

City of Fairview

BOARD OF COMMISSIONERS

December 5, 2013

Beverly D Totty, Mayor
Stuart L Johnson, Vice-Mayor
Patti L Carroll, Commissioner
Allen Bissell, Commissioner
Toney R Sutton, Commissioner
Wayne Hall, Interim City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hall, Cantrell, Lovvorn, Daugherty, Johnson, Cooper, Paisley, Sutton, Harris

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

- A. The prayer was led by Codes Director Donn Lovvorn and the pledge was led by Mayor Totty.

2. Approval of the Agenda –

- A. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded.
- B. Mayor Totty noted the addition of item 8E from Fire Chief Cooper to add Discuss and/or Take Action on Firehouse Sub Grant.
- C. Mayor Totty amends the wording on 8A to Finance Review Committee
- D. Mayor Totty amends wording on 8B to scratch wording from Mayor's Recommendation to read Discuss and/or Take Action on Vacant Planning Commission Seat
- E. Donn Lovvorn adds Discuss/and or Take Action on the LPRF grant letter to the state letting them know we are turning the grant back in. Interim CM Hall would like to see this item moved to a workshop one hour prior to the next meeting to have ample time for discussion.
- F. 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).

- A. Carla Arney of 7508 Aubrey Ridge Place. I'm here tonight because I'm gravely concerned also about the public perception of our city. I'm also dismayed at the lack of professionalism and good judgment that has been exhibited in recent days. I'm appalled that the venue of social media and an editorial style of journalism was used to demean servants of our city as well as our most recent hired employees. I'm the mother of six children, most of them grown, and I learned very early that when I was confronted with an informer that it was very important for me to not only listen to the scoop but to objectively investigate and weigh out the personal advantages that the informer may be hoping to benefit from their tattling. I would also like to thank you Commissioner Bissell for your editorial letter to the editor. For the truth regarding our new and our existing employees was enlightening and I hope everyone takes the time to read it. It will certainly clarify misconceptions that were presented. Twenty one years ago today the Arney family came to Fairview. We were embraced by the community and we knew we had found

our home. For 17 years of that time, my husband served this city in various ways. Three years ago, by the peoples' choice, he stepped out of that arena. It was a sad day for him, but honey, I'm sorry to say it was a relief in many ways for me and my children. The role of a political servant comes with great distress at times but also with great rewards. I am proud of his role in serving our city and I'm also honored that I was able to support him on the sidelines. I presumed that after we lost that election that we would support and aid Fairview in a less public manner, perhaps now, for me anyway, maybe not. Thank you for your time and may God bless each of you and our great city.

- B. Andy Jones of Fairview Blvd. Allen, I was quick to judge you in the beginning but I know that you are here for the people. You should have been interviewed in the article. The letter you submitted summed it up nicely since it was directly from you, we can rely on it, unlike the paper. Thank you for what you have done here in our city and your son by taking care of the park. Patti, I am also proud of you and your husband for the sacrifices both of you have made and should be welcomed as all citizens. I am also proud of your direct posts showing where the problem lies. After Allen's letter broke the truth came out exposing our Mayor. Toney, we not always have things seen eye to eye, but, that being said, I have prayed about it and I've let it go. I think you are doing a tremendous job for our city. Also, your son is doing a great job as well. Every time he steps up to the podium, he has all the facts together and presents them professionally. Again, thank you for whatever, for what all you do here in Fairview. Stuart, we don't always agree on every vote you take but you have done so much for Fairview. Evidently you are doing something right because we have elected you four times. You better not resign because the city of Fairview needs a leader. Beverly, you should be ashamed of the negative light that you have cast out on our city. It seems like every positive step that these guys take you try to hinder them and I'm not sure how they do things in Louisiana, but a developer who is a real estate agent who is also happens to be the Mayor should know better than to bring negative publicity in such a widespread method. Why would you want people who might be looking forward to moving their next home to Fairview to look in the paper and see they have problems. You don't want them to move here? I don't know. All that truth is there was no problem with the opponents' family until, due to an election in 11 months. You slapped the citizens of Fairview in the face. Merry Christmas.
- C. Al Tarolli of Castleberry Farm. I'm a new board member for the Friends of Bowie Nature Park. One of the items on your agenda tonight is a tree thinning project. Though I have no knowledge of what you're going to discuss or any action you may take on that subject, I would like to remind you of a letter from Mr. Doug Rodman forester and Middle Tennessee project manager at the Land Trust to then City-Manager Mr. Hyatt on August 21, 2012. This was basically an approval of the high level forest management plan that the city had presented to them. However, he goes on to say, "however before any timber harvesting, or any silvicultural practices are applied to the forest, a detailed harvesting plan or management prescription should also be submitted for our approval that accomplishes the following." He lists four items but I am just going to reference one and that is "addresses the concerns of the Friends of Bowie Park and others including its impact on wildlife, water quality, reforestation, etc." He approved the plan, and I only mention this in the event that the current tree thinning plan is to be changed and then it needs to go back to the Land Trust. We support the current approved plan that states our method of logging would be the cut and drop method. That is the tree trunks would be left to lie where they fall. None would

be taken out of the park, although in order to reduce fire hazard, branches and limbs would be stripped away and burned. The trunks, in turn, would become habitable by turtles and insects, thereby affording us the opportunity to augment and enhance our nature education programs, offering members of the public a close-up view of this living, visual teaching aid. All trees selected to be downed will be identified and marked by a forestry service. We do have strong concerns regarding damage to affected areas of the park where the thinning will be if the logs are to be removed. Our concerns mirror those of the overall forest management plan, talking about the damage that may be caused and then the cost to the city to repair that damage to the park. Thank you for your time.

