

City of Fairview

BOARD OF COMMISSIONERS

October 17, 2013

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

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Pewitt, Cantrell, Porter, Lovvorn, Cooper, Paisley, Sutton

1. Mayor Totty called the meeting to order at 7:32 p.m.

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

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. Commissioner Bissell stated that the acting City Manager would like to remove item 8A and that item 8G the municipal floodplain ordinance to defer it to a meeting in November. Vice-Mayor Johnson stated that under old business items 7B and 7C there are revised copies to replace the ones that were in the packet. Director Lovvorn stated that item L discuss and/or take action on Bowie Lake Rd change order #2 should be #3. Commissioner Bissell stated that item H under new business we need to discuss whether or not to have the town hall meeting on Halloween. All were in favor of the amended agenda.

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

A. Don Dudich stated that he lives in Polston Place and his work hours have changed and he is home at night now and he has noticed that there is a street light that has been installed at the top of Cox Pike and Donald Wilson Drive and it shines directly into his bedroom. He asked if we could turn it away from the house or put a deflector on it or take it down. Mayor Totty asked Director Lovvorn to speak to Jeremy Fox immediately to address a deflector or an adjustment and report back.

4. Awards and/or Recognitions –

A. Mayor Totty welcomed Dianne Ellis the president of the Fairview Area Chamber of Commerce. Ms. Ellis stated that in September the Fairview Area Chamber of Commerce sponsored Nature Fest and stated that it was the 29th event. She recognized board members that were key to the success of Nature Fest and each one approached the podium and introduced themselves, Jillian Walker, Jessica Cherry, Bill Taylor the Treasurer, Jon Cherry Vice-President and Nancy Stephens. Ms. Ellis thanked each of them and presented a check to Sgt. Hill for the JROTC and presented a check for the Parks Department the check was accepted by Park Superintendent Keith Paisley.

- B. Mayor Totty stated that she would like to recognize our County Commissioner Mr. Dwight Jones. Mr. Jones approached the podium and stated that Williamson County won an award for "Keeping America Beautiful". Mayor Totty stated that there will be a clean sweep on Saturday at 8:00 a.m. at Bank of America.
- C. Vice-Mayor Johnson read a letter from the U.S. Department of Justice, U.S. Marshall Service that commended Detective David Bohler, Detective Phil Jarosz, Detective Jennifer Beach, Patrol Officer Shane Dunning, Patrol Office Derrick Byrum, Patrol Office Richard Ross for helping apprehend wanted fugitive Jerry Shut.

5. Public Announcements –

- A. Interim City Manager Pewitt reminded everyone that next week is Bowie Nature Park's Haunted Forest Carnival of Lost Souls, it will be on Friday and Saturday the 25th and 26th from 7:00 to 11:00 p.m. and it is \$10.00 a person.
- B. Commissioner Carroll announced that the High School is doing its Fall Festival Saturday 3:00 to 8:00 p.m.

6. Approval of the Minutes –

- A. There were none for approval.

7. Old Business –

- A. Second and Final Reading on Bill #2013-21 Ordinance No. 816, An ordinance to change the zoning on certain property in the City of Fairview, Tennessee, located on Chester Road, Owned by Kelly J. Shiver and wife, Kelly C. Shiver, as shown on, Fairview geological listing of assessment roll, map 047, parcel 026.01, from RS – 15 PUD, to RS – 40. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- B. A revised ordinance - Second and Final Reading on Bill #2013-10, Ordinance No. 805, an ordinance to annex certain property, located at 2950 Fairview Boulevard, herein described below and to incorporate same within the corporate boundaries of the City of Fairview, Tennessee; belonging to Jerry E. Cary and wife Helen A. Cary. All the property proposed for annexation lies within the City of Fairview, Tennessee's growth boundary. Mayor Totty asked City Attorney Cantrell about the revision of this ordinance and the City Attorney stated that it was revised for the registration at Williamson County, it has to have the name of the person who prepared it which is on the top right and the end on the last page he put an acknowledgment on there so it can be registered at the Williamson County register's office and this is true with both of the ordinances but the text did not change. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor.
- C. A revised ordinance – Second and Final Reading on Bill #2013-11, Ordinance No. 806, an ordinance to annex certain property, located at 2931 Fairview Boulevard, herein described below and to incorporate same within the corporate boundaries of the City of Fairview, Tennessee; belonging to Russell Spicer and wife Peggy Spicer. All the property proposed for annexation lies with the City of Fairview. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor.

