

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS MEETING MINUTES

October 16, 2014

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

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hall, Cantrell, Humber, Daugherty, Johnson, Paisley, Harris

**1. Call to order by Mayor Totty at 7:01 p.m.**

A. Prayer and Pledge by Mayor Totty

**2. Approval of the Agenda –** Mayor Totty asked for approval of the agenda and Vice Mayor Johnson made a motion to suspend the meeting and hold the scheduled public hearing with Commissioner Carroll seconding. All were in favor. Meeting resumed at 7:04 p.m. Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor.

**3. Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each). – none**

**4. Awards and/or Recognitions –**

- (1) Mayor Totty shares a letter of appreciation from FHS principal, Dr. Oyer, thanking the Board for their donations to the school
- (2) Totty restates how wonderful it was to have First Lady Haslam present for the community garden ribbon cutting and read a note from the city engineer praising the city for its efforts on the community garden
- (3) City Manager Hall recognizes the first employee of the month, Tom Daugherty, and presents him with a certificate. Hall states Daugherty is his friend and that he facilitates traffic flow in his office from all employees and handles himself with grace and commitment.
- (4) Mayor Totty congratulates the Board, staff & citizens and presents the Williamson County Excellence award from GNRC (Greater Nashville Regional Council) for inter-governmental participation.

**5. Public Announcements –**

- (1) City Manager Hall gives a reminder of emissions testing every Monday and Tuesday from 7:30 am until noon
- (2) Commissioner Sutton mentions the JROTC event this Saturday and Sgt. Hill details there will be 22 ten person teams competing in events such as first aid, letter carry, obstacle course. Hill states this is the largest event we have ever had and teams will be competing from Tennessee, Kentucky and Alabama. FHS has a team that will attend the international raider meet in November.
- (3) Scot Hughes states the fire department is selling breast cancer awareness t-shirts again this year and they are available in the lobby or at the fire hall

- (4) Commissioner Sutton asks to remind everyone about the address reflectors available and Hughes notes they are available at the fire hall and are \$20 for the sign and \$5 for the post
- (5) Mayor Totty announces MTEMC will hold a customer appreciation lunch on October 22 at 11:00 am
- (6) Mayor Totty notes the Tennessee Rehab Center in Franklin will hold a public event on Friday, October 17

**6. Approval of the Minutes –**

- A. Approval of the Minutes from the October 2, 2014 Special Board of Commissioners Meeting – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.
- B. Approval of the Minutes from the October 2, 2014 Board of Commissioners Meeting - Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor.

**7. Old Business –**

- A. Discuss and/or Take Action on Second Reading of Bill #2014-23, Ordinance No. 845, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 716 Highway 96 North, Owned by Big Little Investments, LLC., As Shown On, the City of Fairview Geological Listing of Assessment Roll Map 022, Parcel 150.00, From (Residential) RS-40, to (Commercial General) CG, 2.34 Acres – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. Johnson states that the adjacent property will not be affected in taxes. He noted the value may go up but even if the zoning was changed you are taxed on use not zoning. Mayor Totty asked for other comments and a citizen spoke up stating he lives next to the rezoning and heard the mini storage was possibly expanding noting his concerns about watershed that he would like addressed. Mayor Totty states there was a public hearing prior to the meeting but you have been duly heard. She tells him he may speak with the developer about his concerns. All were in favor.
- B. Discuss and/or Take Action on Second Reading of Bill #2014-24, Ordinance No. 846, An Ordinance For An Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Fruit Trees on King Rd/Tree Replacement at City Hall) – Vice Mayor Johnson read the caption. Commissioner Bissell made a motion for approval with Commissioner Sutton seconding. CFO Daugherty states this is to appropriate funds from the Tree Bank account for the Friends of the Park at Bowie Nature Center and fruit trees at the community garden. All were in favor.

