

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

November 5, 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 (arrived late)

Others Present: Hall, Cantrell, Daugherty, Johnson, Paisley, Sutton, O'Neal

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

A. Prayer and Pledge by Mayor Carroll

2. Approval of the Agenda – Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. Mayor Carroll noted the request for the addition of Item 10K and 10L as a hearing for approval of addition and Discuss and/or Take Action on Approval of Walmart Grant. Commissioner Crutcher made a motion for approval of agenda as amended with Vice Mayor Sutton seconding. All were in favor.

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

A. Dennis Hughes of 7107 Fernvale Springs Way as part of the HOA of Fernvale Springs – Hughes states this development was started in 2002 and was supposed to be 36 condos and a clubhouse by Mangrum construction. Hughes states they have had issues from water runoff, no final paving, sewer pads conflict with parking spaces and can't believe the developer got final approval on the project. There was no bond for the streets and per the records the bond kept getting waived. There are 14 unfinished lots that were recently purchased. Hughes is asking the Board for any help available trying to figure out what happened in the past and for things to be completed properly. (Commissioner Johnson entered during Mr. Hughes comments)

B. Carolynn Remington from the FHS Band Boosters notes they are raising funds for new uniforms noting their existing uniforms are 12-13 years old and the typical life of a uniform is about 10 years. The band membership has really grown in recent years and this year they even had to borrow a couple uniforms from Spring Hill. The cost for new uniforms is \$400 each and they are looking for any support available. Band boosters have been working hard selling fruit, pecans, band spirit items and have about \$10,000 in savings but need about \$40,000.

4. Awards and/or Recognitions –

A. City Manager Hall introduces Allen Lovett, EMS director and long-time friend of the Starks. Lovett recalls years of service to the community by the Starks including the fire department, library, Western Auto business, local government, volunteer organizations, as well as the pivotal role they played in obtaining the park for the city and their commitment to protecting it.

5. Public Announcements –

A. City Manager Hall issues a reminder about weekly emissions testing every Monday and Tuesday from 7:30 am until noon

B. Commissioner Crutcher notes a big playoff football game Friday at Fairview High School

C. Mayor Carroll reminds everyone that Wednesday is Veterans Day and there will be a parade in Franklin. Carroll thanks veterans for their service and notes she looks forward to a local program honoring vets next year at Veterans Memorial Park.

- D. Vice Mayor Sutton states locals Lane and Carter Johnson will play music at Nashville Palace Friday night.

6. Staff Comments –

- A. City Manager Hall (as Interim Codes Director) states he is meeting with Royal Arms, gun manufacturer from California, tomorrow about a possible relocation here. Hardees has been approved and he looks forward to receiving the final plans soon and is looking toward the November 16 deadline for a 95/5 grant Ron Rowe and Scott Tucker are working on an application for to close the gap on the sidewalks on the south side of Highway 100 between TSC and Walmart.
- B. City Recorder Johnson notes citizens have two options for assistance with taxes. One is the tax freeze program for elderly and this is administered through the county trustee's office. The other is tax relief, a state program, which you must qualify for each year.
- C. Finance Director Daugherty states the auditors will be present at the November 19 meeting for the 2015 audit presentation. Daugherty notes there are two findings that will be presented. One put us over budget by \$227,000 from the resurfacing grant. According to the auditor and comptroller grant funds must be included even if an invoice has not been received yet (as was this case). The second item is our stabilization plan states State Street Aid funds will be separated by the end of fiscal year 2015 while I thought it said 2016. We were not in the financial position to separate funds at the end of 2015. They will also address some information on conflict of interest.
- D. Assistant Police Chief Sutton notes the Police Department has met their shop with a cop financial goal and they are now looking for nominations on families to assist for the holidays. He asks residents to contact Lieutenant Pat Stockdale to nominate families who need help.

Commissioner Crutcher made a motion to suspend the rules and hear item 10J out of order seconded by Bissell and all were in favor.