- D. Second and Final Reading on Bill #2013-12, Ordinance No. 807, an ordinance to add chapter 3, section 13-301 keeping of chickens, to title 14, zoning and land use control, of the municipal code of the City of Fairview, Tennessee. Vice-Mayor Johnson read the caption. Mayor Totty asked City Attorney about the sunset clause and stated she did not see it in the ordinance. City Attorney Cantrell stated that it was in there and said it was on page 3 and read from the ordinance 'Be it finally ordained, that this ordinance shall take effect from and after its final passage the public welfare requiring it; however, this ordinance in its entirety shall sunset effective two years from its final passage, become void and have no effect from its sunset date unless re-enacted or extended by the Board of Commissioners of the City of Fairview, Tennessee prior to that sunset date' and he made one clarification that since this is a zoning ordinance if it is not extended, it will sunset and be of no further effect after that date, however, it being a zoning ordinance and anyone who has obtained and are keeping chickens in accordance with that ordinance while it was in effect will be grandfathered by state statute and will be allowed to keep those chickens even if this ordinance sunsets. Vice-Mayor Johnson asked Director Lovvorn to speak on what one of the citizens commented on earlier about the City not having the manpower or the money to enact the law or the ordinances regarding this ordinance. Director Lovvorn stated that we have the manpower, but it will add more to their plate but they can do the job and it makes it more difficult to go by lot size than district because in RS-20 you can have lots greater than 20,000 sq. ft. and some that might be less than 20,000 sq. ft. and they would have to pull plats and things of that nature to measure lot sizes to make sure that the people who are keeping chickens have lots that are greater than 20,000 sq. ft. Mayor Totty made a motion that the section number 3 is changed to 40,000 sq. ft. Commissioner Bissell seconded. Vice-Mayor Johnson stated that if we change that to 40,000 sq. ft. that would be one acre lots and asked Director Lovvorn to speak to how many approximate subdivisions that we have with lots that are one acre or larger. Director Lovvorn stated that off the top of his head he knows of 2 subdivisions that would be considered an RS-40 zone which would be 40,000 sq. ft. or greater and probably the total lots would be 70 – 80 lots. Mayor Totty amended the motion to add the RS-40 zone district for clarification. Commissioner Bissell seconded. Commissioner Sutton asked Director Lovvorn what percentage of the lots in the city are smaller than that. Director Lovvorn stated that the majority of our subdivisions are zoned R-20 or higher density so the greater percentage have lots that are less than 40,000 sq. ft. probably 70 to 80 percent. Commissioner Sutton stated so if we pass this 80 percent of the population would not be allowed to have chickens and he has a problem with that. Vote on the amendment, FOR: Bissell, Carroll, Totty AGAINST: Sutton, Johnson Vote on the original motion, FOR: Totty, Bissell, Carroll AGAINST: Sutton, Johnson Mayor Totty stated that the motion passed for the ordinance for 40,000 sq. ft.
- E. Second and Final Reading on Bill #2013-08, Ordinance 803, An ordinance to amend City of Fairview, Tennessee, municipal zoning ordinance 3-105-1 "Minor Home Occupations, Section j by adding Subsection x." Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. Director Lovvorn asked that this ordinance be sent back to the Planning Commission because he has a problem with that paragraph that is being added that puts the major home occupation in the zoning administrators hands to pick and choose what is considered major and that he would rather that there be a definitive list that states what is considered a major home occupation. Mayor Totty amended the motion on

the request of the department head to defer this back to the Planning Commission for additional deliberation. Commissioner Sutton seconded. Vice-Mayor Johnson withdrew his motion. All were in favor. Mayor Totty stated that this negates the motion and it was withdrawn as well.