**8. New Business –**

- A. Discuss and /or Take Action on Stabilization Plan – Bissell deferred to Donna Brooks, Co-chair of the Finance Review Committee. Brooks discusses the goals of the Stabilization Plan as (1) having 1 month of expenses in the operating account that would be considered part of reserves but also serving as cash flow, (2) segregating state street aid and school facilities funds, and (3) adopt a general fund balance policy with threshold to obtain within two years. Brooks continues the method for obtaining the threshold would be to set aside \$30,000 monthly from revenues and if at the end of the year we have more revenues that would be added to these amounts. Totty asks about keeping the accounts together the way they are now versus separating. Brooks notes they are together now but it's hard to tell where we are and it's not good practice to comingle funds. Totty asks if they are all general fund sub funds and will become restricted. Brooks states the nature of the fund does not change they are comingled now. Totty asks what the state recommends and Brooks states she will research. Daugherty states it is an accounting issue stating he can account for the funds in the system any way that is approved by the state but it is not best practice the way it has all be comingled and he feels it is imperative to get the funds into their own account. Totty asks Hall about a document referencing appropriate expenditures from the street aid account. Hall states it was a list of items including equipment, repair to roads, labor specific to road

work/repair, asphalt, resurfacing grant match would all be included. Carroll states the plan is a step in the right direction and asks when it would begin to be implemented. Brooks states it would start in July. It was discussed that when restricted funds are available for use they would be used first before any assigned or unassigned funds. Carroll asks about the two months of reserves in the plan one in operating fund and the other and why keep separate if the goal is two months. Brooks explains that until we have the cash flow we need one month to float our operating expenses. Daugherty states this will be brought back in ordinance form but we wanted you to have a chance to review prior to the formal approval stage. Totty makes a motion to defer until we have additional information with Sutton seconding. Bissell states to move forward we need a general consensus of approval. Totty asks if fluctuations throughout the year should be considered and Bissell states if revenues exceed expenditures the reserve will grow and if not will require a 4 to 1 vote to go below the threshold noting there will be a line item in next year's budget as mandatory payment to replenish funds and reserves. Totty asks about restricting the reserve funds to set aside for a specific expenditure such as grant matching funds. Bissell states we cannot make them restricted, only committed. Further discussion was had that funds set aside for grant matching would be committed but restricted can only be done by higher authorities. Brooks notes it may take three years as we expect unassigned funds to still be in the negative at the end of this fiscal year especially if we don't get more revenues than we expect. All were in favor.

- B. Discuss and/or Take Action on Bill #2014-27, Ordinance No. 849, An Ordinance for An Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (IT Expenses) – Vice Mayor Johnson reads the caption and CFO Daugherty states this is to appropriate money from the Drug Fund to pay for a new computer server for the Police Department. Commissioner Bissell makes a motion for approval with Commissioner Sutton seconding. Mayor Totty asks if this is permissible with Drug Fund monies and both City Manager Hall and CFO Daugherty reply yes. All were in favor.
- C. Discuss and/or Take Action on Bill #2014-29, Ordinance No. 851, An Ordinance for An Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Adequate Facilities Tax Refund) – Vice Mayor Johnson reads the caption and Daugherty states this is to appropriate funds as a transfer in from the facilities fund to reimburse for the overcharging of building permit fees. Commissioner Sutton makes a motion for approval with Commissioner Carroll seconding. Mayor Totty states it was noted at the last meeting that the money is sitting and asks where the money was sitting to be refunded and how it affects the current budget. Daugherty states the money is from the facilities tax, a separate account, and it does not affect the operating budget as a transfer in. Commissioner Sutton states the difference is the interest owed. Mayor Totty asks if facilities tax money has been used to balance the budget and Daugherty replies no. All were in favor.
- D. Discuss and/or Take Action on Recommendations from the Tree Board – Totty states the Tree Board met and has a communication on changes that came from discussion to purchase plants on property that is county not city, specifically the purchase of fruit trees for the community garden. The discussion was deferred to the Tree Board for their comments. City Recorder Johnson read an excerpt from the BOC minutes from the October 2, 2014 meeting in regards to the tree bank. Mayor Totty asks if this went before the Planning Commission and Cantrell says it did not but explains they are not tied to one another but the definitions should match. He continues that a change in the sub regs would require 30 day notice and a public hearing. Cantrell reads the recommended changes from the Tree Board which include removing the words and or easements and the United States of America. Cantrell states he is open to suggested changes but notes this ordinance will have to be interpreted and these words are there to eliminate confusion and Commissioner Sutton specifically requested that easements be included in the changes. He continues that for the city to be on these easements would require additional agreements from those holding the easement rights. Cantrell does not suggest approving these suggestions. Bissell states he thought Carroll's motion was simple to change the current ordinance from public property in Fairview to include property owned by city, county, state and federal governments. Bissell makes a motion not to accept the

recommendations of the Tree Board with Commissioner Sutton seconding. All were in favor.