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 15, 2015 Board of Commissioners Public Hearing
- B. Approval of the Minutes from the October 15, 2015 Board of Commissioners meeting
- ~~C. Second and Final Reading of 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)(pulled to discuss at Item 9D)~~
- D. Second and Final Reading of 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

Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. Commissioner Crutcher requested the removal of item C from the Consent Agenda to Item 9D. All were in favor.

9. Old Business

- A. Discuss and/or Take Action on Employee Health Insurance Benefits – Finance Director Daugherty reviews his research on retirement health benefits from neighboring municipalities. Vice Mayor Sutton makes a motion to provide insurance for employees with 30-plus years of service and age 60 as if employed plus spouse to aged 65 with Bissell seconding. Attorney Cantrell states this is no direct conflict of interest because although insurance is extended to Board members no retirement is available but they should disclose relatives employed by the City, whether they have a direct or indirect interest and whether they intend to vote. Commissioner Bissell states he has no direct or indirect interest, his son is employed by the City and he intends to vote. Commissioner Johnson states he has no direct or indirect interest, his wife is employed by the City and he intends to vote. Vice Mayor Sutton states he has no direct or indirect interest, his son is employed by the City and he intends to vote. After discussion Sutton removes his motion. Bissell makes a motion to take no action and leave the policy as is seconded by Crutcher. Vice Mayor Sutton amended the motion that retirees pay the current employee rate (no second). Crutcher stated he thought the issue was the gap in insurance for the retiree and spouse were preventing retirement.

Bissell withdrew his motion. Bissell made a motion to keep the current policy except to add availability to spouses at the rate of 50% of the current premium if they are already on the insurance at the time of retirement with Commissioner Johnson seconding. Crutcher amends the motion this policy is only for current employees with no retirement benefits for any employee hired after today seconded by Commissioner Bissell. Bissell amends the motion to state the spouses must have been on the insurance for a period of five years prior to retirement to be considered for post-retirement coverage seconded by Crutcher. Vote on the second amendment: FOR: Bissell, Crutcher, Johnson, Sutton; AGAINST: Carroll. Motion passed. Vote on the first amendment: FOR: Bissell, Crutcher, Johnson, Sutton; AGAINST: Carroll. Motion passed. Vote on the original motion: FOR: Bissell, Crutcher, Johnson, Sutton; AGAINST: Carroll. Motion passed.

- B. Discuss and/or Take Action on Approval of Bid for Maintenance Building – Parks Director Paisley requests approval on the bid from Lot of Faith at \$14,360 noting the building has Land Trust approval. Commissioner Johnson makes a motion for approval with Vice Mayor Sutton seconding. Commissioner Bissell states he has no director or indirect interest noting his son is an employee for full disclosure and he intends to vote on the item. After some discussion on previously approved items to be paid for out of the Park Fund it was determined there is approximately \$66,000 worth of approved but not completed projects and the amount available in the fund is approximately \$165,000. FOR: Bissell, Johnson, Sutton; AGAINST: Carroll, Crutcher. Motion passes.
- C. Second and Final Reading of 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) – Vice Mayor Sutton read the caption. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. FOR: Bissell, Johnson, Sutton; AGAINST: Carroll, Crutcher. Motion passes.
- D. – Mayor Carroll read the caption, Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. Commissioner Crutcher verified the amount of the amendment is \$16,000 total and all were in favor.

Commissioner Bissell makes a motion to suspend the rules and hear item 10E out of order seconded by Vice Mayor Sutton and all were in favor.

