

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

February 4, 2016

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, Daugherty, Johnson, Paisley

1. Call to order by Mayor Carroll at 7:00 p.m.

A. Prayer and Pledge by Mayor Carroll. Carroll stated Commissioner Johnson will be joining us shortly noting he had a commitment at the Middle School with his son.

2. Approval of the Agenda – Vice Mayor Sutton makes a motion for approval with Commissioner Bissell seconding. It was noted an executive session will be held immediately following the meeting. All were in favor.

3. Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).

A. Ron Rowe, 7232 McCormick Lane states he attended the special BOC meeting regarding the Drag Strip rezoning and has some related comments. Rowe states the purpose of the public hearing is to obtain testimony from the proponents and opponents plus staff comments to enter into public record and the land owner should be present to explain. In this case, there was no indication Mr. Rutledge had power of attorney to speak on the owner's behalf. No staff comments were given, no proof of documents sent or return receipts from mail notifications, verification of signage placed and therefore none of this information was entered into the record. Rowe states he was the chair of the Planning Commission where he previously lived and was taught to do those things mentioned previously. Rowe notes no citizen comments were allowed in the BOC meeting. The purpose of the meeting was to affirm or deny the landowner's request for rezoning and the documents, testimonies and comments from the public hearing should be related to the rezoning. After the vote was taken there should have been finding of fact as to the reason behind the decision and put into the record of the meeting but this was not done. Rowe feels the decision was based more on feeling and not on fact. Rowe mentions a comment heard during the meeting of "I'm willing to take a chance". Rowe shares a quote from a Supreme Court justice that said "we apply law to fact; we don't apply feelings to facts". In his opinion, due process was not followed and other processes do allow RM zoning. This could have been rezoned as CG which RM is supportive of or RM could be added to our current conditional uses under CI zoning.

B. Becky Fitzgerald, 7303 White Oak Dr, shares concerns about texting and talking on the phone while driving stating that about a month ago she was almost hit by a young lady on her phone who crossed the center line and then laughed about it. Fitzgerald asks the audience to imagine waking up looking for the person you love most on this earth and they aren't there because they were seriously injured or killed by someone else's careless actions. She knows some will choose not to listen but asks you have the numbers of your next of kin, an attorney and the funeral home if you choose to do so. She has lost two friends by the actions of others and asks what is so important that it can't wait? Remember when we only had land lines and saw people face to face more? Is it worth taking somebody's life?

- C. Scott McCoy, 7101 Braxton Bend Dr, states he wishes to share some data points from a recent 14-hour online survey from a community Facebook page. McCoy notes this was prior to the most recent dirty laundry. One question from the survey was do you feel the city would benefit from a stronger ethics policy and enforcement for our city. 95% of responses (actual total of 132) stated yes with only 7 responding no. The second question presented tonight is do you feel our city could benefit from an evaluative organizational review and restructure? 92.6% of the responses (actual total of 126) say yes with only 10 saying no. Whether you agree with the assessment or not I hope you realize the compelling impacts of the populous feeling overwhelmingly betrayed by those who were elected to care for our interests. I will offer one example of why the citizens may feel the way they do. Commissioners Johnson and Sutton conducted quite the production in an attempt to oust our last Mayor from office due to recording of a city approved plat. They seemed to feel errors by the city were compelling enough reasons for her to be found unfit to serve. A 28-page investigative report later found that the Mayor and her husband were not wrongfully involved in the approval. Contrast that with the actions taken at a BOC meeting on March 6, 2014, where Commissioner Sutton nominates and Vice Mayor Johnson makes a motion to approve the nomination of Tim Mangrum to our Planning Commission. This is important, because, according to the minutes of the Fairview Planning Commission September 14, 2004, Tim Mangrum resigned from the Planning Commission after attempting to record a plat that had not been approved by the city in error, or otherwise. As the citizens watch what appears to be preferential treatment, doled out at your sole discretion, perhaps you can appreciate the lack of confidence from your constituency.

4. Awards and/or Recognitions – NONE

- 5. **Public Announcements** – City Manager Hall issues a reminder of weekly emissions testing every Monday and Tuesday from 7:30 am until noon. Mayor Carroll notes City Hall is closed Monday, February 15 for President’s Day and announces an Internet Safety Course that will be offered locally on March 3.

6. Staff Comments –

- A. City Manager Hall (as Codes Director) states the Roadscapes Grant will be going to construction very soon and the pre-construction meeting will be held this month. We have paid the next to final invoice on the resurfacing and the GAN will get closed. Hall stated we received excellent service from the new TDOT rep with quick turnaround.
- B. City Recorder Johnson gives a quick census update stating we have narrowed down those that will require door knocking and will begin this process next week. The Crisp group along with some city employees, including the Fire Department and Community Services Department will be knocking on doors. Commissioner Crutcher states he has talked to a few non-city citizens who were told to go ahead and fill out census forms anyway. Johnson noted the original list they worked from may have included non-city residents but we will double check the list before sending the final count for verification.
- C. Finance Director Daugherty states Mr. Hall kind of stole his thunder but he is excited to see the Resurfacing grant come to a close. He is unsure that another grant of this size has ever been completed in Fairview’s history. He hopes to wrap up the GAN and TAN this month but by next month for certain.
- D. Community Services Director Paisley announces the chipper is down and we are waiting to see if it can be repaired or will need to be replaced. Summer camp signups began February 1 see Bowie website for details. Vice Mayor Sutton states the chipper is a safety issue and could have killed someone if they were standing to the side when the accident occurred.

