

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

December 4, 2014

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

Others Present: Hall, Cantrell, Humber, Daugherty, Johnson, Paisley

1. **Call to order by Mayor Carroll** at 7:02 p.m.
 - A. Prayer and Pledge led by Commissioner Johnson
2. **Approval of the Agenda** – Vice Mayor Sutton made a motion for approval with Commissioner Crutcher seconding. Commissioner Bissell notes to include discussion of the Public Safety Committee on Item 8C. All were in favor.
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).** –
 - A. Jon Cherry, Fairview Area Chamber of Commerce President announces the Chamber's annual Holiday Dinner Tuesday night at Camp Marymount. Mixer begins at 6:30 with dinner at 7:00 and you don't have to be a member to attend but the price is \$25 per person. Saturday, December 13 is the Christmas Parade with line-up at 10:00 for judging and step off at 11:00 am from SFEG (France). He reminds everyone that we will be leaving the eastbound lane open for emergency vehicles.
 - B. Donna Brooks thanks the city employees who helped unload and put up the new wreaths noting they did a wonderful job with very little advance warning.
4. **Awards and/or Recognitions** – Vice Mayor Sutton thanks the Friends of Fairview who raised the funds to purchase the Christmas wreaths for the City.
5. **Public Announcements** –
 - A. City Manager Hall notes emissions testing is every Monday and Tuesday from 7:30 a.m. until noon.
 - B. Commissioner Crutcher states the Friends of the Park asked him to announce their annual Fireside Concert, complete with refreshments, on Saturday, December 13 from 2:00 to 3:00 featuring Jeff Kirk & Friends.
 - C. City Manager Hall mentions volunteer day at the park on Saturday with sign up at 8:30 and work begins at 9:00. Bring gloves and shovels. Depending on weather, tree planting may have to be postponed. This will be an annual event timed to honor Ms. Bowie's gift to the City.
 - D. Ryan Arnett with OpenGov had a remote presentation to the Board about the OpenGov platform. OpenGov shows financial data in a way everyone can understand. Arnett discusses the four views of annual view, balance sheet, checkbook and current year. OpenGov hosts the data and doesn't get behind the city's firewall. The CFO would send data to OpenGov monthly. The City can add as much historical data as is available and a new benchmarking feature is coming in

2015. Raw data is available as well as many types of graphs with all levels of financial detail. You can even share a particular view through Facebook or email or the city can create specific links to answer frequently asked questions. Johnson asks if there is an additional charge to upload historical data and Arnett replies no the fee is yearly flat fee. Johnson asks about a former MTAS employee who works for OpenGov now and Arnett replies yes, Melanie. He continues they have many employees who are very familiar with municipal finance. Johnsons states that Franklin is now looking at this platform too but we hope to beat them to the punch and be the first in Tennessee. Bissell asks to refresh our minds on the pricing. Johnson and Arnett reply it is \$3,500 per year, guaranteed pricing for 3 years but with a one year commitment. No payment is required up front to start and would actually be a couple months before payment due. Carroll asks what happens to the data if we don't renew our contract. Arnett states the data belongs to the city and you would be able to pull it out.

6. Approval of the Minutes –

- A. Approval of the Minutes from the November 20, 2014 Board of Commissioners Meeting – Vice Mayor 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 #2014-30, Ordinance No. 852, An Ordinance Establishing a Fund Balance Policy for the City of Fairview, Tennessee – Vice Mayor Sutton read the caption and Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Bissell states this is the final reading we have discussed previously. Commissioner Crutcher verifies this is what was recommended by the Finance Review Committee and Bissell confirms. All were in favor.
- B. Discuss and/or Take Action on Second Reading 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 Sutton reads the caption and makes a motion for approval with Commissioner Johnson seconding. Attorney Cantrell notes this is a stop gap to provide immunity to the city in related suits and a model policy is due to be produced by March and we will look further at this then. All were in favor.