- F. Second and Final Reading on Bill #2013-20 Ordinance No. 815, An Ordinance to Establish an Impound Lot, regulations and fees for impounded and/or seized vehicles – Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion to approve. Commissioner Bissell seconded. Commissioner Carroll stated that this just came up before Mr. Hyatt left and not knowing all the details this is going to involve as far as the city employees she thinks we should defer this to a later date. Commissioner Bissell stated that as he recalls when Chief Harris briefed us on this, this is just a matter of allowing us to charge for something we are already doing, there are no physical plans that are going to have to be changed, they already have a fenced area that is already allocated, we already have cars, the problem is we can't ever sell those cars if the people never pick them up. Captain Sutton stated that the main reason behind this is when we seize vehicles we are awarded these vehicles by the Department of Transportation we have to auction those vehicles off, any profits or proceeds that are gained from that have to go to the State of Tennessee, the only way we can re-coop any cost or any time that we have in it is to bill for impounding and the standard rate is \$35 a day and this money would go back into the drug fund because the seized vehicles come from drug busts or DUIs. All were in favor.
- G. Discuss and/or Take Action on Triangle School Update – Commissioner Bissell stated that he was supposed to have for tonight the presentation that he and Dr. Rice had been working on and he just has not had time to put it together. Commissioner Bissell asked that this update be deferred to the first meeting in November and that he will have the action plan and possible request for whatever remaining funds that are needed to complete the project, they are looking at a July 4, 2014 open date and the windows have been installed. Dr. Rice approached the podium and stated that Clarence Daniel Boone, Sr. built on his property on Hwy 100 and Boone Street a two room building to be used by the public as a health clinic and the building is still standing, a few years ago Ms. Buttrey gave the building to the Fairview Historical Association and it would be available to them when Walter moved, Walter has moved and it is the desire of the Fairview Historical Association to give the building to the City of Fairview. Dr. Rice stated this will be given to the City after the back two rooms are removed, some minor work inside is done and the Historical Association has the funds to do all of this, and they have medical equipment to go along with the building, the building has been cleared out and the sheet rock has been removed. Commissioner Bissell made a motion to grant a variance to Dr. Rice and the Historical Association to move that building. This would be at no cost to the City and it does have historical value based upon the document he read, they plan to put this close to the Jingo Post Office in Historical Village. Vice-Mayor Johnson seconded. Mayor Totty asked if this fits within the PUD. Director Lovvorn stated that is the variance he is requesting. All were in favor.
- H. Discuss and/or Take Action on Proposal to Expand Town Center Overlay District – Director Lovvorn stated that the Planning Commission sent recommendation to expand Town Center to the south side of 100 when we brought that recommendation to the Board he was asked to get with Chapdelaine and Associates to get an estimated cost of what it would cost to survey the area to be able to put the overlay over that area that we were looking at to expand, the option 2 the \$24,000 is the one that is

recommended that we do because of state guidelines and want them to be able to pinpoint all the parcels within the boundary and not just the boundary itself. Director Lovvorn stated that after speaking with the Interim City Manager she would like for us to defer this until after the first of the year. Interim City Manager/Finance Director Pewitt stated that she would like to see this deferred to after the first of the year because most of the cash flow comes in from property taxes at the end of the year. Commissioner Carroll made a motion to defer. Vice-Mayor Johnson seconded. Commissioner Bissell asked Director Lovvorn what was the benefit to add to the overlay. Director Lovvorn stated that the Town Center Overlay has its own specific zoning requirements, setbacks, lot size, the highest multi-family zoning is RM-20 and is only allowed in Town Center, the Planning Commission decided they wanted both sides of the Highway to match when people come through. Vice-Mayor Johnson asked what other single family dwellings would be allowed. Director Lovvorn stated RS-5 is the only single family allowed in Town Center that is a 5,000 sq. ft. lot that is the minimal lot size and is 8 homes per acre. All were in favor.