10. New Business

- A. Discuss and/or Take Action on Resolution No. 34-15, A Resolution of the Governing Body of the City of Fairview, Tennessee, Authorizing the Issuance, Sale, and Payment of Short Term General Obligation Notes Not to Exceed \$349,384.00 – Finance Director Daugherty explains the GAN approval from the state expired but everything with the bank is OK. We need to approve a new resolution and the state prefers to use this verbiage of general obligation notes rather than grant anticipation note. Commissioner Bissell makes a motion for approval with Commissioner Crutcher seconding. All were in favor.
- B. Discuss and/or Take Action on Bill #2015-40, Ordinance No. 905, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-102, "Role of the Planning Commission" – Vice Mayor Sutton read the caption. Attorney Cantrell explains the Design Review Manual is approved by the Planning Commission as their document and upon review with the City Engineer discovered a few provisions against the Design Review Manual intent. This is housekeeping to clean that up. Vice Mayor Sutton made a motion for approval with Commissioner Crutcher seconding. All were in favor.
- C. Discuss and/or Take Action on Bill #2015-41, Ordinance No. 906, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-103, "Design Review Manual" – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Bissell seconding. All were in favor.
- D. Discuss and/or Take Action on an Application for Rezoning Property off Tiger Trail from RS-40 (Residential) to R-20 PUD Overlay (Residential/Planned Unit Development) at Map 042, Parcel 28.00, 15.49 Acres, Owner: Benny Sullivan – Vice Mayor Sutton read the caption. Commissioner Crutcher made a motion for approval seconded by Vice Mayor Sutton. Attorney Cantrell notes this is for permission to prepare the documents. Cantrell stated the Planning Commission approved conditional on the county getting the documents for turning over Tiger Trail as a city road. No vote needed.
- E. Discuss and/or Take Action on Uniforms for Fairview High School Marching Band – Vice Mayor Sutton states he recently heard of the need for new uniforms and can personally attest to the

boosters hard work at raising funds. Sutton makes a motion to match funds raised by the boosters between now and January 1. Commissioner Crutcher asks how much is in the school facilities account and Finance Director Daugherty states the way it is accounted for it is currently in the red but we are bringing in between \$12-17,000 monthly and could set the amount aside. Mayor Carroll argues the purpose of the stabilization fund is to build back our reserves. Sutton questions how much is in the account and Daugherty replies he has \$72,000 in a LGIP account with \$65,000 of that to pay for the library addition. Crutcher asks band booster representative, Carolynn Remington, what the latest date is they need to know about funding to get the order in for next school year and Remington states June. Crutcher makes a motion to defer until May when we will be in a better position to decide if we can commit with Mayor Carroll seconding. FOR: Bissell, Carroll, Crutcher, Johnson; AGAINST: Sutton. Motion passed.

