

City of Fairview

BOARD OF COMMISSIONERS

November 15, 2012

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

Present: Totty, Bissell, Johnson, Carroll, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Harris, Cooper, Pewitt, Holsinger

- 1. Mayor Totty called the meeting to order at 7:00 p.m.**
 - A. The prayer and pledge were led by Donn Lovvorn.
- 2. Swearing in of Elected Officials –** Vice-Mayor Bissell stated that the election did not get certified so items 2 and 3 will need to be deferred to the December 6, 2012 meeting.
- 3. Election of Vice-Mayor –** Deferred to December 6, 2012.
- 4. Approval of the Agenda –**
 - A. Commissioner Sutton made a motion to approve the agenda. Commissioner Johnson seconded. All were in favor.
- 5. Citizen Comments – (Limited to the first five (5) citizens to sign in and a limit of three (3) minutes each). –**
 - A. Dr. Neil Rice congratulated the election winners. He stated he had two requests: the first request is for someone to arrange for him to meet with the architect firm regarding the lights for Triangle School. He stated that they were from old schools and he would like to offer some suggestions. The second request is that the upcoming antique auction be placed on the city website.
- 6. Awards and/or Recognitions – None**
- 7. Public Announcements –**
 - A. City Manager Hyatt announced that City Hall will be closed on Thursday November 22, 2012 and Friday November 23, 2012 in observation of Thanksgiving.
 - B. Mayor Totty announced that Thursday November 29, 2012 there will be a Town Hall meeting at 7:00 p.m. at City Hall.
 - C. Mayor Totty announced that Saturday December 1, 2012 is the annual Christmas Parade and this year's theme is Miracle Down the Boulevard.
 - D. Mayor Totty announced that Saturday December 1, 2012 is the annual tree lighting ceremony at City Hall.
 - E. Commissioner Sutton recognized the Jr. ROTC.
- 8. Approval of the Minutes –**

- A. The minutes for the October 18, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion for approval. Commissioner Johnson seconded. All were in favor.

9. Old Business –

- A. Update on City of Fairview Projects – City Manager Hyatt stated that the street lights along Fairview Blvd started getting installed as of today. The Evergreen Lake cleanup project will begin in mid-January. The bidding out for the widening of Bowie Lake Road will be sent out on January 15, 2013.
- B. Presentation from Windstream on Upgrading Communications – Director Lovvorn introduced Shannon McGee and Jonathan Kirby. Jonathan Kirby gave his presentation and stated that they can build a wide area network for locations thru out the city on to a privatized network, install new phone sets to call between locations and transfer calls to other locations. They are also proposing to install a network firewall, which will give a better security level and secure remote access. Includes disaster recovery applications; in case of a disaster and the land lines are down it will give us the ability to transfer incoming calls to a cell phone. New technology to go on the internet and transfer the calls to your cell phone or to a different location. Director Lovvorn stated that from what he understands Comcast cannot give us the security that Windstream can, you can't do the voicemail to emails but Comcast would still do the tv service but not the internet. Mayor Totty made the motion to defer this to the next meeting to allow time for more information and to find out the compatibility with the new upgrades to the Commission Chambers. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or Take Action on Welcome Signs – City Manager Hyatt stated that last Thursday we had one sealed bid turned in on time and one turned in after 2:00 and according to state law we cannot accept anything after the advertised time. The bid was from Kerry G. Campbell, Inc. for \$118,000. We spoke with Mr. Griggs and we all felt like that was too high and staff is going to recommend that you reject the bid and look at staff doing the signs or including it in the Roadscape project. Vice-Mayor Bissell made a motion to reject the bid. Commissioner Sutton seconded. All were in favor.
- D. Discuss and/or Take Action on TDOT Roadscape Project – City Manager Hyatt asked the Board in light of the sign discussion if they wanted to table this item until staff could come back with some figures on the signs. Commissioner Johnson made a motion to defer until we get information back on the signs. Commissioner Sutton seconded. Director Lovvorn stated that if the signs are in the TDOT right of way they would have to be a break a way design and the design would be included at no charge in the grant. All were in favor.
- E. Discuss and/or Take Action on City Manager Contract – Vice-Mayor Bissell stated that he has a two year contract for the City Manager and is resubmitting it to the Board for reconsideration. The only change from the one in the packet is that it is for two years instead of four. There are two new items or changes and that it's not only that we want to retain his employment it's that he is required to receive the Board's permission to look for another position. That we are investing our time, money and efforts into him that he in turn is not out looking for a job someplace else, which would put us in a bind. The other provision such as pay, severance package, such as that will remain as to what we have already approved, the only provision to that is that if he did a better than average job we can give him a higher percentage raise. Vice-Mayor Bissell made a motion to approve. Commissioner Sutton seconded. City Manager Hyatt stated that he was concerned about one statement in section 9 (d) This contract reaches its date of expiration and no contract extension is

