

City of Fairview

BOARD OF COMMISSIONERS

April 19, 2012

Beverly D Totty, Mayor
Allen Bissell, Vice-Mayor
Patti L Carroll, Commissioner
Stuart L Johnson, Commissioner
Toney R Sutton, Commissioner
Andrew Hyatt, City Manager
Larry Cantrell, City Attorney
Theresa Porter, City Recorder

Present: Totty, Bissell, Carroll, Johnson, Sutton
Others Present: Hyatt, Cantrell, Porter, Harris, Hooper, Pewitt, Lovvorn
Absent: Chief Cooper

- 1. Mayor Totty called the meeting to order at 7:04 p.m.**
 - A. The prayer and pledge were led by Donn Lovvorn.
- 2. Approval of the Agenda –**
 - A. Commissioner Sutton added 8L “School Funding for Triangle Structural Engineer”.
 - B. Commissioner Johnson added back item from preliminary agenda that was omitted on final agenda “Property in the Industrial Park, Restricted Covenants” as 8M.
 - C. Mayor Totty made a motion to approve the agenda as amended. Commissioner Sutton seconded. 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. Kenneth Crowley stated that he lives in Fernvale Heights and he is the owner of a dump truck company. Since he cannot park his dump truck in his residential neighborhood because of a city ordinance he has been parking it at the Shell Station. He stated that his truck has been damaged several times since parking it there and has cost him a lot of money for repairs. He asked the Board to consider changing the city ordinance to allow him to park his dump truck in his driveway.
 - B. Dr. Neil Rice stated that in order for the work to continue on the Triangle School a professional Structural Engineer’s report is required. The cost is \$6,500. He thanked the Board for putting this on the agenda and hoped that they would consider authorizing expenditure funds to make this happen. He suggested that if the City couldn’t pay for the entire amount, then maybe the City could pay \$3,100 of the cost.
- 4. Awards and/or Recognitions –**
 - A. Police Chief Harris introduced the new police officer Shaw Malhoit.
- 5. Public Announcements –**
 - A. City Manager Hyatt reminded everyone that the emission testing is on Tuesdays on Hwy 96 from 7:30 a.m. to 12:00.

- B. Mayor Totty invited the community, businesses and civic groups to join in and come out to Clean Sweep, which is Keep Williamson County Beautiful to help keep Fairview beautiful. It is Saturday April 28th starting at 8:00 a.m. till noon starting at Bank of America.

6. Approval of the Minutes –

- A. The minutes for the March 15, 2012 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. All were in favor.
- B. The minutes for the March 22, 2012 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. All were in favor.
- C. The minutes for the March 22, 2012 Special Meeting were presented for approval. Vice-Mayor Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.
- D. The minutes for the March 27, 2012 Special Meeting were presented for approval. Vice-Mayor Bissell made a motion to approve. Commissioner Sutton seconded. All were in favor.

7. Old Business –

- A. Discuss and/or take action on City Arborist - City Manager Hyatt stated that the only resume received was from Michael Berkley who is currently serving as the City's arborist in an advisory capacity to the Tree Commission. The ad placed for City arborist stated that they needed to be certified, by this it means certified with the International Society of Arboriculture. Mr. Berkley does not have this certification. Mr. Hyatt asked the Board for guidance to go into negotiations with Mr. Berkley or re-advertise for the position. Mayor Totty made a motion for approval of the submitted application of Mr. Berkley. Commissioner Carroll seconded. Commissioner Johnson asked about the certification. Mr. Hyatt stated that MTAS suggested the certification, this was on the tree trimming and Mr. Berkley stated he does not do tree trimming. Attorney Cantrell stated that since no one else applied the City would have to wave the certification. Commissioner Sutton made a motion to wave the certification and re-advertise for the position. Commissioner Johnson seconded. Mayor Totty withdrew her motion. Commissioner Carroll withdrew her second. All were in favor to wave the certification and re-advertise.
- B. Discuss and/or take action on Public Officer – City Manager Hyatt stated that the City received two applications for the position, Mr. Weaver and Mr. Gulley. They were both present and approached the podium for questions. Director Donn Lovvorn stated that this position would take John out of the mix as codes inspector. John would decide if the structure needs repairs or tear it down. Attorney Cantrell stated that any appeals will be to the Chancery Court and the public officer would handle the hearing and the city manager would have to put the lean on the property, if needed. Commissioner Sutton made a motion to defer until the City Manager has time to interview both applicants. Commissioner Johnson seconded. All were in favor. Vice-Mayor Bissell made a motion for one commission to be included during the interview process. Commissioner Carroll seconded. All were in favor. Vice-Mayor Bissell volunteered to sit in on the interviews with the City Manager.
- C. Discuss and/or take action on Removing the Cap on the Number of Retail Liquor Package Stores – Commissioner Johnson stated that he would like to table all discussion on this item. Mayor Totty made a motion that the cap be based on population and that it stays the way it is currently. There was no vote.
- D. Approval of Resolution No. 04-12 to Waive Fees for the 2012 Habitat for Humanity of Williamson County, Tennessee for Housing Projects Constructed

within the Corporate Boundaries of the City of Fairview, TN – Commissioner Sutton made a motion to approve. Commissioner Johnson seconded. All were in favor.