- D. Lisa Anderson of 7140 Kyles Creek Drive. Thank you Mayor, Commissioners for hearing me tonight. I have two items that I'd like to talk about. One is I'd like to take this opportunity to honor a great man, Wayne Hall. I want to tell you a little bit about Wayne. He has been a successful business owner for over 20 years and an astute business owner, an accomplished equestrian. Due to repercussions from the flood of 2010, he was forced to close his business. Despite this, Wayne did not lay around depressed, he took a job at a Fairview gas station to support his family but the position that he holds now is where he needs to be. He has given of his blood, sweat and tears to this city for over 20 years of which I have had over seven and a half to be able to serve with him. Every decision that Wayne makes for this city, he puts his heart and soul into to do the very best for our community. I commend each of you commissioners who put Wayne in this position of Interim City Manager and encourage you to consider him as the obvious candidate for the permanent position of City Manager. I have not known a more honest, trustworthy and dedicated man than Wayne Hall. I am proud to call him my friend and colleague. Next, I would like to address the stir that has been going around the newspaper and our city about the hiring of friends and family members in the city of Fairview. There is no law against nepotism in our city or county, this has been going on for years. I see it as a positive. Every job is posted in the newspaper and on the city's website so there is a fair chance for anyone desiring a job in our great city to apply. Our city, while growing, is still small and there's a large chance that while hiring that one will know several candidates as family and friends. As long as the person is qualified and as long as they do a good job it shouldn't matter. I think it is wonderful that the families in our community want to work here and make Fairview a success. It should be known in the case of Toney Sutton and Patti Carroll, his son and her husband have worked for the city of Fairview for over 10 years, much longer than either of them have served as commissioners. Allen Bissell's son who does a wonderful job has served for over a year and holds this position because he's the best candidate for that job. These men serve and protect our city and do a great job. I commend Allen for his letter full of facts on Facebook about the issues and encourage everyone to read it to get the truth. I just have to ask Mayor Totty why this is being brought up now because we've had people in our city and in our county for as long as I can remember – family, friends all working together to make our city a success. And it just seems to me that with the hiring of Brandy Johnson this has been brought to light and I can only think of it as a tactic because there is an election coming up in 11 months. I would hope that's not the case but that's the way it's being perceived. Thank You.
- E. Jon Cherry. I would like to make a quick announcement for the Chamber and also thank everyone who came out to our holiday dinner Tuesday night at Camp Marymount. That's a wonderful facility out there for those of you that

have never been to Camp Marymount. I will say that I have lived here since 1994 and that was my first visit. That's an incredible facility out there. They have about 350 acres out there it's another jewel here in Fairview that we should be proud of. The conference center holds about 300 people it's well worth it they will do weddings, retreats or whatever you want to do there. They will cater it, they have a program director, they will cater it, it's just a phenomenal facility. The food was wonderful. We had a little over 70 people that showed up. The entertainment was good. We had a lot of volunteers that helped pull this together. I can't take credit for anything, I stumbled and stammered through I got stuck the emceeing the whole thing. Tamara Peay was our volunteer of the year. Tamara is our director for the Fairview Boys and Girls Club. She puts in countless hours beyond the duty she has there. I was telling people that every time I see her in Franklin or Nashville in the evenings, she always has a batch of kids with her that are not her own. She just goes way beyond the call of duty to help those latch key kids in our community. She is one of those unsung heroes in Fairview. The Chamber volunteer of the year was Jessica Cherry, my daughter. The board voted for her because she was a Chamber member before she became a Chamber member. She is the producer of our Monday morning memo and she has made all of us look really good this year. We've had a good year. Of course we have the parade on Saturday, the lineup is at 9:00 and the parade starts at 10:00. We are hoping and praying for good weather and it says maybe some good luck for Saturday morning, looks like tomorrow we will have terrible weather and tomorrow night. But everybody pray for good weather for the Christmas parade – don't let it rain on our parade.

4. Awards and/or Recognitions –

- A. Chief Cooper – couple distinguished guests here in the audience tonight from the Tennessee Municipal Risk Pool, our insurance people, and I understand they have something for the board. I'd like to introduce Halie Gallick and Anthony Roman. Thank you for having us, I'm Halie Gallick and I work for the TML Risk Management Pool and I have with me Anthony Roman, the town's underwriter and also a citizen of the town of Fairview. The Pool was created over 30 years ago specifically to provide for the risk management and insurance needs of Tennessee cities. We are a self-insurance, risk sharing partnership of Tennessee governmental entities. We currently work with over 500 governmental entities in about 90% of the Tennessee cities. Through our loss control program our goal is to help you to keep both your employees and citizens safe as you provide vital day to day services. We appreciate that opportunity to serve you. Tonight I have the honor of presenting the Board of Commissioners a check for \$1500 on behalf of our Safety Partners Matching Grant Program. This program is designed to help members purchase employee safety items, equipment, safety education and training materials. The Pool will reimburse members up to 50% of that cost. Chief Cooper applied to purchase bunker gear that was out of date for the Fire Dept. In addition to our Safety Partners Grant, we also offer on-site Loss Control, surveys and training, a Driver Safety grant to help promote defensive driving and a legal hotline program along with our on-line portal and coverage that's specifically tailored to your needs. We'd like to commend the city for your commitment to safety and we look forward to continuing to serve your risk management needs in the future.
- B. Chief Cooper introduced two new city employees, Chad Delano and Dakota Day, who come to us from the volunteer ranks. We generally try to hire the

volunteers. Both of them have years of service with us. So may I introduce Chad Delano and Dakota Day.

