bissell seconding. Carroll asks if they retire at age 45 will we pay premiums for 20 years? Johnson and Bissell withdrew their motion and second. Carroll states she wants to wait and see how the others compare. Johnson states we would need to mirror their plans and they are going to take care of their former employees. Bissell suggests breaking the issue into separate pieces and passing in parts. Carroll states she would like to wait. Crutcher makes a motion to defer to the next meeting with Johnson seconding. FOR: Carroll, Crutcher, Johnson, Sutton; AGAINST: Bissell, motion carried.

Commissioner Johnson made a motion to suspend the rules and hear item 10F out of order with Mayor Carroll seconding. All were in favor. (item 10F discussed then back to agenda order)

- B. Discuss and/or Take Action on Change Order for Resurfacing Grant - Attorney Cantrell states this is a change order in the overall project amount for the Resurfacing Grant and he believes it is exigent circumstances to approve and be able to close the contract out. Commissioner Bissell

made a motion for approval to add to the agenda with Vice Mayor Sutton seconding. All were in favor. Commissioner Bissell made a motion to approve the change order with Vice Mayor Sutton seconding. All were in favor.

## 10. New Business

- A. Discuss and/or Take Action on Approval of Comcast Contract for City Phone Service – Daugherty explains this is Phase 1 in changing out the phone system which will result in \$500 savings per month for more services. He explains the Police and City Administration services will be split and will add an extra phone and fax line. Cantrell states Comcast agreed to an addendum to override the indemnification clause which we will need a signed copy of from them upon approval. Carroll asks about other city locations and phone contracts and Daugherty replies the Fire Department, Public Works and Nature Center still have 2 ½ years remaining on their contract and there's no way to get out without paying the contract in full. Daugherty notes with Windstream we are renting everything – switches, phones, etc., which is not good business practice, and it's costing around \$1,200 - \$1,500 per month. Commissioner Bissell makes a motion to accept the contract with Comcast for City Hall seconded by Vice Mayor Sutton. All were in favor.
- B. Discuss and/or Take Action on Resolution No. 33-15, A Resolution of the Board of Commissioners of the City of Fairview, Tennessee, Establishing a Police Department Donations Account for Donations to the City of Fairview, Tennessee, Police Department – Vice Mayor Sutton read the caption. Commissioner Crutcher made a motion for approval with Commissioner Bissell seconding. Attorney Cantrell states this is identical to the Park resolution passed recently and creates a separate account to allow for donations in accordance with the uniform gift policy. All were in favor.
- C. Discuss and/or Take Action on Bill #2015-37 Ordinance No.902, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Facilities)- CFO Daugherty explains we recently amended the facilities fund to allow building maintenance to be taken out of it noting this amendment takes \$30,000 out of that fund. Commissioner Bissell made a motion for approval seconded by Vice Mayor Sutton. Commissioner Crutcher states he realizes things will happen to require budget amendments but notes it seems like we have known about these items. Crutcher continues it seems to be typical to submit a bare bones budget and then submit amendments. He argues that we need to have the foresight to know the wants and needs and consider them at the time the budget is passed and we need to stop letting things get critical before taking action. Carroll states her biggest problem is these items are lumped together so she doesn't have the opportunity to decide what is and is not an emergency. Carroll asks Daugherty what is not an emergency and he replies the codes software is not but will be soon and the Nature Center air unit could wait. Mayor Carroll amends the motion to approve the \$5,000 for the wiring of the phone system and \$11,000 for treatment of mold and exclude the other two items with Commissioner Crutcher seconding. Vote on amended motion: FOR: Carroll, Crutcher, Sutton, AGAINST: Bissell, Johnson. Motion carried and original motion negated.
- D. Discuss and/or Take Action on Bill #2015-39 , Ordinance No.904 , An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Maintenance Building) – Commissioner Crutcher states this is a proposed metal maintenance building for the park to house all of the maintenance equipment in one location. The funds are proposed from three funds- drug, facilities and park. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Crutcher replays similar feelings to his discussion on the previous amendment noting this item has been talked about since 2014 and stating he is not opposed to the project but it's more about appropriate timing. Crutcher states he would like to hear more about loss of revenues from the impound lot also. Commissioner Bissell explains a number on revenues is not available because the current condition of the lot doesn't allow for regular towing to our facility. Bissell continued revenue gain from the impound lot is secondary and the issue is the park equipment is spread all over and not efficient. He states the first budget submittal did include this item and we created the issue by removing it. In years past we decided to deal with capital improvements ad hoc and not as part of the budget process. The maintenance department plans to finish out the interior of the building themselves and their slower, winter months is the ideal time to tackle such a project. Mayor Carroll asked if the Land Trust gave approval noting she thinks a metal structure would be excluded. Parks Director Paisley states they have submitted location, materials, size of the proposed building and are currently waiting on a response. Vice Mayor Sutton makes a motion to defer until we receive confirmation from the Land Trust seconded by Crutcher. Bissell states this is a first read and there is