8. New Business –

- A. Discuss and/or take action on Two Separate Certificate of Compliances for Retail Package Stores one for Kunal N. Patel and one for Anthony E Vincent – Mayor Totty asked if any member of the Board believed that the approval of applicant one or applicant two would be unreasonably restricting the availability of alcoholic beverages to any resident of Fairview, as far as location. There was no discussion on the locations. Vice-Mayor Bissell asked the dates that the applications were turned in. City Recorder Porter stated that Mr. Patel turned his in on March 12th and Mr. Vincent turned his in on April 11th. Vice-Mayor Bissell made a motion to except the first completed application of Mr. Patel. Mayor Totty seconded. Attorney Cantrell stated that the locations must meet the City codes. Director Lovvorn stated that neither applicant has a Certificate of Occupancy; the building for Mr. Patel has not been built out. Mr. Vincent's building would not meet the parking requirements but Mr. Patel's would. Commissioner Sutton stated that he would like the Board to consider both applications. Mayor Totty called for a roll call vote on the original motion. **FOR:** Totty, Bissell, Carroll **AGAINST:** Sutton **ABSTAINED:** Johnson Motion carried.
- B. Discuss and/or take action on Bill #2012-04, Ordinance No. 783 to Change the Zoning on Property Located at 7008 Glenhaven Drive – Vice-Mayor Bissell read the caption. Vice-Mayor Bissell made a motion for approval. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or take action on Resolution No. 05-12 To Set a Public Hearing for the Rezoning of the Property Located at 7008 Glenhaven Drive – Vice-Mayor Bissell read the caption. Commissioner Sutton made a motion for approval. Commissioner Johnson seconded. All were in favor.
- D. Discuss and/or take action on Appointments to the Planning Commission – Donn Lovvorn stated that Mr. Robert Benson's term will expire on 6-30-2012 and asked the Board if they wanted to appoint him or advertise for the opening. Commissioner Sutton made a motion to ask Mr. Benson to stay on. Commissioner Johnson seconded. All were in favor.
- E. Discuss and/or take action on Bill #2012-05, Ordinance No. 784 to Repeal and Replace Ordinance No. 772 Amending the Municipal Code - Vice-Mayor Bissell read the caption. Attorney Cantrell stated that this was a housekeeping ordinance for Fire and Codes and that MTAS suggested the changes. Vice-Mayor Bissell made a motion to approve. Commissioner Johnson seconded. All were in favor.
- F. Discuss and/or take action on the Review and Approval of the Audit for June 30, 2011 – CFO Crystal Pewitt stated that the Auditor had two findings that he brought to our attention. The first item was a lapse in internal control and the second was that the main checking account had not been reconciled to the general ledger. We are taking steps to correct the internal control with separation of duties and the general ledger has been reconciled through March 31, 2012. Vice-Mayor Bissell moved to accept the audit. Commissioner Johnson seconded. All were in favor.
- G. Discuss and/or take action on the Lease of 3 New Copiers – CFO Crystal Pewitt stated that the Fire Department, Police Department and the Park Department all had old copiers and problems with them. She presented price quotes. Commission Carroll asked about the budget for this lease. Ms. Pewitt did not have that information. Mayor Totty made a motion to defer this item to give Ms. Pewitt time to get detailed information together. Commissioner Sutton seconded. All were in favor.