- C. Interim City Manager Wayne Hall introduced Michael “Tag” Hurley who has been hired in our Public Works Department.

5. Public Announcements –

- A. Interim City Manager Hall reminded everyone that emissions testing is every Monday and Tuesday of each week from 7:30 a.m. to noon.
- B. Commissioner Bissell reminder of the parade on Saturday and asked Mr. Cherry how we would know if for some reason the parade, because of weather got cancelled. Cherry responds that he spoke with the City Manager this morning and we will make an early decision, about 8:00, use big signs on the Boulevard, make phone calls to key people, notify the High School band. Line up is at 9:00 behind France. Commissioner Sutton questioned if there was a phone number that people who are planning on being in the parade could call to get a recording. Cherry responded they can put a recording on the chamber phone and their phone number is 799-9290. Commissioner Bissell asks if it could be put on Channel 19, Nik is indicating he can do that, also the website and Facebook. Cherry asked if the city has a plan for emergency robo calling like the school does. Vice-Mayor Johnson and Mayor Totty confirm that the city has an email system for those who have signed up for the newsletter from the city’s site. Commissioner Sutton mentioned we could report it to the one of the news stations and can add signage on the road. If changes occur, parade would be postponed to the following Saturday at 1:00 due to an event at Westwood Elementary from 8 to 11 that morning or it would be the following Saturday the 21st at the same hours.

6. Approval of the Minutes –

- A. The minutes for the October 17, 2013 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- B. The minutes for the October 17, 2013 Board of Commissioners meeting were presented for approval. Vice-Mayor Johnson made a motion to approve. Commissioner Carroll seconded. All were in favor.
- C. The minutes for the November 7, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. All were in favor.
- D. The minutes for the November 21, 2013 Special Called Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion for approval. Vice-Mayor Johnson seconded. Mayor Totty made a motion for deferment until corrected. Presented minutes is not what the tape reflects. Would like to get direction from attorney, please. Are the minutes required to be kept prior to the opening of the meeting? And if not, are the conversations prior to the meeting open allowed to be in the minutes in between the open and the close, we discussed this a little bit today, but. Attorney Cantrell states that if you have a special called meeting, the minutes would be of what is actually conducted at the meeting. Totty clarifies that it is from the opening to the closing and Cantrell confirms. Mayor Totty makes a motion to amend the motion for deferment until the minutes are corrected. Vice-Mayor Johnson seconded. All were in favor.

7. Old Business –

- A. Second and Final Reading of Bill #2013-24, Ordinance No. 819, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Ordinance Article VIII “Overlay Districts, Section 8-301, Art. VIII-34, Floodplain District Regulations, 8-302, Definitions, Art. VIII-37, Development, District Regulations, 8-302, Definitions, Art. VIII-42, State Coordinating Agency, 8-303, General Provisions, 8-303.2, Basis for Establishing the Areas of Special Flood Hazard, Art. VIII-43.” Vice-Mayor made a motion for approval. Mayor Totty seconded. All were in favor.
- B. Discuss and/or Take Action on Fairview City Projects – Interim City Manager Hall states that Keith Paisley will report on that tonight but Mr. Paisley turns over to Donn Lovvorn. Mr. Lovvorn states that the only update he has is on the resurfacing project. He had to come in last week on his week off to talk with the state. Cumberland Drive, at least according to the state was not functionally classified as an urban collector or greater. And they wasn’t going to present the contract to the Federal Highway Administration for them to approve so I had to come in and talk to the Local Programs Office and the Long-Range Planning Office with the state of Tennessee to clarify that before we actually submitted the applications to put this project out and use the STP funding from the MPO that we actually went through the process of having Cumberland Drive reclassified to an urban collector. They finally got back, Kim Thompson, with the Planning Office finally got back to the Long-Range Planning Office and figured out that the road was functionally classified. She forwarded that application on to the FHA for their approval so we can get the notice to proceed to design. Project is moving forward and Kim is actually on vacation this week but said she was going to keep it up over her vacation to make sure it got through because she knows we are up behind the deadline of December 30 trying to get that money obligated for construction. So probably next week we will actually receive the notice to proceed to design. Will has the design complete but we have to get the notice to proceed before we can submit that design to TDOT for their approval. Once submit design to TDOT for approval then they will give us the notice to proceed for construction and then that money will be obligated so we can kind of breathe a little bit because we then got the money. Then we can plan on doing the resurfacing project after the winter breaks and get those two roads resurfaced in the spring. Totty clarifies that Lovvorn is optimistic for the end of the year to be out of the consideration stage. Lovvorn states it looks like it. The way we have to follow the procedures of the FHA and we have to follow their policies to make sure we get reimbursed for all the money, well, at least 80% of the money, that we spend. It’s an 80/20 match. There’s dates that we have to comply with when we submit our reimbursement application to TDOT and those dates have to match a timeline that we’re on so we can get reimbursed for that monies. The NEPA phase took us three months to get through. We’re hoping and Kim Thompson has assured me that getting from the NEPA on to the construction phase won’t take as long. She is saying that we should have everything taken care of by the deadline of December 31. Mayor Totty asked if he felt confident that if he needed to request an extension that the dialogue has already been opened for that. Lovvorn states that they know that the state held us up on the NEPA phase because they let the documents sit in their office for two months before they actually let us know it was complete and all that is in the record, so if we get behind the eight ball again surely they will extend us another month or so because of their error. Totty said sounds like you’re on the rabbit, keep going. Lovvorn states they are very optimistic they will be able to retain that funding.