another reading and approval of the bid process to come so why not go ahead and approve on first read so the decision point is not delayed. Sutton removed his motion. Johnson asked why this is not being paid in entirety out of the Park Fund. Crutcher states we have other projects approved and not yet started to be paid for out of the Park Fund. Bissell amends the motion to pay for the building with \$6,000 from the Drug Fund and \$35,000 from the Park Fund noting there is no correlation to the property tax rate increase with Johnson seconding. Vote on amended motion: FOR: Bissell, Johnson, Sutton; AGAINST: Carroll, Crutcher. Motion carried.

- E. Discuss and/or Take Action on Bill #2015-38, Ordinance No. 903, An Ordinance to Amend City of Fairview, Tennessee, Municipal Ordinance 784, Passed May 3, 2012 by Amending Said Ordinance as it Applies to Title 12, Chapter 5, Section 12-501, Energy Conservation Code Adopted. The Remainder of Ordinance 784 Shall Remain as Passed May 3, 2012 – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. Attorney Cantrell explained this update is required by the state auditor to be in compliance with the requirement to adopt an energy code within 7 to 8 years and the codes department recommended this version due to its similarity to our current 2006 version. All were in favor.
- F. Discuss and/or Take Action on Waiver of Insurance for Fishin' for Tuition Benefit – On the hearing on request to add item to agenda Commissioner Crutcher makes a motion to approve for exigent circumstances seconded by Commissioner Bissell and all were in favor. Commissioner Bissell makes a motion to grant the waiver seconded by Commissioner Crutcher. Commissioner Johnson requests an opinion from Attorney Cantrell who discusses the possibility of a TML conflict on coverage of the event noting to his knowledge we have never granted this waiver and it sets a dangerous precedence. Cantrell continues it could lead to future problems and states he doesn't recommend approval of the waiver. Bissell asks if there will be any activity that any other individual could not do on a normal day in the park and organizer Jeff Wynn replies no. Bissell questions how this event is different from any other party that does not require insurance or any informal gathering and Cantrell states it is an organized fundraiser, we have knowledge of the event and they have requested a waiver of the normal fees associated with the use of the park. Commissioner Crutcher makes a motion to deny the request seconded by Johnson. FOR: Carroll, Crutcher, Johnson, AGAINST: Bissell, Sutton; motion passed.

Vice Mayor Sutton excused himself and exited the meeting.

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

- A. Miscellaneous Updates –
  - (1) City Manager Hall echoed the Mayor's comments regarding the addition to the library. Hall thanked the Public Works crew for clearing the drainage next to the soccer field on our easement and thanked all the employees for pitching in while he was out for a few days.
- B. City Attorney Comments – no comment

#### **11. Communications from the Mayor and Commissioners –**

- A. Commissioner Bissell – no comment
- B. Commissioner Crutcher – no comment
- C. Commissioner Johnson – no comment
- D. Vice Mayor Sutton (already exited)
- E. Mayor Carroll stated the library addition looks beautiful and the county reps are also proud of the addition. Carroll states if we stick to the same pattern of spending we are in trouble noting she thinks we have a responsibility to be conservative and not spend more than we budgeted. Carroll continues she doesn't see the shed as an emergency and asks the Board to take into consideration whether an item is an emergency need.

- 12. Adjournment –** Commissioner Crutcher made a motion for adjournment and meeting was adjourned at 9:57 p.m.

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