- I. Discuss and/or Take Action on Bids for Greenway Project – Mr. Will Owen approached the podium and presented the bids that were opened on Tuesday. Mr. Owen stated that we received 3 bids and K.W. Lankford was the apparent low bidder at \$157,700 and that they would recommend that the City award the contract to K.W. Lankford on two conditions; 1) that you are still interested in pursuing the project with the understanding that a portion of that is funded by a TDEC local parks and recreation grant which is a 50/50 grant that the City had previously won, that grant the total project amount that was approved was \$145,000 and 50 percent of that would be paid by the grant and 50 percent of that would be paid for by the City and as you can see the low bidder exceeded that amount so anything exceeding that \$145,000 will be paid for by the City so the grant match will be \$72,500 and as bid the City's match would be \$85,200 approximately. The other contingency would be if approved tonight they would have to submit to the grant folks the whole bid package and they review that to make sure everything is done properly and at this point that is a formality but would want to make your approval on contingent of them approving the bid package. Commissioner Bissell made a motion to reject the bids and withdraw from this project. Vice-Mayor Johnson seconded. Mayor Totty asked about the estimated cost to date, Ms. Pewitt said she would have to get the figures, Mr. Owen stated that the bid was good for 60 days. Mayor Totty amended the motion to evaluate the cost incurred and the loss before a decision is made. Commissioner Carroll seconded. Mr. Owen stated that the next grant application would be in the spring of 2014. Mayor Totty asked Ms. Pewitt if she could have the numbers ready by the first meeting in November and Ms. Pewitt stated that she could. The vote was called on the amendment. For: Totty, Carroll Against: Sutton, Johnson, Bissell. The vote was called on the original motion. For: Sutton, Johnson, Bissell Against: Totty, Carroll. Mr. Owen stated that he would generate a letter stating that the City is returning the grant funds and choosing not to do the project at this time. Mayor Totty stated that this would be for the Vice-Mayor's signature.
- J. Discuss and/or Take Action on Bids for Police Cars – Interim City Manager/CFO Pewitt stated that we received two bids by the deadline and the low bidder did not follow the specifications and according to City Attorney Cantrell that makes that bid null and void and non-responsive and the only bid that came in at full specifications was \$26,862.70 per vehicle and we did ask for 12 during our bid process which is a total of \$322,352.40.

Commissioner Bissell made a motion to accept the bid from Middle TN Ford. Vice-Mayor Johnson seconded. Mayor Totty made an amendment to the motion that six cars be approved and after the first of the year six cars being discussed again of need or desire. Commissioner Carroll seconded. Commissioner Carroll stated that she doesn't want to mess up the process but she is not going to be for any cars but if they could find a compromise of let's do six this year that would make her happy and she always thought this was too many to purchase at one time. The vote was called on the amendment For: Totty, Carroll Against: Sutton, Johnson, Bissell. The vote was called on the original motion For: Johnson, Bissell, Sutton Against: Totty, Carroll

- K. Discuss and/or Take Action on Authorizing to Purchase In-Car Camera System – Commissioner Bissell state that he believed this was one of those things that in the original motion that we were asked to look at the Public Safety Committee as to whether or not sole source bidding being of this particular project is the appropriate thing to do it is the recommendation of the Public Safety Committee that we do approve the purchase of the camera system that Captain Sutton will be presenting. Captain Sutton stated that under the sole sourcing idea this will be a continuous project not just this group of vehicles but the vehicles in the future and by approving this motion it will allow us to continue building on the same structure we have now which has been the plan all along and it keeps us from having to come back to you each time and go through this motion of this individual purchase, we also have some grant funding that we have available that we will be utilizing to purchase one of these units as well and we are going to continue to ask for those in the future. Vice-Mayor Johnson made a motion to approve. Commissioner Bissell seconded. City Attorney Cantrell stated that on the sole source that has to be given to the Board in writing by the City Manager and she did that, the vote for that to pass in the charter C-14 6-19-104c requires a unanimous vote by the Board of those members present. Mayor Totty stated the purchase is excessive and she is not in favor of buying cameras for cars that we do not have nor is she in favor of buying the twelve cameras. Commissioner Carroll stated that she would like to clarify that she just voted not for the cars but she does believe with the explanation of why we should go with this company that she would like to make a statement that she will vote for this even though she did not approve the cars. Captain Sutton stated that the company will decrease the production of this camera type in lieu of a new camera type in the next 60 to 90 days and there will be a \$900 increase per unit and this is not just for the new cars it is for the current vehicles as well. The vote was called and recorded For: Johnson, Bissell, Carroll, Sutton Against: Totty
- L. Discuss and/or Take Action on Bowie Lake Road Change Order #3 – Mr. Will Owen stated that the project is complete as of August 5th and a punch list was created by Kevin Holsinger and the contractor has addressed all the punch list items and the action tonight would be to take action on change order #3 which basically is finalizing all the contract numbers according to what was actually installed and as you will see on that summary page on the front the City had an ear mark budget of \$150,000 the initial amount was roughly \$112,000 change order 1 added a little of \$9,000, change order two revised the completion date, and change order three before you tonight is a little over \$21,000 for a final contract amount of \$142,516.01. Commissioner Bissell made a motion to approve. Vice-Mayor Johnson seconded. CFO Pewitt stated that we have roughly \$7,700 left over from the original budget amendment and the original amount she was given so that would leave a