Interim City Manager Hall has an update to the road project on King Road that ya'll approved a meeting or so ago. It is complete, we got lucky, they had a cancellation in Franklin so they put us on the very next schedule. Project is complete on Katherine Drive and also on Horn Tavern they promise to put the binder down before the asphalt plant closes for the winter. Mayor Totty states that she appreciates the follow up on that.

- C. Update on Tree Thinning in Bowie Nature Park. Interim City Manager Wayne Hall has talked to the logger with concerns about how logs would be cut and dropped and how many would be stacked on top of one another. He said it would be a couple to three at the most. He said it would take three weeks to a month to do this. The other concern that I have is what it's going to take to remove all of the limbs and stuff that is cut. I have talked to public works guys and they seem to think we will be looking at as much as 250 trees in a 3.2 acre area. I would like to see if we go ahead with the project and let them decay some before we have a chance to chip them. Maybe they will chip up a little easier because they will be rough on our chipper and we're thinking that it may even ruin one and that's a pretty expensive piece of equipment. Also talked to the agriculture teacher out at the high school and the seedlings/saplings to be planted will not be available to be planted for at least 2 to 3 years. He says they need to at least be this tall (indicates 24-30"), this is oaks that he's talking about replacing it with. For right now, I will leave it up to the Board or the Tree Board to give me some guidance on how long we need to let the limbs and stuff decay. I'd hate to see a big burn out there, but, who knows, that may be the best thing to do with all those limbs cause there will be quite a few of them. I've rode around that project three or four times now trying to figure out a safe way to cut and drop without being a hazard to the citizens. Mayor Totty asked if he has drawn in the knowledge of Mr. Berkley, arborist for the city, to see if he has any input. Hall replies that he has talked to him briefly about it but not at any length but will do so between now and the next meeting and report what he thinks.
- D. Discuss and/or Take Action on Loan for Police Vehicles and Equipment – Chief Harris states that the loan was changed based on what the City Attorney requested and was sent back. Cantrell states he reviewed the changes and would like to say that for a document of that size there were not many changes, many specific to Tennessee law. They agreed with them and made the changes, resubmitted to him and he reviewed it. He has no problem with it as it was resubmitted. Would like to ask the board as considering this you need to pull out Exhibit C which is the resolution required for passing this that states it was passed in a regular meeting, it was duly advertised, didn't violate any open meetings or public meeting laws, and the last thing being that the resolution hasn't been rescinded and we need to pull that out and let you read the caption for that if you want to pass as the whole package as one if that is your desire to pass. You also need to pull out for separate action to get in the record Exhibit G-2 if you want to proceed under the self-insured provision, they don't have any problem with that and it says that in the document but I would like to have those on record that if you pass the package that you read the caption to the resolution and pass the resolution which has the number Exhibit C and either pass or decline on the self-insured provision. Commissioner Sutton asked if they had the documentation in front of them to do that. Cantrell replies that it is in the package that you have - Exhibit C and G-2. Vice-Mayor Johnson asked who has the official document. Recorder Johnson indicates she does and delivers Exhibit C and Exhibit G-2 to Mayor Totty. Commissioner Sutton questions if this was anything else that needs to be passed at this time prior

to signing this. Cantrell replies that he would like to get the caption read on those two documents and consideration if you want to proceed under the self-insured provision and have that in the record. If you pass the whole document, you could pass those with the document but I would like those specifically brought out because they are two biggies in the document, the rest of it is the general passing. If it doesn't pass then we've done nothing but read the caption and consider the other part. Mayor Totty asks if everyone has had an opportunity to review what they are discussing and board concurs they have. Commissioner Carroll asks to see the packet and Commissioner Bissell replies that it was 42 pages long so he did not print it out. Vice-Mayor Johnson reads the caption "Resolution 23-13, Exhibit C, Lease Number 09288, Equipment Schedule: 01, A Resolution Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 01, An Escrow Agreement, and Related Instruments, and Determining Other Matters in Connection Therewith." Commissioner Bissell makes a motion for approval. Vice-Mayor Johnson questions whether we approve them separate or all in one. Cantrell replies that it is fine to approve separately and then if overall package fails it would not be sent to them anyway. Vice-Mayor Johnson, Commissioners Sutton, Carroll and Bissell were in favor, Mayor Totty against. Vice-Mayor Johnson asks if the self-insurance questionnaire needs to be read, Cantrell says not necessary to read. Commissioner Bissell makes a motion to approve, Vice-Mayor Johnson seconds. Vice-Mayor Johnson, Commissioners Sutton, Carroll and Bissell were in favor, Mayor Totty against. Mayor Totty asked if there was anything else and Cantrell states that the entire document needs approval. Vice-Mayor Johnson makes a motion for approval and Commissioner Bissell seconds. Mayor Totty asked to read the first page of the document. Mayor Totty states that this loan approval is for the \$505,000 for the 12 new SUV Police Vehicles and the equipment that goes along with it in case the public wonders what we are discussing. I just wanted to address that for public record. Vice-Mayor Johnson, Commissioners Sutton, Carroll and Bissell were in favor, Mayor Totty against. Commissioner Sutton asks whether the document is ready to be signed and if it could be done while the meeting is open. Recorder Johnson acknowledged the document was ready for signing and Commissioner Sutton asked that it be given to the Mayor. Commissioner Bissell states to the Mayor that the board needs for her to sign the document. Mayor Totty states that she will at the end of the meeting. Attorney Cantrell requests that we'll do those at the end of the meeting.

