

## City of Fairview

**BOARD OF COMMISSIONERS****November 19, 2009**

Ken Brison, Mayor  
 Stuart L. Johnson, Vice-Mayor  
 Eddie Arney, Commissioner  
 Allen Bissell, Commissioner  
 Toney Sutton, Commissioner  
 Shirley Forehand, City Manager  
 Larry Cantrell, City Attorney  
 David Mayberry, Recorder

Present: Brison, Johnson, Bissell, Arney, Sutton

Others Present: Forehand, Cantrell, Lovvorn

**1. Mayor Brison called the meeting to order at 7:03 p.m.**

- A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.

**2. Approval of the Agenda –**

- A. Mayor Brison reported that two items related to change orders for the fire hall construction needed to be added under New Business.
- B. Johnson made a motion to approve the Agenda with the above changes. Sutton seconded the motion. All were in favor.

**3. Citizen Comments – (Limited to the first five (5) citizens to sign in and a limit of three (3) minutes each). – NONE****4. Awards and/or Recognitions – NONE****5. Public Announcements –**

- A. City Mgr. Forehand reminded everyone that the emission testing would be the 2<sup>nd</sup> and 3<sup>rd</sup> Wednesdays in December at the Fire Station on Hwy 96 from 7:30 a.m. to 12:00 p.m.
- B. Commissioner Arney announced that Vice Mayor Johnson's wife had a child on Monday. He and the rest of the Board congratulated him.

**6. Approval of the Minutes –**

- A. Presented for approval were the minutes of the Beer Board Meeting held on November 5, 2009. Arney made a motion to approve the minutes as presented. Sutton seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Board of Commissioners Meeting held on November 5, 2009. Sutton made a motion to approve the minutes as presented. Johnson seconded the motion. Mayor Brison commented that he didn't second the motion for the fire station change orders, as the minutes indicated, and Commissioner Sutton stated that he did. All were in favor of approving the minutes as amended.

**7. Old Business –**

- A. Hiring of Andrew Hyatt as City Manager – Brison stated that they had received a written response from Hyatt accepting the job. Arney made

a motion to formally hire Mr. Hyatt. Sutton seconded the motion and it passed unanimously.

- B. Discuss and/or take action of use of Police Department City-Owned vehicles – Chief Harris began the discussion by stating that there were currently 3 officers living in the City limits. Forehand stated that Travis O’Neal did not actually live in the city limits, he just had a Fairview ZIP code. His plan to allow officers that lived within 10 road miles of the city limits to drive their cars home would affect 7 officers, with the longest distance being 9.5 miles. Johnson then asked how much the City was paying for gasoline. While that was being researched, Chief Harris stated that when officers were allowed to drive their cars home previously, the limit was 25 miles, but that was too far. He added that last week, it took over an hour for an extra officer to make it to the station to get his patrol car due to heavy traffic caused by a fire on the interstate. Forehand then told the Board that the City paid \$2.154 on November 4, the most recent bill available. Johnson made a motion to allow officers living within 10 miles of the City limits to drive their cars home, contingent on the City’s purchase price for gasoline being below \$2.25/gallon. Brison then asked how often fuel bills came in, and Forehand said twice a month. He then observed that this policy could change twice a month whether an officer could take their car home if it was tied to fuel pricing. Bissell then stated that he did not like that we had officers that did not live in the City. He was not for perpetuating anything that indicates it is alright to live elsewhere and draw a salary here. He stated that he could not endorse this during a time of budget cuts and layoffs. Commissioner Arney asked about the K-9 units. Harris stated that they currently drive their vehicles home to take care of the dogs. Arney then seconded the motion. *For:* Brison, Johnson *Against:* Arney, Bissell *Abstain:* Sutton. The motion failed.

## 8. New Business –

- A. Discuss and/or take action on land swap between City of Fairview and Karen Dirske – City Manager Forehand told the board that we need approximately 10,000 square feet of the front of Ms. Dirkse’s property. She has agreed to quitclaim this to the city in exchange for an equal amount of land behind her current property. This land is required to complete the extension of Chester Rd. The City attorney did not see any problems with this exchange. Vice-Mayor Johnson made a motion to approve the surveys and document preparation required to complete the exchange. Bissell seconded the motion. Mayor Brison then recommended that Ms. Dirkse be required to surrender her easement once the road is completed. The City Attorney stated that could be put in the deed when the land swap is completed. All were in favor.
- B. Amend Budget for expenditures related to new Fire Station – Forehand told the Board that the City needed to set up a way of accounting for the expenses related to the new fire station. She presented them with a budget amendment that included a transfer from reserves of \$1.2 million and a contribution from the County of \$120,000. Commissioner Arney made a motion to approve the amendment and Johnson seconded. Commissioner Arney wanted to make sure that spending didn’t get out of hand on the project just because the money had been approved. Forehand stated that all changes and purchases would still go before the Board. All were in favor.