remaining \$14,000 that is not budgeted and would need to be discussed on which fund that would need to come out of, the Bowie Park Fund, the Street Aid Fund or the General Fund reserve. Commissioner Bissell stated that it needs to come from the Bowie Park Fund and stated there would need to be a budget amendment. Mr. Owen explained the need for the rip rap and that this is a proven method to prevent erosion and there is a one year warranty and phase two of this project is to remove the rip rap and put in a curb and cutter system. All were in favor.

- M. Discuss and/or Take Action on Interim City Manager Position – Mayor Totty requested a ballot vote. Commissioner Bissell seconded. Mayor Totty stated that a written ballot vote will be collected by the City Recorder, tallied by the City Attorney and the City Recorder and requested that once those are tallied that the response be made of the person who is our next Interim City Manager. City Attorney stated that when we get the votes tallied we will give them to the City Mayor to announce. The City Recorder collected the written votes and sat with the City Attorney to tally the votes. Mayor Totty requested a blank piece of paper with the person who has the majority vote only please. Mayor Totty stated that with the majority vote she would like to introduce the new Interim City Manager of the City of Fairview and congratulated Mr. Wayne Hall and stated he is welcome to make a statement and welcomed him. Mr. Hall approached the podium and addressed the Mayor and the Board and thanked them for their vote of confidence and stated that this is a major challenge in his life and will need their help and stated he will do his very best to do the right thing for this City as we know how well he loves it, he thanked the City employees and all the citizens of this town. Mayor Totty welcomed him aboard.

8. New Business –

- A. Discuss and/or Take Action on Run for Helping Hands and Deposit/fee – This item was removed from the agenda.
- B. Discuss and/or Take Action on Employee Health and Dental Insurance Plan – CFO Pewitt stated that we have Mr. White with Benefits Inc. here and he can answer any questions and stated that we did have a workshop last week after the special meeting where he discussed the plan and he proposed a new plan as well as the existing plan and she asked him to approach the podium. Mr. White stated that upon the recommendation of the workshop some modifications were made, one was to modify the medical insurance plan with Blue Cross and Blue Shield of Tennessee, the new plan would be a \$4,000/100% plan, prescription co-pays would count towards the out-of-pocket which they currently do not, the change will slightly decrease the premiums compared to the premium cost last year, the overall savings will be \$2,500 a year, to improve the dental benefit, and the employees cost will remain the same. Commissioner Bissell made a motion to approve the recommended changes. Vice-Mayor Johnson seconded. Commissioner Bissell explained that the first \$3,000 of the deductible the City will reimburse the employee and in a case of a catastrophic event the employee might have to pay \$1,000. CFO Pewitt stated that there was discussion of turning the HRA plan over to Blue Cross/Blue Shield to handle so that we no longer cut the checks here locally and the employee is no longer the middle man and there will be a cost of \$3 per employee per month. Vice-Mayor Johnson stated that this plan would be offered to permanent part-time as well and this Board is included. Mr. White explained that there is a flexible spending account available for the employee if they want it. Vice-Mayor Johnson stated that Mr. White has been working with the City for several years and has done a great job at keeping our cost down and thanked him for his service. Mr. White stated that he appreciates working with the Commission. All were favor. CFO Pewitt stated that the program implements on November 1st and the meeting to sign up and make changes will be next week.
- C. Discuss and/or Take Action on Recommendations from the Park Board – Mayor Totty stated that at the Park Board meeting a motion was made that recommendation be

