

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

May 19, 2016

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

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Cantrell, Daugherty, Johnson

1. **Call to order by Mayor Carroll at 7:00 p.m.**
 - A. Prayer and Pledge led by Mayor Carroll
2. **Approval of the Agenda** – Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. Commissioner Bissell requested Item 9A be withdrawn, Recorder Johnson noted the request of Finance Director Daugherty to defer items 10D, 10E, 10F and 10G, Commissioner Crutcher requested a hearing to determine whether it is an exigent circumstance to add to the agenda an update on the PD investigation. The hearing is added as item 10H and the item would follow as 10I. All were in favor.
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each) - NONE**
4. **Awards and/or Recognitions - NONE**
5. **Public Announcements**
 - A. City Manager Hall issues a reminder of weekly emissions testing every Monday and Tuesday from 7:30 am until noon. Hall also reminds everyone that Fairview High School graduation is tomorrow night and signs are posted requesting all traffic use the King Road entrance.
6. **Staff Comments**
 - A. Codes Director Hall states planting began today for the Roadscapes project and a temporary sign will be in place for the dedication Sunday at 3 pm. Parking for the dedication will be at Bank of America and Sgt. Hill will assist with rides in the gator. This project has taken 10 years to bring to fruition and Dan Kubit will be there to be honored for his part. Mayor Carroll thanked Hall for bringing this project back to life and seeing it through to completion.
 - B. City Recorder Johnson notes we have several job openings listed on the website as well as the openings for several board seats expiring the end of June. Johnson continues stating the final meeting for census verification is early next week and all will be in order to submit to the state by the June 1 deadline. Johnson has a letter for the Mayor to sign tonight to submit to the state. July 3 plans are moving along and we have forms on our website for sponsors and vendors. We would also like to open up for citizen donations. Next week I will place the budget for the event on the website. We would like to purchase new bunting for city hall and a large flag for our ladder truck to display. We have borrowed these flags the last couple of years and would like to purchase our own to have available for all city events.
 - C. Finance Director Daugherty added that all is moving at a fast pace. He is excited about the census verification and thanks everyone for their patience and understanding as we get acclimated to the

new phone system. This project has been in the works for a year and it is exciting to finally be happening and move forward.

- D. Commissioner Bissell (on behalf of Parks Director Paisley) notes that a few positions remain open for Bowie summer camps

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 May 5, 2016 Board of Commissioners Meeting
- B. Second and Final Reading on Bill #2016-08, Ordinance No. 922, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (TAN Closing Costs & Interest)
- C. Second and Final Reading on Bill #2016-09, Ordinance No. 923, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (GAN Closing Costs & Interest)
- D. Second and Final Reading on Bill #2016-10, Ordinance No. 924, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Fleet Reallocation)
- E. Second and Final Reading on Bill #2016-11, Ordinance No. 925, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Police Department Reallocation)
- F. Second and Final Reading on Bill #2016-12, Ordinance No. 926, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Tree Bank Appropriation)

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

9. Old Business

- ~~A. Discuss and/or Take Action on Bill #2016-13, Ordinance No. 927, An Ordinance to Amend the Municipal Code of the City of Fairview, Tennessee, by Repealing, Title 9, Chapter 3, Sections 9-301 Through 9-304, "Charitable Solicitors" and to Re-Designate and Re-Number Said Title, Chapter and Section as Fairview Tennessee Municipal Code, Title 9, Chapter 3, Sections 9-301 Through 9-311, "Solicitors," and Title 9, Chapter 3, Sections 9-312 Through 9-316 "Delivery of Unsolicited Publications." WITHDRAWN~~
- B. Discuss and/or Take Action on City Manager Hiring – Mayor Carroll requested an update from City Recorder Johnson on the committee meeting. Johnson noted the committee has three requests. 1) to view the candidate interviews, either in person or by video; 2) participate in a meet and greet to evaluate their soft skills; and 3) to have the opportunity for a final overall evaluation after the interviews and meet and greet as a combined ranking. The committee's next meeting will be held Tuesday, May 31 at 6:00 p.m. to finalize the ranking matrix and evaluate candidates. Commissioner Crutcher makes a motion to approve the requests seconded by Vice Mayor Sutton. Mayor Carroll states the committee realizes that the qualifications found on paper are only part of the decision and thinks it's harmless for another set of eyes and ears to assist noting only the Board gets to vote in the end. FOR: Bissell, Carroll, Crutcher, Sutton; AGAINST: Johnson.

10. New Business

- A. Discuss and/or Take Action on \$17,000 Funding Request from Dr. Rice for History Village Water/Sewer Connection Work – Commissioner Bissell states he would like to make a statement and then ask Dr. Rice to make a brief statement. Bissell notes they had a nice opening session for history village about a year ago and have worked diligently on finishing work but are required to get the restrooms complete to obtain the permanent certificate of occupancy. WADC has committed to the sewer tap as Mr. Hall has been working with them. Bissell makes a motion to approve the funding from the 5 cents set aside in this year's budget for capital improvements and parks seconded by Vice Mayor Sutton. Finance Director Daugherty notes there was \$85,000 reserved this year. Dr. Rice states he has been part of this project since its beginnings in 2007 and it is still not finished, lacking the restrooms and kitchenette. The Tennessee Historical Commission gave their permission for these changes to the structures and it won't affect the historical standing. Rice states if any funds are left over after the completion of restrooms and kitchen, there are several more projects such as enlarging the parking area and adding additional parking, handrails and fencing around the detention pond to

name a few. Daugherty recommends adding to the 2017 budget if that works with the historical society. Commissioner Crutcher asks Rice what are the future plans/expectations for use of these buildings? Rice replied homecomings, dramatics, class reunions, wedding receptions, schools, scouts, 4-H clubs, and possible office for a group such as the Chamber. Some discussion was held about whether a budget amendment was needed or the city manager could divide the expenditures and approve. Daugherty states if the money is to be spent this year we need an amendment. All were in favor.