- F. Discuss and/or Take Action on Re-bidding Deer Ridge Property – City Manager Hall states he has someone interested in purchasing the Deer Ridge property and wants permission to go to bid again. Commissioner Crutcher asked what the original purchase intent was and Hall states for a fire hall with the county but they built one by Pinewood school so the property is no longer needed for that purpose. This new interest would bring a new business to town. Hall states we paid \$130,000 and it was discussed that we should want to get more than we paid for it. Commissioner Johnson made a motion to go to bid at a minimum price of \$160,000 seconded by Commissioner Crutcher. FOR: Carroll, Crutcher, Johnson, Sutton; AGAINST: Bissell. Motion passed.
- G. Discuss and/or Take Action on Replacing Police Department Personnel – City Manager Hall states one officer resigned and he asked permission to replace the officer. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.
- H. Discuss and/or Take Action on OpenGov Contract Renewal – Commissioner Crutcher notes per discussions OpenGov is working on a four month addition to our contract so we aren't necessarily up against a deadline. Commissioner Sutton asks what has been done since our last discussion and Daugherty notes he has a meeting scheduled Monday with a goal for internal launch Monday to prepare for public launch within a couple weeks. Commissioner Bissell makes a motion to cancel the contract seconded by Commissioner Johnson. Attorney Cantrell states if we cancel notification needs to be sent via certified mail return receipt requested. Mayor Carroll states she hates losing the \$3,500 we have spent asking if there is any way to salvage. Daugherty discusses what he has been working on. After further discussion, Vice Mayor Sutton calls the question and all were in favor.
- I. Discuss and/or Take Action on Confirmation of Park Board Appointment from Planning Commission – Vice Mayor Sutton states the Planning Commission recommends appointing Mitch Dowdy to the Park Board. Commissioner Bissell makes a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- J. Discuss and/or Take Action on Renaming Bowie Nature Park Trail in Honor of John and Gerry Stark – City Manager Hall recalls the dedication of a custom built bench in the Stark's honor a few weeks ago which spawned the idea of renaming Sycamore Springs Trail to Stark Springs Trail in their honor. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- K. Discuss and/or Take Action on Addition to Agenda (Walmart Grant) – Attorney Cantrell asks Assistant Chief Sutton why the Board needs to add this item. Sutton notes this is a request to approve a non-matching \$2,000 grant from Walmart to pay for a one year subscription to Leads Online service which is an investigative tool for identification and recovery of stolen goods. We have the check in hand and are not obligated to continue the service after one year. Commissioner Crutcher makes a motion to add to the agenda based on exigent circumstances seconded by Commissioner Johnson. Vice Mayor Sutton states he has no direct or indirect interest, discloses his son is an employee and he will vote on this item. All were in favor.
- L. Discuss and/or Take Action on Approval of Walmart Grant – Commissioner Bissell makes a motion for approval seconded by Commissioner Johnson. Attorney Cantrell notes he has the contract for the subscription received only this afternoon by Assistant Chief Sutton. After a brief recess to review the contract Cantrell notes the only item he doesn't like is it applies Texas law which is not uncommon. All were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states we are getting good activity on census returns, notes City Hall and the Nature Center will be closed next Wednesday for Veteran's Day and read a thank you card from citizen Becky Fitzgerald.
- B. City Attorney Comments – Attorney Cantrell explains for the ethics issues noting it should be done and there has been a recent push about it. Cantrell notes that not all votes will require disclosure.

11. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell states he thinks the ethics issues are much ado about nothing but if Attorney Cantrell thinks it's what we need to read we will. Bissell notes he believes the problem is focusing on the minors rather than the majors.
- B. Commissioner Crutcher reviews items to be placed on the next agenda: nepotism policy, agenda sponsorship and City Manager Hall's list of approved projects with discussion to include time frame limits for completion
- C. Commissioner Johnson thinks Cantrell is doing the right thing on ethics and also agrees with Bissell stating he thinks most people know that there are employees who are family members of Board members. Cantrell notes he doesn't disagree but if there wasn't disclosure and a vote was challenged it might have to be thrown out. Bissell states it's rather odd that many relatives work in offices of state, county, and federal government officials and from his research doesn't see them thinking this applies to them for the stuff we vote for – budgets, purchase of equipment, etc. Crutcher notes that is why he is asking for a review of the nepotism policy. Johnson states it could make it where you can't select the best candidate for a position out of the pool and then a policy could work adversely. Crutcher states we need a better policy from an HR standpoint and we shouldn't be having these conversations about conflict of interest. Crutcher states that any policy would be prospective. Johnson asks if that should apply to the county as well. Crutcher states they do have a policy and we need to remove the perception by citizens at large that something unseemly is going on. Mayor Carroll asked if we could move on and wait for the discussion until the next agenda.
- D. Vice Mayor Sutton – no comments
- E. Mayor Carroll stated she had 35 minutes and Commissioner Bissell stated the comment was uncalled for as each night they sit and listen to discussion and don't comment. Carroll stated she didn't mean any disrespect but this will be on the next agenda. I gave a fair amount of time and y'all had discussion and as chair of the meeting I thought it was time to move it along.

12. Adjournment – Commissioner Johnson made a motion for adjournment and meeting was adjourned at 10:24 p.m.

Brandy Johnson
City Recorder