made to the Board of Commissioners to request action by the Board of Commissioners to put focus on the completion of the approved forestry plan and that was her motion. Commissioner Carroll seconded. Mayor Totty stated that it was the concern of the Park Board over the tarring along and the timing of getting completed and the cost involved. She stated that the ultimate goal was to look at a test site of three plots with three different projects to then look at how we want to address the full project which was recommended by the state forestry which is a requirement of the conservation easement that we have an active forestry plan in place and that we have a plan of action of taking care of the wellness of the park and the park's future. Commissioner Bissell amended the motion to ask the Interim City Manager to get with the Director and at the next meeting provide us with a firm decision or we defer it to the spring time, whatever we need to do to have a definite plan. Mayor Totty seconded. Vice-Mayor Johnson stated that maybe we should go back to the original proposal and have it done the way the state said we need to do it and put the money in the Bowie Fund. All were in favor of the amendment. The original motion was negated.

- D. Discuss and/or Take Action on Recommendations from the Public Safety Committee – City Attorney Cantrell stated that Williamson County passed the Interlocal Agreement on Monday night and that there are two parts to this, the first part of that was procuring some sort of relief for the police department relative to the pistol range with the WADC. He stated that he has the contract that the WADC and the City approved and when he started reading through it he had a few questions, the recommendation from the Committee was to move forward on obtaining some relief on this and what he would like to do is get with Chief Harris and Captain Sutton and put together something and then bring it back to this Board to get the approval. The second part is that the Safety Committee considered the Interlocal Agreement authorizing the Mayor to sign the agreement on behalf of the City and it was a unanimous recommendation of the Public Safety Committee to approve the Interlocal Agreement for Automatic Response of Fire Rescue and EMS Services and to approve the resolution 19-13 authorizing the Mayor to sign the agreement. Commissioner Bissell made a motion to approve. Vice-Mayor Johnson seconded. Mayor Totty read the caption of the resolution. All were in favor. Commissioner Bissell made a motion to approve the Interlocal Agreement. Commissioner Sutton seconded. All were in favor.
- E. Discuss and/or Take Action on Insurance Claim on Police Vehicle Involved in Accident – CFO Pewitt stated that one of our officers came in contact with a deer on 840 recently and once TML, our insurance company, reviewed it they decided that the vehicle was a total loss and they have given us two options and City Attorney Cantrell advised that since the options were over \$10,000 that we needed the Board's approval. The choices are that we keep the vehicle and they pay us the value or they keep the vehicle and they pay us the value, there is about a \$350 difference and it is the police department's recommendation that we allow the insurance company to keep the totaled vehicle after we remove the equipment, this vehicle was bought out of the drug fund so the money will have to go back into the drug fund. Commissioner Bissell made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- F. Discuss and/or Take Action on Recycling Rebate – CFO Pewitt stated that Mr. Hyatt was working on this before he left, this is a matching rebate we get \$578 and we have to match it with \$578 and he had been in contact with Dr. Oyer at the High School and I have since spoken with her and she would like to have some containers bought to put at the football stadium concession stand and the new concession stand by the baseball field and a few small containers in the school which would reach a total of roughly \$1,200 and this has to be submitted by Monday and asking for approval to move forward with the grant. Commissioner Bissell made a motion to approve. Commissioner Carroll seconded. All were in favor.
- G. Discuss and/or Take Action on Municipal Floodplain Zoning Ordinance – Deferred
- H. Discuss and/or Take Action on the Town Hall Meeting Being Cancelled on October 31, 2013. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – None

B. Staff Comments –

Codes Director Donn Lovvorn stated that we have received a letter from the Department of Transportation regarding our TPS funds that we were requesting extension on obligating for our resurfacing project; we got the letter back from Paul Degges stating that they have approved our request to extend it, they have only extended it through December 31, 2013, we are still under the same constraints because of the NEPA process that we are in right now, it is still in TDOT's hands and we haven't heard anything back from them on the NEPA phase, until we can get a notice to proceed to the next phase we can't proceed forward, the next phase would be the design phase and until we can get a clearance from the NEPA and a notice to proceed for the design we can't proceed forward and the money that we are really needing to get obligated is the construction. We got a notice to proceed for the Roadscapes project and we will be getting with Lose and Associates for that design phase the first on next week.