8. New Business –

- A. Brief Recess to Conduct Executive Session – Attorney Cantrell requests a recess which begins at 7:45 pm. Meeting reconvenes at 8:17 pm.
- B. Discuss and/or Take Action on Recommendation from Planning Commission for Annexation Application for 7300 Stark Lane, Map 18, Parcel 14.00, 5.68 Acres, Owners: Jason & Shannon Lankford – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Crutcher seconding. Commissioner Johnson states this is permission for the attorney to draw up the ordinance and it passed the Planning Commission unanimously. Cantrell adds this annexation was requested by the homeowners noting it is not forced and not covered by the moratorium. All were in favor.
- C. Discuss and/or Take Action on Open Board Seats to Include Those Being Vacated by Vice Mayor Sutton – Vice Mayor Sutton made a motion to approve with Commissioner Bissell seconding. Sutton states he would like to cut back on some of the extra board seats he holds. Mayor Carroll asks if they are to be reappointed every two years and how they were done in the past. Cantrell responds they are appointed for the term of office unless someone wants off. Commissioner Crutcher volunteers for any of the boards. Commissioner Bissell nominates Crutcher to fill Sutton's seats on the Board of Zoning Appeals and Board of Adjustments and Appeals with Vice Mayor Sutton seconding. All were in favor. Commissioner Johnson volunteers himself for the Industrial Development Board with a motion and Vice Mayor Sutton seconding. All were in favor.

Commissioner Bissell volunteers a motion for him to serve on the Park Board with Johnson seconding. All were in favor. Bissell notes that Dr. Rice stepped down from his seat representing the Historical Association on the Park Board and Ron Rowe has been appointed in his stead. Bissell states he has served on the Public Safety Committee for at least four years and would be good if someone else took his seat and he nominated Commissioner Crutcher with Vice Mayor Sutton seconding. All were in favor. It was requested in discussion that a full description of each board position and any training that is required be created and placed on the website. It was also noted that the Planning Commission needs to select a representative to the Park Board and that should be placed on their next agenda.

- D. Discuss and/or Take Action on Vehicle Trade Agreement – Bissell turns the item over to CFO Daugherty who explains there is no action to be taken and this is an item of disclosure of an asset trade. He continues that we traded a Dodge Ram drug seized pick up for a Ford F-450 utility truck from the city of Monterey. This was an even trade with no money exchanged. The new utility truck will be used for DUI checkpoints, emergency command center, and parade outpost as well as including storage space for supplies needed for these functions. Vice Mayor Sutton asked if there was a difference in value of the vehicles and Daugherty replies he is not sure but thinks we came out on the good side of the deal.
- E. Discuss and/or Take Action on Whether or not Tree Bank Funds Can be Used for Fencing – Vice Mayor Sutton states we discussed using Tree Bank funds for fencing and asked the arborist for his definition of landscaping. Sutton makes a motion for City Manager Hall to move forward with the fencing project at his discretion with Commissioner Johnson seconding. Commissioner Crutcher asks what the recommendation of the Tree Board is. Johnson states they did not want to see the ordinance changed and we didn't but Berkley gave us the definition of landscaping which covers what we want to do. Attorney Cantrell states last time an amendment to this ordinance was amended was to include the ability to plant trees on property belonging to the city, county, state and country. He continues the Board has the authority to adopt that definition but if challenged it would be up to the judge to look at the words in the ordinance to obtain the purpose funds could be used. Cantrell states it would be wise to amend the ordinance and include the definition noting he doesn't want to face a challenge he couldn't defend. Johnson makes a motion to amend the ordinance to include the definition from our arborist seconded by Crutcher. Previous motion and second were withdrawn. Vice Mayor Sutton states the definition should be broad enough to include what we want to accomplish and Cantrell agrees and notes it will include a statement that it should be interpreted in the most liberal fashion. Bissell asks if we have an estimate of how much the fences will cost. City Manager Hall states \$8900 for Bowie Lake Road and Historical Village will be delayed until we know more about plans for the Farmers Market. Mayor Carroll states she feels a lot of citizens don't think this is a good use of money and she is not comfortable with Berkley's thoughts as the thoughts of the entire Tree Commission and think this should go before the Tree Commission for their recommendation. Crutcher asks if the Tree Commission agreed with Berkely's definition of landscaping and Johnson replies yes. Bissell states the bigger issue is the committee, though well meaning, is operating under a misconception. The Board is who makes the decision about how money is spent, the committee does not have authority over the money and if we need a revision to make that definition clear then OK. We are interested in their input. Cantrell states Bissell is correct on the legal position and the Board can't pass along their responsibility on how funds are spent. Crutcher agrees but states he doesn't see the purpose of advisory boards if we don't at least consider their recommendations. Carroll states advisory boards are here to help us do our job better but if we don't listen to the citizens we are don't doing a very good job. She continues that she wants to hear their opinions as a representative of the citizens. **FOR:** Bissell, Crutcher, Johnson, Sutton; **AGAINST:** Carroll. Motion carries.
- F. Discuss and/or Take Action on Resolution #25-14, A Resolution Creating a Consent Agenda for the City of Fairview, Tennessee – Bissell states he thinks perfunctory tasks can be handled more efficiently which is why he asked for the consent agenda. Vice