8. New Business –

- A. Discuss and/or Take Action on Finance Review Committee. Mayor Totty states that in discussion with the year-end auditors at a workshop having an oversight or review committee that works with the city manager, possibly meeting quarterly. They made recommendation of having the City Manager possibly being on the committee, two commissioners and public people. After talking with the City Attorney today, the odd number was something that was discussed as far as voting. The purpose of this committee would be to review finances throughout the city and then to be able to work with the reports that are given to the commissioners on a quarterly basis. The purpose is to review finances throughout the city. It would then be given as a recommendation to the City Manager who would then give recommendation to the Board of Commissioners. We walk through that for our understanding. My question for the Board, after speaking with several municipalities and what their practices are, they asked how many are on the board and I said five. They said well, we

have 20, or whatever and they said I can see that being a purpose. My question is would it be a consideration that the board was the committee or would we want to stick to the discussion that we said a few and some citizens. I just wanted to see what ya'll thought about that so we can discuss it and make the best choices. Commissioner Carroll states that she felt that when the auditor was here the reasoning of having citizens, maybe professionals from the community sounded good. I mean it never hurts to have a check and balance and give citizens a chance to be involved. I kind of favor that idea I don't think that either way its right or wrong and we could do if the majority wanted only the board but the thought of letting the citizens be involved and be transparent on our finances I always think is a good idea. Commissioner Sutton concurs with Commissioner Carroll. Commissioner Bissell says he still doesn't understand and maybe was sitting too far from the auditors and still doesn't understand what the purpose of that committee is. What is it that they are going to offer as a committee so I don't really have my mind made up as to who needs to be on it cause I'm not really sure what they are going to do. Mayor Totty requests clarity from Attorney Cantrell. Cantrell states he sees where Commissioner Bissell is going and I agree with him. Cantrell likes it better as a review committee than an audit committee. The monthly financial statements, review especially the large purchase items that are paid, the large sums of money that come in, and the normal people who prepare these reports would still prepare them. And the way I see it the City Manager could still make a recommendation or the committee could say which reports they want to see – bank statements, payments made in that quarter that were over \$50,000 or \$100,000 and then they look at them. That's the reason I think it would be helpful to have someone in the banking or finance industry cause they would see things that I probably would not see. They look at that type stuff everyday. Let them look at it and if they have recommendations and if they see something that it could be done better in this manner then that person would make a recommendation to the City Manager and the City Manager would report to the board. They would be strictly an advisory committee to the City Manager. But if the City Manager said hey you guys did a great job and I want you to present it to the Board, they certainly aren't precluded from having the chairman of the committee presenting to the Board. But, basically, we keep the City Manager in the loop. He would be reported to and then he would reporting to the Board. To me the committee itself would be the one to decide what they want to look at. Commissioner Bissell – Follow me here for a second because you're still losing me. The way our system works is the five of us set the budget. The City Manager can't execute outside of that budget without coming back before us. So, in terms of this review committee would be looking at the City Manager's execution of the budget. Cantrell confirms that basically, yes would be another set of eyes. Bissell asks if they would be offering alternative ways, methods, procedures on how the City Manager and the staff executed the budget that we set. They might have gotten more out of the budget, made some suggestions to us, that sort of thing. The value of that to me is a different set of eyes than the set of eyes that have to call their own baby ugly, which is the five of us. I think, if that's the case then that committee should be made up of the City manager, the Finance Director and possibly one of us but no more than one of us and two people from the public for five people. They should not be an audit committee, they should be let's look at how we spent money this quarter and was this the best way for us to spend that money or should we combine things and spend money this way. Cantrell states he thinks there should be at least one board member on there just for continuity between the Board of Commissioners and that committee. Bissell states that he thinks it gives the committee credibility to