- E. Discuss and/or Take Action on Bill #2014-28, Ordinance No. 850, An Ordinance to Amend the City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13-409 "Community Tree Plan." - Vice Mayor Johnson read the caption. Mayor Totty notes looking back on the conversation as the approved minutes read there was a comment about the easements. Attorney Cantrell states the proposed ordinance includes the easements. Totty states the easements are good to stay but do we need an additional document for approval of use of easements. Cantrell states you would but do not need to include all of that here and you would need authorization to make the agreements. Commissioner Sutton makes a motion for approval with Commissioner Bissell seconding. All were in favor.
- F. Discuss and/or Take Action on Public Posting of Full BOC Packets to Website – Mayor Totty made a motion to post the full public Board of Commission packets to the website and any other posting that the city does with Commissioner Carroll seconding. Attorney Cantrell confirms that she intends posting on bulletin board and on website and not the newspaper. Totty confirms on website and free of charge. Cantrell states that a statement should accompany the agenda on the website and newspaper that documents for proposed agenda are not published in the newspaper and anyone desiring to see those should see the City of Fairview website. Cantrell also suggests adding a statement to the website that every effort is made to post all documents related to the agenda, however, because of operational requirements, if an addition is made to the agenda after it has been posted and prior to the meeting, those documents may not be posted on the website. Commissioner Sutton states we could add that it is subject to change without notification. All were in favor.
- G. Discuss and/or Take Action on Recommendations from Park Board – no recommendations were presented
- H. Discuss and/or Take Action on Recommendations from Planning Commission – there were no recommendations so no action needed
- I. Discuss and/or Take Action on Bill #2014-25, Ordinance No. 847, An Ordinance to Amend the City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-604 "Use of Tax." – Vice Mayor Johnson read the caption with Commissioner Carroll making a motion for approval and Commissioner Sutton seconding. Attorney Cantrell states this was presented last meeting and Brandy found the error in the minutes. There was no motion or second but a vote was taken. Cantrell advised to rescind the previous action with a new motion. Commissioner Bissell makes a motion to rescind the October second action with Commissioner Sutton seconding. Cantrell states he will be using a check system to help ensure proper procedure is followed in the future. Mayor Totty asks if this action can be done based on the agenda item and Cantrell confirmed it can. All were in favor of rescinding and all were in favor of the approval.
- J. Discuss and/or Take Action on Overpayment of Adequate Facilities Tax – Attorney Cantrell explains this was the second mistake from October 2 and there was a motion but no second and an amended motion that was properly completed. Cantrell recommends rescinding the original action from October second. Commissioner Bissell makes a motion to rescind the action from October second with Commissioner Sutton seconding. All were in favor. Bissell makes a motion for the city attorney to handle the affairs with Walmart through October 9 and the over collection of the facilities tax with Sutton seconding. Cantrell states we already have an approved plan in place. Bissell and Sutton withdraw. Bissell states he authorizes the City Attorney and City Recorder to calculate interest paid through October 9 and initiate action required to complete the refunds of the over collected facilities tax plus interest to the parties involved. Commissioner Sutton seconded and all were in favor.