- C. Discuss and/or take action on appointing overseer for Fire Station construction. Commissioner Arney stated that before the Fire Station was approved, he had several conversations about being careful with change orders. He stated that contractors will sometimes look for areas in a bid document that are unclear and leave them out to lower their bid. He proposed that the Properties Committee oversee the building of the Fire Station from this point on. Johnson seconded the motion for discussion. He then asked what the committee, if created, could do to help with the costs and change orders. Arney then cited the lack of information on the change orders. *For:* Arney, Brison, Johnson, Sutton *Against:* Bissell.
- D. Approve change order for fire station to install drain from rear parking lot to detention pond – Lovvorn stated that this change order is a result of the undercutting of the soil. The slopes have now changed, and without this drain the stormwater would flow onto the park property. He stated that he had asked for an itemization on this change order, but had not received one from the contractor. Commissioner Arney asked where the drawings were for this change order. Lovvorn advised him that they had not yet been redrawn, but they would be subject to the Board approving the change. Arney moved to approve the change order, and Sutton seconded. Commissioner Arney then stressed the importance of having proper documentation for anything that they are expected to vote on. Lovvorn then stated that the proper documents could not be obtained for this meeting because Spoon, the architect was currently out of town. Commissioner Sutton then expressed his concern that they keep receiving change orders without the proper explanations or documentation. Forehand then informed the Board that in the future, either the architect or contractor would be present for the meeting, as well as having the documentation on change orders complete before they were submitted. Commissioner Bissell said he was not surprised by change orders because we went with the low bid on the project. He agreed with the other Commissioners that they need more information on the change orders in the future. *For:* Brison, Arney, Bissell, Sutton. *Against:* Johnson
- E. Approve change order to undercut parking lot 120'x40'x2' deep – Lovvorn presented the Board with 2 different quotes, recommending option 2 because it uses rock as part of the fill instead of dirt. The total price on this option is \$17,798. He suggested that the rock would be a better replacement due to the weight of the vehicles. Vice-Mayor Johnson then asked why the cover page of the document did not agree to the totals presented. Lovvorn stated that the cover page was the price of option 1, which he did not recommend. The contractor did not provide him with a total page for option 2, but the total was calculated by Lovvorn based on the figures provided to him. Commissioner Arney then asked how the 2' depth was determined. Lovvorn said that depth was determined by Spoon's engineer but he was not sure if they had done a test dig. Bissell made a motion to approve the change order, and Sutton seconded the motion. Vice-Mayor Johnson then stated that they had no documentation showing why they were approving that amount of money. He said that even if it needed to be done, they had not been provided with anything to justify it. Arney agreed with Johnson, recommending they wait for the correct documentation and a test dig on the site. Sutton asked Lovvorn if waiting for a test dig would require the excavation equipment to be moved and then brought back.

Lovvorn stated that he did not know, and it would depend on how long before a test dig was done. Johnson stated that he did not have a problem calling a special meeting to approve the change orders, but he wanted proper documentation before he voted on it. Commissioner Sutton made a motion to delay approval until proper explanation documentation was sent to the newly created committee. Johnson seconded. All were in favor of the amending the motion. They then voted on the motion as amended. All were in favor.

**9. City Manager Items for Discussion -**

- A. Miscellaneous Updates – None
- B. City Attorney Comments – The City Attorney wished everyone a safe and happy Thanksgiving.

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

- A. Commissioner Bissell also wished everyone a happy Thanksgiving. He also added that he would like to put the issue of police cars on the agenda for the next meeting, including a residence requirement for certain levels of City employees in the future.
- B. Vice-Mayor Johnson apologized if he seemed upset over the change orders, but he didn't want to possibly throw money away by not knowing what they were spending it on.
- C. Commissioner Arney wished everyone a happy Thanksgiving and expressed his condolences to the Sullivan family. He asked for an update on the construction of the Fire Hall. Lovvorn informed him that they finished pouring the footings earlier today and expected to start laying block Monday. The trusses are expected to go up sometime in December.
- D. Commissioner Sutton wished everyone a happy Thanksgiving. He reminded us to be thoughtful of those elsewhere that might not be as blessed. He commented that the community prayer day had a good turnout and thought it would grow in the future. He added that he would like to expand the discussion at the next meeting to include all city vehicles.
- E. Mayor Brison also wished everyone a happy Thanksgiving.

**11. The meeting adjourned at 8:12 p.m.**

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Mayor

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City Recorder