have it there because often there may be something that we discuss on there that's germane to how that money was spent. Totty states that the auditor did mention that if the CFO was not and if the City Manager was present he would not be a voting member would just be making statements. Bissell doesn't agree with that. He believes that we, as the board, hold the City Manager responsible for execution of the budget and any decision or part of the decision of a presentation to us that says we need to do it differently. If we don't put him on it the committee needs to report to the CM the CM makes that call before it comes to us or if we want this committee to report to us the CM should be on. Totty agrees and says it was misunderstood that the auditor said that the CFO should not be on. The CM would be there but only be able to liaison between the staff and committee. Bissell questions if the CFO is there but not a voting member. Cantrell states CFO could be an ex officio member. Bissell states he doesn't know how you're going to look at a set of records generated by your bookkeeper, no offense to Tom, if your bookkeeper isn't there to explain the nuances of how the books are input. I'm an accountant by trade but I've never been an accountant in a city so there are certain things that I have learned by reading the audits each year that we have to do as a city that don't necessarily conform to standard public accounting or standard business accounting or certainly not to tax accounting. I think it's important, whether they are a voting member or not doesn't matter but it's their product is what we are reviewing and I think they should be there to answer questions and explain it one way or the other. Cantrell states that is a recommendation of the auditor and you don't have to follow it. It's not illegal for you to have the CM and the CFO on there as voting members or ex officio members either one, whichever one you want. Totty states they had mentioned citizens who are people of the profession. John Blade was mentioned as being outside of the city so we need to address whether that's an option or not and then we had spoke about Mr. Luke Ficken and he has been spoken to by Commissioner Bissell and myself and says that's a good way for him to plug in and volunteer. Bissell states that Ficken has already taken steps with Thrivent to get their permission to be a part of this. Luke is the only certified financial planner currently in the city of Fairview. Thrivent Investment up here, his dad, Jack, many of you may already know. I would be highly supportive of him because he has expertise that no one else in town has right now and I also think he is one of a group of young men I have been talking to about getting involved in civil service. I have another one there in the back waiting on the planning commission vote. These young men are not quite 30 yet and are our future and to get them involved in our city government now is a great opportunity for us and Luke clearly meets that bill. He is here, he's married, his family is here, his livelihood is here. I don't know about John, I don't think he lives in the city, I don't have any objection to John. Totty asks if living in the city will be a requirement? Board agrees yes. Totty reviews board will be made up of CM, CFO, one commissioner, Luke Ficken and another citizen. Bissell suggests that we put an ad in the paper or contact financial institutions, but an ad might draw bankers or those who live here but work out of town at a financial institution. Totty asks if any action should be taken for an advertisement to pull together a committee or would there be any volunteers for this commission. Vice-Mayor Johnson asks Totty about other cities mentioned with 20-plus members on these boards. Were these large cities or cities our size and who could comprise the board. Would it be bankers and such. Totty responds that they said a couple from the commission and then public, specifically bankers and financial planners. Totty asks about volunteers from commission on who would serve on this board. Commissioner Bissell volunteers that he would be happy to do that. He also states that on the

numbers we should start small and add to it as city grows versus trying to start now and run up a bunch of people. We have a pretty good game plan now tonight but we've still got to flush it out a little bit to see how it works and I'd rather do that with a small group of people than do that with a large group. Totty says let's look at the Discuss and/or Take Action on having a finance review committee because we've never really taken the action on the authority of forming that. Commissioner Bissell makes a motion for approval on having a finance committee. Vice-Mayor Johnson seconds. In discussion, a note to open an ad for a finance professional to serve on the finance review committee either on website or paper and be able to pull together a committee as it forms and get that last person we are looking for. Commissioner Bissell makes a motion to amend the format of the motion for the layout – CM, CFO, 1 commissioner, 2 from the public with finance/banking background. Commissioner Carroll seconded. An amended motion of the matrix. All were in favor. Original motion of the acceptance of the finance review committee – all were in favor.

- B. Discuss and/or Take Action on the Vacant Planning Commission Seat – Mayor Totty state we have five applications and my first statement is thank you very much for your participation, for you concern and for volunteering. Would there be any nominations from the board on filling the vacant planning commission seat at this time. Commissioner Bissell states if it would be ok with the rest of the board, I would like for those that are here to have the opportunity to (1) stand up so that everyone knows who they are and (2) if they would like to come to the mic and, I know we have seen their packages, but I always like to hear from them personally as to why they would like to join us in this mess, if you will. Totty makes a public comment that all of the applicants were not duly notified to be present this evening but we do have some present so if you'd like to approach the podium. Tim Mangrum thanks the board for filling this spot for Mr. Hall and notes that it will be tough shoes to fill. He served on the Planning Commission a few years back and with his background in the construction business and the developing business, his knowledge would be a great asset to that board. The bulk of what that board does is related to developing and approving subdivisions and that type of things. I believe that that knowledge would be a benefit to that board. Ronald Rowe – I have six years of experience in planning and zoning, in various capacities, chairman, vice-chairman I've even represented homeowner associations before the city councils, a church that was starting up to get a zoning variance to allow it in an industrial area. I'm just trying to lay out some of the experience that I have. From that I have developed something that I think it's important to have on the commission. Fairview is a blank canvas now for growth and I think it's important to establish a comprehensive plan and to grow from that for the future. I've just moved here I'm excited about it. It's got a good feel, people are great. You drive down 100 it's the start of it. It's got Bowie Park. It's really great and I'm excited about it but one of the things I can bring to the planning commission is wisdom and discernment and that comes from experience. Vice-Mayor Johnson asked Mr. Rowe how he knew to be here this evening and Rowe responds that he has been coming to meetings and was going to be here anyway but the Mayor called him today. Mayor Totty states that she called all the applicants to visit with them. Commissioner Bissell states that Brandon Butler is another one of the young men he has been trying to twist his arm. Brandon Butler states he has been a citizen of Fairview since he was a young boy. Had the opportunity to see the growth he has in his short time. With continued growth inevitable for the town, we should have a plan to ensure we preserve the small town feel that we've all grown to love but also embrace the great opportunities that growth has to offer. With both his professional and personal experience, it would be an

honor to have the opportunity to use my experience be able to enhance and the planning commission is already headed in that direction. Mayor Totty has an email from Mr. Wayne Lowman, which is another applicant, "Thank you for the call and visiting today. My interest in the Planning Commission opening for the City's consideration for me serving as the Planning Commission. I understand from our conversation that there will be a discussion and possible action for filling the vacant planning commission seat at tonight's meeting. I am unsure if I am required to attend in order to be considered but was not notified of such. Please accept my apologies for being unable to attend due to previous commitments." Is there anyone else that we have overlooked this evening that is here? Commissioner Sutton offers an explanation that this cannot be voted on tonight due to the fact that we didn't properly notify each and every applicant that had submitted an application. Appreciate the ones that are here. The policy does state that you must be present in order to be considered. The proper notification will be sent out and it will be addressed at our next meeting. Commissioner Bissell amends that those that were here tonight if could not be present at the next meeting that this would be considered their appearance because we had a chance to speak with them and they had a chance to speak but they are welcome to come back. They shouldn't be required to be here twice. Mayor Totty notes there is an amended motion on the floor. Vice-Mayor Johnson seconds. All were in favor. The original deferment of the item for the next meeting. Commissioner Bissell seconds. Vice-Mayor Johnson questions who is in charge of making sure applicants are notified. It is confirmed that City Recorder is in charge of notifying applicants. All were in favor.