executed and no agreement is reached to retain the employee as a hold over in the position. Any termination procedure pursuant to this section shall conform to and be in accordance with Charter and T.C.A. 6-21-101. He then stated that the Board is basically putting him on a two year notice. Commissioner Carroll amended the motion to go to a workshop and discuss the contract and the terms. Commissioner Johnson seconded. Commissioner Johnson asked City Manager Hyatt if he would be in favor or against the contract as it is presented tonight. City Manager Hyatt stated that he would be in favor. The workshop was set up for 6:00 p.m. on December 6, 2012. *FOR:* Totty, Carroll, Johnson, Sutton *AGAINST:* Bissell Mayor Totty called for a roll call vote on the original motion. *FOR:* Bissell *AGAINST:* Johnson, Totty, Carroll *ABSTAIN:* Sutton

- F. Discuss and/or Take Action on Ad Hoc Committees; Commissioner Placement or Abolishment – Commissioner Bissell yielded the floor to Mayor Totty. Mayor Totty stated that the list of the Ad Hoc Committees was from 2008 and her purpose for this item is to get it updated. Mayor Totty asked the Board to accept the Ad Hoc Committees that are Public Safety, Finance, Insurance, Public Works Streets, Property and Legal. The reason the Parks & Recreation were not selected is because we have a Park Board and there would be a referral to any sub-committee item as the Board of Commissioners deemed fit. Mayor Totty stated that the Finance Committee would be, Mayor Totty and Commissioner Johnson, the Insurance committee would be Commissioner Carroll and Vice-Mayor, Public Works Streets would be Commissioner Carroll and Commissioner Sutton, Property would be Commissioner Bissell and Commissioner Johnson and Legal would be the Mayor and the Vice-Mayor. Public Safety remains the same. Commissioner Johnson made a motion to approve. Vice-Mayor Bissell seconded. All were in favor. Mayor Totty added herself to the Property Committee. City Manager Hyatt asked the Board to designate a chairperson to be in charge of the meetings, the Committee could make that decision.
- G. Discuss and/or Take Action on Consulting with an Architect Firm for Insulation and Wiring at Triangle School – Director Lovvorn stated that in order to get a bid packet for this project we will need plans and specifications and Griggs and Maloney does not have an architect to do these plans so we need to hire an architect firm. Mayor Totty asked why the HVAC isn't included in the wiring plans. Director Lovvorn stated that he has asked for all of those plans and has not received them. Mayor Totty asked what is required. Director Lovvorn stated that the HVAC and the wiring plans need to be stamped by an architect. Mayor Totty made a motion to defer to bring back some architect bids and ask that we have everything needed. Commissioner Johnson seconded. All were in favor.
- H. Discuss and/or Take Action on Employee Deferred Compensation Programs – CFO Pewitt stated that she was here to ask the Boards permission to start the program. She stated that she was asked previously to ask all the employees if they would be interested and she found out that all six employees on the ING program would be interested in switching over to the new plan and thirteen others would be interested in signing up for the new plan. Commissioner Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor.
- I. Second and Final Reading of Bill #2012-14 Ordinance No. 793 – An ordinance to amend City of Fairview, TN, Municipal Zoning Sign Ordinance Section 11-109 "Permanent Signs, Subsection 11-109.2, "Computerized/Digital Signs" – Vice-Mayor Bissell read the caption. Commissioner Carroll made a motion to approve. Commissioner Johnson seconded. Attorney Cantrell stated that he

made a revision that this will take effect as of 6-1-2013 and this ordinance will not go into effect until 15 days after the first reading. All were in favor.

