

BOARD OF COMMISSIONERS**December 1, 2005**

Ken Brison, Mayor
Eddie Arney, Vice-Mayor
Wayne Hall, Commissioner
Stuart L. Johnson, Commissioner
Darrell Mangrum, Commissioner
Alan W. Deck, City Manager
Larry Cantrell, City Attorney
Kathleen Daugherty, Recorder

Present: Brison, Arney, Hall, Johnson, Mangrum

Also Present: Deck, Cantrell

Absent:

1. Mayor Brison called the meeting to order at 7:05 p.m.

A. Mayor Brison led the Prayer and Pledge to the Flag.

2. Approval of the Agenda –

A. Added to the Agenda:

- (1) Under Old Business as Item B (1): Adoption of Resolution 124-05, Plan of Services on the annexation of the Collins Property on Henry Road.
- (2) Under City Manager Items – Item C: City Manager's Employment.
- (3) Under New Business as Item E: Permits for new structures on existing lots with one structure already on the lot.
- (4) Mayor Brison asked that Items A: Section 1 and 2 under Old Business be deleted from the Agenda.

Johnson made a motion to approve the Agenda as Amended. Hall seconded the motion. All were in favor.

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

- A. Vice-Mayor Arney announced that he just received a text message and the sound is going out over the air.
- B. Commissioner Johnson reminded everyone that the Christmas Parade will be this Saturday December 3rd and the Tree Lighting at City Hall will be at 5:30 p.m.

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on November 17, 2005. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.
- B. Presented for approval were the minutes of the Beer Board Meeting held on November 17, 2005. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.

7. Old Business –

- A. Appointments to Boards and Commissions – Deleted from the Agenda.
- B. (1) Presented for adoption was Resolution 14-05: Adopting a Plan of Services for the annexation of Map 69, Parcel 113, located on Henry Road and being the Jerry E. Collins property. Mangrum made a motion to adopt Resolution #14-05. Arney seconded the motion. All were in favor.
- B. (2) Presented for Second and Final Reading was Bill # 2005-11: Annexation of the Jerry E. Collins property located at 7315 Henry Road, Map 69, Parcel 113, 2.13 acres. Mangrum read the caption and made a motion to pass Bill #2005-11 on second and final reading. Arney seconded the motion. All were in favor.
- C. Presented for Second and Final Reading was Bill #2005-12: Rezoning the commercial properties annexed on Highway 96 North as residential zones. Mangrum read the caption and made a motion to pass Bill #2005-12 on second and final reading. Arney seconded the motion. All were in favor.
- D. Presented for Second and Final Reading was Bill #2005-13: Amending the Fairview Zoning Ordinance relative to regulating the location of establishments serving alcohol. Mangrum read the caption: Arney made a motion to pass Bill #2005-13 on second and final reading. Hall seconded the motion. Johnson asked Cantrell to explain the procedure after the ordinance is adopted. Cantrell advised that it will be referred back to the Planning Commission who will recommend specific sections of the City to be rezoned for alcohol sales. After further discussion Mayor Brison asked for a vote on the motion: *For: Hall, Arney, Against: Johnson, Mangrum, Brison*. Bill #2005-13 did not pass.
- E. Presented for First Reading was Bill #2005-14: Amending the Fairview Beer Ordinance and report from City Manager Deck on the surrounding area's hours of operation. Deck stated that he did not have the requested information and asked that the first reading be deferred. Arney made a motion to defer the first reading until the next meeting. Johnson seconded the motion. All were in favor.
- F. Discuss Amending Park Commission Ordinance with Park Director, Wade Hooper and Chairman of the Park Commission, Mark Miller – Commissioner Mangrum advised that he would like to have a workshop meeting with the Park Commission. It was decided to defer action on amending Park Commission Ordinance and have a Workshop Meeting with the Park Commission on January 5th at 6:00 p.m.
- G. Memorandum of Understanding with Water Authority of Dickson County – Larry Cantrell stated that he spoke with the attorney for the Water Authority and explained the concerns of the Board. He has not heard anything from him but hopefully he will after the meeting with the State on December 9th.
- H. Discuss if the City wants to appeal the Hwy. 100 Annexation Case in the event we lose – Larry Cantrell stated that if the Board feels they may want to appeal if they lose the case they will need to hire a court reporter because they will need a transcript for the appeal. He also explained that if they appeal it can take up to 24 months and they can try to annex the property again after two years. Therefore he does not recommend appealing the case. Johnson made a motion to not appeal the annexation case if they lose. Arney seconded the motion. All were in favor.

8. New Business –

- A. Recommendations from the Planning Commission Meeting held on November 8, 2005 - None
- B. Renewal of AD & D Policy Public Safety Employees – Deck asked the Board if they want to renew the accidental death policy on the fire and police employees. Johnson made a motion to renew the policy. Mangrum seconded the motion. All were in favor.
- C. New Fleet Account: Horizon Travel Plaza \$9,000 Line of Credit – Deck stated that the City has used the Flying J to purchase fuel for several years and sometimes have wished for an alternate source. The Fleet Card for the Horizon Travel Plaza on Hwy. 96 can be used at any station and there is not always a Flying J available when traveling. Deck also advised that they will have to keep the Flying J account also because of the big fire trucks which can not get to the pumps at the Horizon Travel Plaza. Johnson made a motion to open an account with Fleet. Mangrum seconded the motion. All were in favor. Mayor Brison advised that an individual salesman has contacted the Board Members individually about another source of fuel. (city owned pumps) Hall asked that it be put on the agenda for December 15th.
- D. Discuss Recommendation from the Beer Board That the City Do the Criminal Background Checks on Beer Applicants: Including the purchase of an NCIC Computer System to do the background checks – Vice-Mayor Arney passed out information to the Board Members about how to request a copy of someone's criminal history. Beer Board Member Tim French advised that his company does their own investigations. Arney asked that they study the information he provided and discuss this further at the December 15th meeting.
- E. Discuss Permit Issues for new structures on lots with an existing structure- Mangrum stated that he would like for this to be referred to a Committee. A discussion followed on how the bond is determined in such cases. Deck explained the situation with the Housing Grant and replacing these two existing houses. Cantrell stated that if the Federal Government says that they will finish a structure that should be good enough for a bond. It was decided to refer this to the Administrative Committee.

9. City Manager Items for Discussion and/or Action –

- A. (1) Miscellaneous Updates - None.
(2) City Manager's Employment – Deck advised that he has accepted other employment and was resigning his position. He agreed to a thirty day transition or thru the end of December. He also stated that he would be willing to continue to carry his cell phone through the month of January to answer questions that may arise. Brison stated that he felt they should accept his offer. Mangrum stated that they still need to look at some type of interim person. Hall made a motion to accept Deck's resignation and offer to keep his cell phone through the month of January. Arney seconded the motion. All were in favor (see copy of resignation letter attached) Deck stated that MTAS may be able to help the city on a temporary basis.
- B. City Attorney Comments – Cantrell thanked Deck for the assistance he has provided him.

10. Communications from the Mayor and Commissioners –

- A. Arney reported that the resource team for I-840 met and the alternate has been recommended to the Commissioner. The section between Hwy. 100 and Bending Chestnut is scheduled to begin next spring.
- B. Mangrum thanked Deck and wished him good luck.
- C. Johnson stated that they need to have the Beer Board Meeting before the regular Board Meeting so the applicants do not have to sit around and wait. It was decided to have the Beer Board before the Board of Commissioners.
- D. Brison wished Deck well and thanked him for his service to the City.

11. The meeting adjourned at 8:10 p.m.

Mayor

City Recorder