- C. Discuss and/or Take Action on Approving Contract for Consulting Engineer for Resurfacing Project – Donn Lovvorn states that when Griggs & Maloney was hired to start the NEPA phase for the resurfacing project, we intended to use them on our normal agreement that we had with them as our city engineer, but to be reimbursed for the funds that we are going to expend in this project, they had to have a contract because we have to present that contract to TDOT and it has to be in their records for us to be reimbursed for that money. The contract amount is for \$53,000 and we will be reimbursed approximately \$42,000 of that. To follow along with the Federal Highway Administration's guidelines we have to have a contract on file. Commissioner Bissell made a motion for approval. Commissioner Sutton seconded. All were in favor.
- D. Discuss and/or Take Action on Assistance to Firefighters (AFG) – Chief Cooper states that every year we go for this firefighter grant. We have a safer grant for people and the firefighter grant is to ask for things. This year we are going to ask for the self-contained breathing apparatus that we wear and spare bottles. We are beating the bushes all the time looking for funding for equipment we have to buy anyway. We will need four air packs and four bottles for the four new coming in and in 2015 about half of our bottles and air packs expire. There is about a 15 year life span on air packs. The total amount of the grant we are asking for is \$55,800 our contribution is on the sliding scale. If we don't get anything then we don't give anything. If we get the entire amount of \$55,800 then our part would be \$7,790 or they could authorize us anything in between. We have asked for this every year because we have had a safer grant we've never got it. It's like a lottery, if you don't ask/don't play you can't win. So I'm asking for permission to put this in and we'll see what they do with it this year. Commissioner Bissell makes a motion for approval and Vice-Mayor Johnson seconds. All were in favor.
- E. Discuss and/or Take Action on Firehouse Sub Grant – Chief Cooper was in Firehouse Subs, he strongly recommends the Hook & Ladder sandwich, it was excellent. Saw a plaque on the wall Firehouse Subs has several million dollars

allocated for thermal imaging cameras. We are asking for \$7,000 there is no matching it is an outright grant and the deadline is tomorrow. Commissioner Bissell makes a motion for approval and Commissioner Sutton seconds. All were in favor.

9. City Manager Items for Discussion –

A. Miscellaneous Updates –

(a) City Manager Hall – would like to add a 5-7 minute segment once a month to agenda for local businesses to advertise and promote their business and give them a chance to compete with the large businesses, give people a little better shot at competition, so to speak. Wants an approval to add once a month, possibly the second meeting of the month for a local business to come in and profile their business. One business per month for 5-7 minutes. Commissioner Bissell recommends placing this item right after citizen comments. Mayor Totty questions whether CM Hall is asking for a vote and he clarifies just a general consensus. Vice-Mayor Johnson asks where it would be placed, would it be as Commissioner Bissell stated? Mayor Totty asked if during Public Announcements? Commissioner Sutton asks if during Awards & Recognitions to recognize businesses? Commissioner Bissell states that somewhere before we approve the minutes so it is before the actual business of the city. Commissioner Carroll states that she thinks it's a wonderful idea but with our time 7 might be a little long so maybe 5 or under. Mayor Totty asks Attorney Cantrell if the city would have any liability of concern of inviting someone and not others. How would we have a record to show that all are welcome and we are equal opportunists. Cantrell states that to avoid conflict, put an ad in the paper, put on the website and let the businesses contact CM to say they would like to be on there. So if your business is not on there, it's because you didn't contact them. I've seen this so many times where you have a great idea and you contact this person and this person and because of inadvertence or because you didn't know this person at the very least you are going to have some alienated feelings. So if you put in the newspaper, on the website, put a sign out here where the people come in on the board, if you want to have your business featured, contact the CM or whoever he wants to be contacted. Then everyone has an equal opportunity. Commissioner Bissell states he doesn't like the idea of us having the initial contact and thinks the business person should initiate the contact. Also, if they sign up for a night and then they miss their night, they go to the bottom of the list, not can I have next week and shuffle. If you miss your spot, then you go to the bottom of the list. CM Hall confirms that it will be handled on a first come, first serve basis. Mayor Totty agrees that it is a great idea and we will see how it unfolds. CM Hall asks for everyone to be safe in all this bad weather.

B. Staff Comments – Chief Terry Harris presents the November Police Report. Commissioner Sutton asks where we stand right now on percentage we had predicted about a 10% decrease in fatalities and injuries, do you know where we are now? Harris responds that we are at about 30% and holding. The only way to get it better would be to come in here and say no accidents. Commissioner Sutton states that the weather the next couple of days might change that figure. Harris brags on his guys saying they work hard, they work overtime when the weather is bad and I have a great crew.

Chief Mike Cooper presents the November Fire Report. He also states that he met with CM regarding how to handle the parade. They plan on coming out early Saturday and the three will make an evaluation and will err on the side of safety. Will make an announcement as early as they can. There is a robo

calling system in the county but it is for emergency use only and can't be used for rescheduling a parade but we do have that capability.