10. New Business –

- A. Discuss and/or Take Action on an Infrastructure Workshop – Commissioner Carroll stated that with the growth of our city and hiring of the new engineer she would like to set up a workshop meeting. Mayor Totty asked if this could tie in to our goals and visions of the five year strategic plan meeting. The Board agreed to set up the meeting for Friday, January 18, 2012 at the Nature Center from 5:00 p.m. to 8:00 p.m.
- B. Discuss and/or Take Action on Appointment of Planning Commission Members – Mayor Totty made a motion to defer this to a later date. Commissioner Sutton seconded. Commissioner Sutton suggested that the applicants attend the Planning Commission meeting on December 11, 2012 and we bring this back to the December 20, 2012 Board of Commissioners meeting. The Board decided to have a workshop before the December 20th meeting at 6:00 p.m. All were in favor.
- C. Discuss and/or Take Action on Bill #2012-15 Ordinance No. 794 – An ordinance to change the zoning of certain property in the City of Fairview, TN, Located at 2725 Fairview Blvd., owned by Fast Pace Medical Clinic, LLC and Richard Reams Powers, Jr., as shown on, the City of Fairview geological listing of assessment roll Map 69, Parcel 60, From RS – 40, to CG (Commercial General) – Vice-Mayor Bissell read the caption. Vice-Mayor Bissell made a motion to approve. Commissioner Johnson seconded. All were in favor.
- D. Discuss and/or Take Action on Resolution No. 16-12 – A resolution to set a public hearing for the purpose of obtaining public comment on changing the zoning of certain property in the City of Fairview, TN, Located at 2725 Fairview Blvd., owned by Fast Pace Medical Clinic, LLC and Richard Reams Powers, Jr., as shown on, the City of Fairview geological listing of assessment roll Map 69, Parcel 60, From RS – 40, to CG (Commercial General) – Vice-Mayor Bissell read the caption and stated that the public hearing would be on December 6, 2012 at 7:00 p.m. here at City Hall. Commissioner Johnson made a motion to approve. Vice-Mayor Bissell seconded. All were in favor.
- E. Discuss and/or Take Action on Financing for the New Fire Tanker – CFO Pewitt stated that back in August or September the Board approved for Chief Cooper to get a new fire tanker. The amount of the tanker is \$178,476.00. TML bond fund and First Bank both offer 2.24% interest on the loan, TML has a loan fee of \$500 and First Bank has a loan fee of \$250. CFO Pewitt recommended going with First Bank because it is local and we would save \$250. Commissioner Johnson made a motion to approve. Commissioner Carroll seconded. All were in favor.

11. City Manager Items for Discussion -

- A. Miscellaneous Updates - City Manager Hyatt wished everyone a happy Thanksgiving and stated that he and his family are thankful for being here and that he is thankful for his staff and all that they do.
- B. Staff Comments –
(1) CFO Pewitt presented the October financials with a power point presentation.
- C. City Attorney Comments – He stated that he reviewed the city manager's contract for the legality of it and there was nothing in there that was illegal. He also stated that the contract could not exceed 4 years. He stated regarding the Triangle School the city should be careful in allowing something outside what our codes requires. He stated that this was his 8th or 9th year working for the city and he is very thankful to be here working for the city. He wished everyone a happy and safe Thanksgiving.

12. Communications from the Mayor and Commissioners –

- A. Commissioner Carroll asked the city recorder to place items on the agenda that have people attending the meeting at the beginning of the agenda.
- B. Vice-Mayor Bissell thanked the people that returned him to this office. He congratulated Commissioner Sutton and Commissioner Johnson on their re-election. He wished everyone a safe and happy Thanksgiving.
- C. Commissioner Sutton stated that he appreciated everyone for the hard work on the election and appreciated being re-elected. He requested for helping hands to please help out if you can. He asked the city manager to include Dr. Rice in the two items he requested. He stated he wants everyone to have a good Thanksgiving.
- D. Commissioner Johnson thanked the citizens for his re-election and stated that he will be starting his 4th term and is very proud to do so. He stated that as far the agenda items go; the Board can move them during the approval of the agenda. He wished everyone a happy Thanksgiving.
- E. Mayor Totty stated that we are blessed and everyone please take the time to count your blessing and she wished everyone a happy Thanksgiving. She announced that the Christmas parade is December 1st at 10:00 a.m. and the theme is Miracle Down the Boulevard. She announced that the Christmas Tree lighting is the same day at 4:30 p.m.

13. Mayor Totty asked for adjournment.

- A. Commissioner Johnson made a motion to adjourn. Commissioner Sutton seconded. All were in favor. The meeting adjourned at 9:25 p.m.

Theresa Porter
City Recorder