

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

November 6, 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

1. Call to order by Mayor Totty at 7:00 p.m.

A. Prayer and Pledge led by Mayor Totty.

2. Approval of the Agenda – 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). –

A. Jewel English, representative of Fairview Titans Jr. Pro, notes the Fairview Titans are seeking donations as the team travels to Knoxville to play in the Rocky Top tournament. There are 16 team members who want to go and it will cost approximately \$300 per child. If anyone is able to donate contact coach Avion Black or Ms. English at 703-447-4261. Deadline for donations is November 21.

4. Awards and/or Recognitions –

A. Jon Cherry, president of the Fairview Chamber of Commerce, presents a \$500 check to Major Fultz of the FHS JROTC as thanks for their assistance at Nature Fest. Cherry also presents a \$500 check to Parks Director Keith Paisley noting the Chamber appreciates the hard work of city staff and their assistance at Nature Fest.

5. Public Announcements –

- A. City Manager Hall reminds of emissions testing every Monday and Tuesday from 7:30 am until noon.
- B. Mayor Totty notes there are many upcoming events where volunteerism is needed and suggests everyone review the Observer for details on these events.
- C. Commissioner Carroll mentions the Fairview Middle School pancake breakfast and bazaar and to check the paper for details.

6. Approval of the Minutes –

- A. Approval of the Minutes from the October 16, 2014 Public Hearing – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.
- B. Approval of the Minutes from the October 16, 2014 Board of Commissioners Meeting - Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. All were in favor.

7. Old Business –

- A. Discuss and/or Take Action on Second Reading of Bill #2014-26, Ordinance No. 848, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-602 "Tax Established" – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Bissell seconding. Attorney Cantrell states this is to raise the facilities tax from 50 cents to 75 cents for commercial. All were in favor.

8. New Business –

- A. Presentation by Jessica Wilson, TDOT, on Multi-Use Path Grant – Codes Director Humber introduces Wilson and notes this grant would add a path between Cumberland and Glenhaven. Wilson shares her presentation of photos of existing projects and explains the funding available and its potential benefits for the community. Through discussion it was clarified that this is not part of an existing grant and the Board asked to request the maximum amount of funding with the city's match being \$50,000 max of the 95/5 grant.
- B. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7161 Cox Pike, from RS-40 to TCOD, Richard & Denise McCord, owners – Mayor Totty reads the caption and City Attorney Cantrell states he is asking for authorization from the Board to proceed with creating documents for these 7 rezonings. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. Humber explains the Town Center Overlay District designation that the property owners are seeking is already planned for in the master plan and they are requesting the change to allow for future projects. Commissioner Carroll asks if Humber has met with all the individuals and he confirms he has and the rezoning is at their request. All were in favor.
- C. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7159 Cox Pike, from RS-40 to TCOD, Roger & Debby Lampley, owners – Mayor Totty read the caption. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- D. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7119 Cox Pike, from RS-40 to TCOD, Elton & Deborah Hall, owners – Mayor Totty read the caption. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- E. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7151 Cox Pike, from RS-40 to TCOD, Elton & Deborah Hall, owners – Mayor Totty read the caption. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- F. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7114 Wiley Circle, from RS-40 to TCOD, Roger & Debby Lampley, owners – Mayor Totty read the caption. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- G. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7112 Wiley Circle, from RS-40 to TCOD, Roger & Debby Lampley, owners – Mayor Totty read the caption. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- H. Discuss and/or Take Action on Planning Commission Recommendation for Rezoning Application for Property Located at 7169 Cox Pike, from RS-40 to TCOD, Margie McCord, owner – Mayor Totty read the caption. Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
- I. Discuss and/or Take Action on Loan Agreement from First Bank for Resurfacing Grant GAN– Attorney Cantrell explains this is the loan agreement to back up the Grant Anticipation Note that has been voted on. He continues that he would like for the Board to consider including in their motion allowing the Mayor to sign any ancillary documents that coincide with this agreement. Commissioner Bissell makes a motion to approve the loan agreement and have the Mayor sign any ancillary documents with Commissioner Sutton seconding. Mayor Totty asks for updates on the project and Humber states bid

opening will be on November 18 at 1:00 pm. Daugherty states he expects approval from the Comptroller soon on the GAN. All were in favor.