Mayor Sutton made a motion for approval with Commissioner Crutcher seconding. Crutcher asks what, if anything, cannot be placed on the consent agenda. Attorney Cantrell replies anything that requires discussion and those items would be pulled from the consent agenda to be heard but you still have to read the caption. Bissell states Brentwood uses a consent agenda and they just make a motion to approve the consent agenda and vote. Cantrell states he believes there is a provision for consent agenda to note the number of items and make that agenda part of the minutes. Bissell wants a simple consent agenda noting the Board is expected to have read their packet ahead of time and be prepared to vote. Crutcher confirms that citizens can pull an item off the consent agenda as well and Cantrell confirms they can but suggests they contact either the City Manager or a Board member to do so. Cantrell states it is not a question and answer session for the public but a discussion of the Board. Bissell asks if it is up to the Board to remove the item and Cantrell confirms yes, that any Board member has the absolute right to remove an item from consent agenda. Carroll confirms the items can be removed the night of the meeting. Cantrell states we need approval subject to the removal of number 3 and renumbering. Vice Mayor Sutton and Commissioner Johnson withdraw their motion and second. Commissioner Bissell makes a motion to create a consent agenda and approve Resolution 25-14 but remove item number 3 with Crutcher seconding. All were in favor.

- G. Discuss and/or Take Action on Bill #2014-40, Ordinance No. 862, An Ordinance to Amend the City of Fairview, Tennessee, Title 1, Chapter 1, Section 1-103, "Order of Business." – Commissioner Bissell makes a motion for approval with Vice Mayor Sutton seconding. Commissioner Bissell states the order of business is set by ordinance and we need to amend the order to include a consent agenda. All were in favor.

9. City Manager Items for Discussion –

A. Miscellaneous Updates –

- (1) City Manager Hall notes the tree lighting, which the city is now responsible for, will be held on Saturday at 4:00 pm with the Middle and High school chorus performing and hot chocolate will be served. Hall also thanked Walmart for donating the Christmas trees in the lobby and at the Nature Center.

B. Staff Comments –

- (1) Parks Director Keith Paisley announces Community Parks Day on Saturday from 9:00 until noon and asks everyone to bring a shovel. Paisley also notes the 10th annual Fireside Concert on Saturday, December 13 from 2:00 to 3:00 pm.

C. City Attorney Comments - NONE

10. Communications from the Mayor and Commissioners –

- 1) Commissioner Johnson requested OpenGov contract be on the next agenda. He also noted he heard some troubling things about the last Tree Commission meeting which delayed the progress of Fast Pace and they may now walk away. He states we are creating a bad reputation with developers. City Manager Hall interjects that he discussed with Attorney Cantrell just before the meeting and we are able to go ahead and issue the building permit without Tree Commission approval so they won't be held up.
- 2) Vice Mayor Sutton thanks everyone who helped with the decorations and notes the City Manager report is in the Observer.
- 3) Commissioner Bissell – NONE
- 4) Commissioner Crutcher thanked Walmart for their tree donations and the group who purchased the wreaths. He reminded everyone to come out to the park for Community Park Day on Saturday.
- 5) Mayor Carroll notes she was at the Tree Commission meeting and doesn't believe they didn't want to work with the developer but the proper procedures were not followed. She continues there was plenty city staff could have done to add to the agenda so the commission could have been prepared. Carroll thanked all who donated money for the wreaths noting it is exciting to see what can do when working with the citizens. She

notes the city staff has been very welcoming and has an attitude of working hard for the Board and citizens.

- 11. Adjournment** – Vice Mayor Sutton made a motion to adjourn with Commissioner Johnson seconding. All were in favor and meeting was adjourned at 9:23 p.m.

Brandy Johnson
City Recorder