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

- A. Miscellaneous Updates – City Manager Hall presents the inaugural City Manager report to the Board. He thanks Mrs. Brooks for bringing it to our attention and notes it will be available on the City website in the morning. City Recorder Johnson scrolls through the report noting the goal is to give the Board and our citizens a better idea of what each department does and to acknowledge the hard work of all employees. Commissioner Sutton thanks everyone for their hard work in putting the report together. Mr. Hall asks to look again at the flags noting that Ron Rowe is the citizen who inquired about a city flag. City Recorder Johnson presents a flag design submitted by an anonymous citizen. The submitted design includes colors consistent with the United States flag and the Tennessee flag with a reverse color way of the Tennessee flag, and elements from the city seal, year of incorporation, three white stars representing the three grand divisions of Tennessee with the larger center star representing the middle region and Fairview's status as first district of Williamson County, the gold 7 point star represents the Cherokee heritage. The consensus of the Board is to move forward with the citizen design with the minor revision of replacing the roman numerals with 1959 indicating the year of incorporation.
- B. Staff Comments – CFO Daugherty states he emailed the final audit draft to the Board last week and if there are no issues he will sign the acceptance letter tomorrow and we should have hard and electronic copies next week. Carroll asks about the missing credit card receipts mentioned noting that if there is no policy in place we need one. Commissioner Bissell relates information from an email from the auditors there were 5 missing receipts from 4 different people, 3 of which are no longer employees. Bissell continues that none of the amounts were sizable with the total amount for all 5 receipts in the \$1900 range. Hall notes this will be addressed in the policy and procedures manual review. Bissell states there was no pattern. Daugherty presents the monthly finance report for September noting revenues were \$312,560 and expenses of \$407,518. Mayor Totty asks for clarification on fund balances and where the breakdown is of what is being put back into unassigned and Daugherty replies more money was taken out of unassigned and but no money has been put back yet. Totty asks if we have any feedback on how \$96,000 was not spent in the last 90 days and Daugherty states a substantial part is the liability insurance payment delay and the EOC emergency dispatch contracts not yet paid. Daugherty states the sales tax is increasing but not quite at the level we hoped and this month was slightly under projections noting YTD revenues for sales tax are \$575,727. Daugherty notes that we have spent \$181,907 more than we have brought in this year and revenues are \$254,962 ahead YTD compared to LY with \$137,711 less in expenses YTD compared to LY. Totty asks for a comparison of actuals versus budgeted. Daugherty states the budgeted is the projections but instead of equally dividing the projections we have tried to project in the month we anticipate each particular revenue or expense. Totty clarifies she would like to see projected versus actuals to watch monthly. Daugherty states it is in the graphs broken out into projected versus actual revenue and expenditures. Totty notes there was a discussion of how actual versus projected revenues and stating the Board had requested of the previous CFO quarterly reports and asks where we are under on revenue for the quarter. Daugherty states we are over projected revenues by \$1,291 and under expenses by \$96,306. Totty states we are headed in the right direction.
- C. City Attorney Comments – Cantrell thanks Tom, Brandy, City Manager and Codes Director for their assistance in the overpay procedure. He thanked Frank Humber and Sharon Hall for their assistance in calling the letter of credit. Cantrell thanked the Board for correcting their mistakes noting it was brought to his attention, he acknowledged, apologized and corrected.

**10. Communications from the Mayor and Commissioners –**

- A. Commissioner Sutton introduces the third candidate running for City Commissioner (the other two were present at the last meeting), Frank Walker. Walker states he is employed by GM and he and his wife own Walker's books. Walker states he grew up here and has an engineering degree. Sutton notes that early voting started yesterday so get out and voice your opinion.

- B. Vice Mayor Johnson – no comments
- C. Commissioner Bissell – no comments
- D. Commissioner Carroll asks Mr. Hall about the status of the directional signs and Hall replies they have been designed and should be ready to install pretty soon. Hall states he forgot to mention a safety lane will be created for the Christmas parade so that emergency vehicles will be able to pass through if needed. Hall notes signs will be made indicating a parade is in progress so that vehicles may find an alternate route before getting into town also. He also notes that we will require proof of a liability insurance policy as a part of the approval process. Commissioner Sutton notes there is a Bowie sign on 96 from Franklin that is leaning and Hall states he will look into. Carroll also asks regarding the Nature Fest signs on the electric poles – did the Chamber pay for them and when will they be taken down? Hall replies the Chamber paid and MTEMC is supposed to remove them but the brackets will remain in place. Carroll asks if we have looked into using the brackets for other potential signage and Hall replies no. Carroll thanks everyone for coming and asks them to go vote noting there is a lot on the ballot in the way of amendments so do your homework on everything.
- E. Mayor Totty asks those who can to pay their property taxes as soon as possible. She asks if they have been mailed and City Recorder Johnson states not yet but they are available to pay online or at City Hall. Totty asks the status of the lights on Fairview Boulevard and Hall replies they are in the works and will be installed soon from TSC to Walmart.

**11. Adjournment** – Commissioner Sutton made a motion for adjournment with Commissioner Bissell seconding. Meeting adjourned at 9:25 p.m.

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