- J. Discuss and/or Take Action on Resolution No. 17-14, A Resolution to Adopt a Stabilization Plan for the City of Fairview, Tennessee – Vice Mayor Johnson read the caption and makes a motion for approval with Commissioner Sutton seconding. There were no changes from the previous review of the plan and all were in favor.
- K. Discuss and/or Take Action on Bill #2014-30, Ordinance No. 852, An Ordinance Establishing a Fund Balance Policy for the City of Fairview, Tennessee – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Bissell seconding. Bissell notes there were a couple of minor word changes but the figures remain the same. Mayor Totty states this is a great start and she appreciates the diligence of all involved. All were in favor.
- L. Discuss and/or Take Action on Bill #2014-31, Ordinance No. 853, An Ordinance to Aid in Establishing a Healthy Workplace for the Employees of the City of Fairview, Tennessee, by Addition to the Municipal Code, Title 4, of a New Chapter and Section, Chapter 5, Section 5-101, “Healthy Workplace Act”. – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. Cantrell states in the 108th convening of the state legislature they passed Public Chapter 997 known as the Anti-Bullying Act and Tennessee is the first state to pass a statute of this nature. He states the state is developing a model policy to be ready by March 1, 2015 and this is to act as a policy in the meantime. If municipalities adopt the state’s policy they will be immune from lawsuits of intentional infliction of mental anguish. Cantrell notes he wanted to get something in place before the model policy is developed but we will review again at that time. He continues stating he believes that this temporary policy will satisfy the legislature until the model policy is released. It was noted that this information will be included in the planned revisions to the employee policy book. Totty asks if this covers the Board and Cantrell states they are covered elsewhere unless they are an active participant or go out of their official capacity. All were in favor.
- M. Discuss and/or Take Action on License Agreement for Roadscapes Grant – Mayor Totty read the caption. Cantrell states he reviewed the contract and notes that the start and end date will be filled in by the last person to sign the contract (the State) and this was verified by City Recorder Johnson. Commissioner Bissell made a motion for approval with Commissioner Sutton seconding. Cantrell adds that he reviewed and there was not an indemnification or hold harmless clause. All were in favor.
- N. Discuss and/or Take Action on Services for Transparency – Mayor Totty states she asked for this to be revisited. Vice Mayor Johnson states he is trying to schedule a presentation with the OpenGov representative. Totty states she reviewed the information she received and does not believe it is an apples to apples comparison. Bissell agrees it is not the same level of service and notes he is looking for three factors; 1) input data once and the software has the capability to deliver the information in various formats, 2) real time decisions are very important, 3) reliability of the system. No action was taken.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall notes we are beginning work on the employee policy revisions and hope to have everything finalized by late winter. He continues that he is working with MTAS to have customer relations and teamwork training for employees soon. Hall discusses a dangerous situation at the Fairview Elementary playground and its proximity to Old Franklin Road. Hall is working with the school board to get a guardrail in place but in the meantime we have put two new signs in place that will hopefully help slow traffic in the area. Hall congratulates Carroll and Crutcher on their victories and wishes Mayor Totty the best in future endeavors.
- B. Staff Comments – NONE
- C. City Attorney Comments – Cantrell notes it is correct that the current members of the Board remain in place until the new are sworn in. Cantrell congratulates those elected and notes he appreciates the opportunity to work with Mayor Totty. He thanks the Board for passing the anti-bullying ordinance noting that he feels confident in having that in

place. He thanks the staff, CFO Daugherty and Recorder Johnson for their efforts in assisting him on the paperwork for the loan agreement.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell – asks the City Manager to ask the City Attorney to look at instituting a consent agenda to allow the Board to move through meetings more quickly. Bissell congratulates Carroll and Crutcher on their victories and thanks Mayor Totty for her energy and efforts during her tenure of office.
- B. Commissioner Sutton – concurs on Bissell's words to Mayor Totty and thanks her for her service. Sutton congratulates Carroll and Crutcher and notes he appreciates Frank Walker and Jeff Mangrum's efforts in running for office noting he has encouraged both of them to step into other functions of the city.
- C. Vice Mayor Johnson – echoes the comments of Bissell and Sutton thanking Totty for her service and congratulating Carroll and Crutcher.
- D. Commissioner Carroll – states she didn't expect to do this tonight but that it is hard to imagine serving without Totty who has so much spirit, character and desire to reach out to the community. Carroll states she is excited for Crutcher to join the team. To Vice Mayor Johnson Carroll states she knows elections are hard but she appreciates the fact that she knows they can work together and their relationship was not severed by the race. She looks forward to serving the citizens.
- E. Mayor Totty – states she has no speech but is honored to have served and will continue to serve. Totty continues that it has been an amazing experience with a lot of learning.

11. Adjournment – Commissioner Bissell made a motion for adjournment with Commissioner Sutton seconding. All were in favor and meeting was adjourned at 8:29 p.m.

Brandy Johnson
City Recorder