Commissioner Johnson entered the meeting.

7. Approval of the Minutes – (only needed if removed from consent agenda)

8. Consent Agenda Consisting of Items as Follows:

- A. Approval of the Minutes from the January 21, 2016 Public Hearing
- B. Approval of the Minutes from the January 21, 2016 Board of Commissioners meeting
- C. Second and Final Reading of Bill #2016-01, Ordinance No. 915, An Ordinance for an Amendment to the City of Fairview, Tennessee Budget for Fiscal Year 2015-2016 Budget (Shop with a Cop)

Vice Mayor Sutton makes a motion for approval with Commissioner Bissell seconding. All were in favor.

9. Old Business

- A. Discuss and/or Take Action on Second and Final Reading of Bill #2015-40, Ordinance No. 905, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XV, Section 15-102, "Role of the Planning Commission" – Vice Mayor Sutton read the caption and asked for guidance from Attorney Cantrell who stated in the last meeting I was directed to amend this ordinance to allow the Planning Commission to grant variances to the Design Review Manual. Any changes to the Design Review Manual come to the Board of Commissioners. Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Commissioner Crutcher questions whether granting variances would set a precedent and how this version is different than the previous. Commissioner Bissell clarifies the Planning Commission has been doing something that is not in compliance with the rules on the books and this cleans that up and also allows them to make variances as needed because that is their job. Mayor Carroll notes there is an appeal process in place and grievances come to the Board. This is cleaning up the paperwork to match the practice. All were in favor.

10. New Business

- A. Discuss and/or Take Action on Cox Pike Development (development of Tom Smythe) – Hall defers to Attorney Cantrell who explains he and Hall had a meeting with Smythe and his legal team. Cantrell recommends returning the item to the Planning Commission for further consideration as the 60-unit limit for R-15 zoning had been changed some time ago but not yet codified and we were unaware. After much discussion, Bissell questions what we are supposed to act on tonight. Cantrell replies to make sure Smythe agrees with the understanding and he wants the BOC to vote on re-zoning at the next meeting. If you refer to the Planning Commission and they want to rezone it will come back to the Board while he goes forward with the plat. Commissioner Bissell makes a motion to refer this back to the Planning Commission for their approval seconded by Johnson. FOR: Bissell, Carroll, Johnson; AGAINST: Crutcher, Sutton. Motion carries.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states he is requesting an item for the next agenda for every new hire he wants to utilize a consulting firm and have a background check done by an outside firm. He will try to have answers on the cost as he would like to proceed this way in the future. Mayor Carroll asks what the current practice is and Hall replies we advertise, receive applications, review applications, interview, check references. Carroll asks about documentation of the reference check and Hall states it should be in the files.
- B. City Attorney Comments - NONE

11. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell – NONE
- B. Commissioner Crutcher – questions Hall's comments regarding hiring a consulting firm noting hiring is the City Manager's responsibility since we have no HR director and he feels Hall should be able to handle it and should be able to trust the individuals submitting recommendations. He states he doesn't believe the latest issues are Hall's fault but also doesn't believe he was given all the information. He's perplexed by the notion of outsourcing noting we should have a good policy in place and follow the employee handbook which would assist in doing his job. Hall notes he would use a consulting firm to bring forward only the top applicants which would eliminate the other applications from being a part of public record. This has been an issue in the past and may be keeping some from applying. The County Mayor follows this practice. Crutcher states he understands this but also points out this will come at a cost to the city and fears we will end up spending close to the same amount as we would if we had someone in the HR position. Commissioner Bissell states he thinks the situation this week as well as a few other inconsistencies have laid the issue at our feet and we at least need a consistent process or need to look at third party outsourcing.
- C. Commissioner Johnson – apologizes for arriving late explaining he had a Middle School baseball meeting

- D. Vice Mayor Sutton – appreciates the comments on the cell phone usage noting he has been rear ended twice by people using cell phones noting he wishes there would be a law where cell phones can't be used while in motion. City Manager Hall states he encouraged Mrs. Fitzgerald to be here and will work to get PSA's on our website about phone usage, texting and also seat belt laws as the fines have increased recently.
- E. Mayor Carroll – states the Williamson County Mayor shared about an agency he uses for executive level hiring and they submit the top three choices from the outside. Carroll tends to agree with Crutcher that without an HR director as a checkpoint we need a system and it is the responsibility of the City Manager. If we need more training to make sure this doesn't happen again we should find that. Carroll states perception is a big part of our jobs and anything we can do to protect our citizens, the city and our employees we need to do. We have policies and once they are violated we need to follow through with any discipline. Hall notes this would not be used for every day hires but higher level employees to make sure background checks are done properly. Sutton verifies the county uses this system for executive level hiring but each department is in charge of their own HR as well.

12. Adjournment – Commissioner Johnson made a motion for adjournment seconded by Vice Mayor Sutton and meeting was adjourned at 8:22 p.m.

Brandy Johnson
City Recorder