Donn Lovvorn states that the the Board has a copy of his report. Planning Commission is trying to streamline the way things get through the Planning Commission. November report is presented.

Keith Paisley presents the Park Report for November. He also noted that the night hike for tomorrow night is cancelled and looking for a time to reschedule. He also notes the December 7th concert of Yankee Dixie as well as the Fireside Concert hosted by the Park and Friends of the Park on Sunday, December 15th from 2 to 3 pm. The Street Department is prepared and ready for this weather – salt trucks are on standby. Mayor Totty commends the Park Department for their impressive roster of December events.

- C. City Attorney Comments – Cantrell updates the board on Wednesday before Thanksgiving he filed with the Circuit Court in Williamson County a motion for summary judgment in our annexation contest lawsuit. That is to be heard January 6, 2014 at 9 am in the Circuit Court in Franklin.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell – Just one open item and maybe I missed it when we said it but we were talking about the Greenway Project and Commissioner Sutton, or maybe it was CM Hall, said something about wanting to have a workshop before next meeting. Did we set that up or not? CM Hall clarifies that it will be an hour before next meeting on the 19th at 6 pm.
- B. Commissioner Carroll asks Commissioner Bissell for an update on History Village. Bissell states that the little house is gone, so it apparently got moved from one place to another. They are working on getting the foundation set on that. The company for the windows is still working on them. Bissell asks Lisa Anderson about meeting with Mr. Dowdy and she said they have talked but not been able to meet yet but he assures her that he has the engineer's name and they will meet soon. Bissell states that is the next step its' in Dr. Rice/Historical Society hands. They have to meet with the engineer and get plans before the board can decide any money they may want to spend to help with the wiring. And, of course Mid-State can't put the HVAC in until the wiring is fixed so it's kind of on hold until they are able to do that. The other parts are coming together really well and every time I talk to Dr. Rice he is highly motivated of meeting our timetable to open those buildings and have a public open house to coincide with our Independence celebration each year – I am really pleased with how it is moving along. Carroll thanks everyone for coming out, knows it takes a lot to come out, sit through meetings, give of your time but accountability is everything. I think that is how I really got involved is sitting and coming. I never mind any questions, matter of fact you can even say whatever you want because I know when you come and sit here you know what you're talking about. I just really appreciate all the support and the thanks and just like everybody else I'm really embarrassed at what this Tennessean article did. It just broke my heart that innocent people who just wanted a job and wanted to work in their home community the article tried to devalue their careers and lives and I'm appalled at it myself. If you have any questions, I have a feeling that we all feel this way, come ask us what is going on and we will answer to the best of our ability. Feel free to call me – I'm all over the web so feel free. Thank you, Mr. Hall, for stepping up. I don't even know how you've done what you've done the last few weeks. Thank you for stepping up.
- C. Commissioner Sutton has a couple things to address and basically comes in the form of an apology in response to recent media coverage in regards to the family members being employed by the city of Fairview. I would like to present the following facts that I'm sure will never be presented in the newspaper. This

is concerning Mark Sutton, my son, whom I'm very proud of. Most people in this community know he is my son. In 1995, Mark bought a house and moved to Fairview. 1994-2001 Mark was an employee of the Williamson County Sheriff's office where he was promoted to Corporal and then to Sergeant over the Booking and Records Department. In 1997 -2001 Mark served as an auxiliary officer to the city of Fairview without pay, putting his life on the line each and every day for this city. In 2001, Mark was hired as a full time officer. In March of 2001 he went through his post training and just to add a little note to that he did it with a broken foot. If anyone knows anything about post training it is very difficult to get through it but to accomplish it and graduate with a broken foot is even more. Mark was promoted to Corporal in 2004, in 2005 he was promoted to Sergeant and promoted to Captain in January of 2011 and still holds that position today. I, on the other hand, moved to Fairview in 2006. I was elected as City Commissioner in 2008. So, as you can tell there is a great deal of difference between the time of 1994 and 2008 when I became a City Commissioner and I just want to make a point that he is where he is at by what he did not by me. Thank everyone for coming out and the input that you gave on citizen comments. On Wayne Hall, I recommended him for the job and I would do it again. Everybody be safe this weekend.

- D. Vice-Mayor Johnson – States tomorrow is the application deadline for the City Manager apps and asks if Mayor has any correspondence from Jeff on when he will get back with us. CM Hall responds that the first preliminary report will be presented at the first meeting in January. Johnson asks whether applications will be requested prior to that for review prior to that. Totty responds that he has requested that commissioners be alerted that he would like a workshop at the first meeting and get that on the calendar. Johnson states that the Mayor brought up a great point on the loan when we were talking about that. The city is having to buy police cars to protect the citizens. We have a fleet that is basically falling apart and insurance did not even want some of them on the streets. As the Mayor stated, it was over half a million dollars that we are having to spend. We have not spent hardly any money out of the regular money over the last decade for police cars, they have been bought out of the drug fund so we are having to bite the bullet. Chief Harris and Captain Sutton have done a tremendous job. This was a long process to get through this and I'm glad we finally got it done so we can keep the citizens protected.
- E. Commissioner Bissell made a motion to adjourn. Commissioner Sutton asked about signing the loan document and Commissioner Bissell replied that she would do it after the meeting. Vice-Mayor Johnson seconded. All were in favor. The meeting adjourned at 8:18 p.m.

Brandy Johnson
City Recorder