- H. Discuss and/or take action on Contract for Fireworks Display – City Manager Hyatt stated that at the recommendation of Commissioner Carroll to look at other options for the firework show, he found a company that would do a longer show than last year and for \$2,000 less. The cost would be \$5,500 and the show would last between 15 to 20 minutes. Mr. Hyatt respectfully requested the approval of the contract. Commissioner Johnson made a motion to approve. Commissioner Carroll seconded. All were in favor. Mr. Hyatt stated that the fireworks show would be on July 3rd this year.
- I. Discuss and/or take action on TDOT Safe Routes to School Contract #117004 – City Manager Hyatt asked the Board to approve the contract that will provide a sidewalk from Cumberland Drive at the entrance to the Middle School to Grammar Drive. Vice-Mayor Bissell made a motion to approve. Commissioner Carroll seconded. All were in favor.
- J. Discuss and/or take action on the Possible Rezoning of Property Located on Fairview Boulevard between Glen Haven Drive and Cumberland Drive/Crow Cut Road from Residential to Commercial General (CG) with the Action Being Referred to the Planning Commission for Recommendation in Accordance with TCA – Commissioner Johnson made a motion to send this back to the planning commission to instruct them to make contact with each property owner from Jingo Market to Cumberland Drive asking which owner wants their property brought in as commercial at this time, just asking for participation and then move forward at that point. Commissioner Sutton seconded. Vice-Mayor Bissell asked Director Lovvorn about the current land use plan. Director Lovvorn stated that the Planning Commission voted on an amendment to change the proposed land use map for that area from proposed commercial to the proposal of medium density residential, this would include taking both sides of Fairview Boulevard all the way to King Road. Further discussion was made. The vote was called. All were in favor.
- K. Discuss and/or take action on Temporary Sign Ordinance for Rental LED Signs – Commissioner Johnson made a motion to have Attorney Cantrell write an ordinance to allow the use of trailers for temporary LED signs with generators, not extension cords, for 7 days and up to 4 x 8, 32 sq ft. Commissioner Sutton seconded. All were in favor.
- L. Discuss and/or take action on Triangle School Funding – Commissioner Sutton stated that the project is on hold until the Structural Engineer work is done and the estimated cost is \$6,000. Commissioner Sutton made a motion to approve the money to come out of the \$20,000 currently unspent funds. City Manager stated that the amount is \$18,069. Commissioner Johnson seconded. All were in favor except Vice-Mayor Bissell. Motion passed 4 to 1.
- M. Discuss and/or take action on Property in the Industrial Park, Restricted Covenants – Commissioner Johnson stated that it was brought to his attention that the Board of Zoning Appeals ruled on a piece of property in the Industrial Park and wanted another legal opinion from Attorney Cantrell as to the definition of auto wrecking. He stated that the Board of Zoning Appeals may have misunderstood the wording of auto wrecking, in the restricted covenants, with auto wrecker. Attorney Cantrell stated that he thought auto wrecking would include stripping the cars and selling the parts like a salvage yard. Director Lovvorn stated that the auto wrecker business would have to receive a conditional use permit from the Board of Zoning Appeals. They would have to go to the Board of Zoning Appeals because of the specialty of impounding cars and them being stored on the property at all times they have to meet certain standards from the state. He also stated that the Board of Zoning Appeals has the ability to put other conditions on it because it can become unsightly and things of that nature. Joyce Johnson took the podium and stated that they would not be dismantling vehicles; they would be storing vehicles for their appropriate time as required by the state or the City, at that time they will be

moved to a business in Dickson. Commissioner Johnson made a motion to waive the fees to file for reconsideration to the Board of Zoning Appeals. Commissioner Carroll seconded. All were in favor. Vice-Mayor Bissell made a motion to send a notification to the Board of Zoning Appeals indicating the Board of Commissioners support. Commissioner Carroll seconded. All were in favor.

9. City Manager Items for Discussion –

A. Miscellaneous Updates –

- (1) City Manager Hyatt stated that the city engineer placed an ad in the paper for bids on the Greenway Project. He also stated that at the Boards request to widen Fairview Blvd from Bowie Lake Road to Hwy 840, via email from Representative Johnson, we should be hearing from TDOT soon.

B. Staff Comments –

- (1) Director Hooper stated that he had nothing, and Commissioner Sutton asked for the traffic light update. City Manager Hyatt stated that TDOT said they were doing a traffic study to see if we could go forward. The cost of the traffic light would be \$150,000. Mayor Totty asked about May Fest. Mr. Hooper stated that he will have Jenny the Program Director at the next meeting for an update. Mr. Hyatt gave the website address www.bowiepark.org. Chipper service was discussed.
- (2) Chief Harris gave his police department report.
- (3) Director Donn Lovorrn gave his codes and planning department report.
- (4) CFO Crystal Pewitt presented the March financial statement numbers.

C. City Attorney Comments – none

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton commended CFO Crystal Pewitt for the budget work and everybody involved with the budget, thanked the big crowd for coming out and asked everyone to shop local.
- B. Commissioner Johnson exited the meeting before this point.
- C. Commissioner Carroll thanked Dr. Rice for coming out and for his hard work, and mentioned the passing of one of our citizens and a good friend Carl Walker and requested to the staff to keep the Board informed through emails.
- D. Vice-Mayor Bissell – none
- E. Mayor Totty - none

11. Mayor Totty called for a motion for adjournment –

- A. Commissioner Sutton made a motion for adjournment and Mayor Totty seconded. All were in favor. The meeting adjourned at 10:02 p.m.

Theresa Porter
City Recorder