Park Superintendent Keith Paisley – Stated the first item is the Haunted Woods Carnival of Lost Souls will be happening on October 25th and 26th from 7:00 p.m. until 11:00 p.m. the cost is \$10 per person, leaf pick up service starts November 4th and if anyone is needing leaf pick up right now they can bag them up and call us and we will be happy to come and pick them up and please use biodegradable bags and lastly he thanked the Chamber for giving them the donation and stated they will put it to good use probably towards programming.

Chief Cooper – Stated to Commissioner Jones by whatever method you can communicate to your constituents on our agreement with the County now that it is in writing, some of the insurance companies have honored that and your constituents can take care of that on the ISO rating and on our side of that we have a County fire truck stationed inside the City and he wants credit for that and that is why that has to be in writing and that is why we passed that tonight, ISO said that they know we have been doing that for thirty years but it is not in writing and we need it in writing. One other thing is this is breast cancer awareness month and we have undated the design of our t-shirts by using a hose for the design and the firefighters paid for these and they are \$15 a piece and we have sold over 100 so far and all of the profits go to the cause and they are on sale now.

- C. City Attorney Comments – stated that he respectfully request that the Mayor, Chief Cooper and Theresa stay for just a couple of minutes after the meeting so we can get the Interlocal Agreement executed so he can mail that off to the County Attorney in the morning. There is one other piece of information he wanted to pass out, the City is not directly involved in this but just in case you hear something about it that you will be knowledgeable, he received a copy this week of an attempt, he thinks, at a class action federal law suit, it was filed by an inmate in the Williamson County jail against a former officer of the City of Fairview it was filed pro se and after reading it several times he has ascertained that the City is not a defendant and they were not named in the suit, TML has assigned Dan Noland to defend the former police officer and I have communicated with Mr. Noland and he has also read the complaint and he has also ascertained that the City is not a defendant. Commissioner Sutton asked where we are on the final beer violation that went to chancery court. Mr. Cantrell stated that he had asked the Chief to find out what the outcome was on the court case and he has not heard back from the Chief.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton stated to the former acting City Manager Ms. Pewitt that he wanted to commend her on the job that she has done in this short period of time and he knows she has a full time job all the time and to take this on we

really appreciate your help, he congratulated City Manager Hall and stated that he was sure he will work well with Crystal and all the other directors here.

- B. Vice-Mayor Johnson thanked Crystal for what she has done in the last couple of weeks and asked her to send an interoffice memo to the department heads that he is going to call an 8:00 press conference in the morning and would like all the employees that can to be here and it will be on the front steps and he will introduce Mr. Hall and give a short address. He asked to also send an email to Nancy.
- C. Commissioner Bissell stated that he would like to congratulate Mr. Hall and that he thinks he will do a fine job and he looks forward to working with him in that capacity and stated that he appreciated everyone that stepped up and offered their interest in the position and he encouraged everyone to come out to Haunted Woods and see the clowns.
- D. Commissioner Carroll congratulated Mr. Hall and stated that he will do a great job for the City and she appreciates everybody that took the time to apply and clarified that he will be starting next Monday and stated that our department heads will continue to do a fine job no matter who is in and she knows that they will be happy and willing to work with Mr. Hall.
- E. Mayor Totty thanked Ms. Pewitt and stated that she did an amazing job, she stated that she appreciates all the people that stepped forward to serve the City in the way that they have and welcomed Mr. Hall and stated that she looks forward to working with him as they process through making Fairview a better place.

11. Mayor Totty asked for adjournment.

- A. Commissioner Bissell made a motion to adjourn. Vice-Mayor Johnson seconded. All were in favor. The meeting adjourned at 9:59 p.m.

Theresa Porter
City Recorder