- B. Discuss and/or Take Action on First Reading of Bill #2016-15, Ordinance No. 929, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Drug Fund) – Vice Mayor Sutton read the caption. Finance Director Daugherty notes this is an amendment to appropriate \$12,000 out of the Drug Fund for salaries, machinery, overtime and tuition to keep the budget in check. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
- C. Discuss and/or Take Action on Impact Fee – (Item heard out of order by a motion to suspend the rules by Commissioner Bissell, seconded by Commissioner Crutcher and in favor by all.) City Manager Hall states he is getting estimates from two on the cost for a study and Griggs & Maloney has replied with a \$25,000 estimate. Hall requests the Board advise on moving forward with a written proposal and timeline. Vice Mayor Sutton makes a motion for moving forward with the process for bids seconded by Commissioner Crutcher. All were in favor.
- D. Discuss and/or Take Action on First Reading on Section 9 of Bill #2016-16, Ordinance No. 930, An Ordinance of the City of Fairview, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year 2016-2017 - DEFERRED
- E. Discuss and/or Take Action on Resolution 08-16, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Property Tax Rate for the City of Fairview, Tennessee for the Fiscal Year 2017 - DEFERRED
- F. Discuss and/or Take Action on First Reading of Bill #2016-16, Ordinance No. 930, An Ordinance of the City of Fairview, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017 - DEFERRED
- G. Discuss and/or Take Action on Resolution No. 07-16, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Proposed Budget for the City of Fairview, Tennessee for Fiscal Year 2017 – DEFERRED
- H. Discuss and/or Take Action on Hearing for the Addition of Status of the PD Investigation to the Agenda – Attorney Cantrell states that per our ordinance to add an item to a published agenda requires emergency or exigent circumstances. While this is not an emergency, exigent circumstance can be defined as falling short of an emergency but sufficient for the Board to feel necessary to hear and not call a special meeting. Cantrell warns to be mindful of discussing an ongoing investigation and how it might affect the effectiveness or ineffectiveness of the investigation. Crutcher states it affects the property of the citizens as 3 employees remain on administrative leave since February. Crutcher continues the Board didn't vote for a criminal investigation but requested an investigation on policy. I think we have a right to know and so do the citizens. Bissell agrees that it is exigent circumstances and we are bleeding money every day with employees sitting at home being pad while others work overtime and 12 hour shifts and we look to hire more police. Mayor Carroll states she thinks this is premature and believes the Sheriff is winding things down. Sutton states he will recuse himself from discussion or voting. Vote on exigent circumstance to add to agenda, FOR: Bissell, Carroll, Crutcher, Johnson; ABSTAIN: Sutton.
- I. Discuss and/or Take Action on Status of the PD Investigation – Mayor Carroll states she spoke to Sheriff Long on Monday and was told he was closing this up on Friday and would let us know when the reports are ready. Crutcher states with all due respect I have been hearing this is wrapping up for a month. The criminal investigation has nothing to do with the administrative investigation. I'm getting really impatient and tired of inaction. We as a city need to take some action. We've been so worried about lawsuits we are feeling restrained and stuck in neutral. Carroll notes Hall was working on it but there was so much finger pointing and butting in so we all decided an outside agency would be best. Crutcher has concerns over a criminal investigation noting we requested a policy and procedures investigation. Bissell shares concern over whether the investigation has changed from policy to criminal might dictate what type of leave these employees are on. It is not our policy for administrative leave with pay for a criminal investigation. Bissell states he wants the investigation completed right but does have concerns over the fiscal issues and wants a consistent point of view. Carroll clarifies

we asked them to evaluate the organization, policies and procedures and if there was any criminal wrongdoing and they are still doing what we requested which Mr. Hall was previously handling. Carroll continues that it's not really up to the Board to decide on the issues of employee matters. She, too, finds it frustrating for people to be on paid leave for so long. Bissell states under the broader scope it would still be appropriate for them to be on paid leave. Sutton questioned whether Hall has had contact with Sheriff Long, if the investigation is now criminal and what the timeframe is. Hall replied he has not had recent contact but Chief Harris has, that he hasn't said either way on criminal and we don't know what the time frame is remaining but they did just request additional information. Sutton notes the TBI was also involved. Crutcher interjects they left without any criminal pursuit but there has been all sorts of finger pointing in the PD and up here. I was all for the Sheriff looking into a policies and procedures issue as my letter requested but I still don't understand why we can't take any administrative action. Interim City Manager Hall requests that Attorney Cantrell speak on the matter. Cantrell explains that we are dealing with a lot of unknowns including the nature of the charges, what could happen if the employees were to return and then get a criminal indictment. Without knowing any possible pending charges we don't want them in a uniform. Even any administrative charges could change things, too. Mayor Carroll states she thinks it is too premature to say. She thought it was going to be a policy investigation but after speaking with the Sheriff discovered it was going to be criminal also. We need to wait for them to complete and submit their report to take action unless we want Mr. Hall to take action. Crutcher states there has not been a lot of news but what has been out is conflicting. I don't want Mr. Hall to take action in the middle of the investigation but I still thought Sheriff was doing criminal and wonder why the Board can't do an administrative one. I'm not trying to hurry anyone up. Hall notes he would have already taken action but there was so much finger pointing it was wise to wait. Crutcher asked if that was Cantrell's opinion also. Cantrell stated he does think we need to wait for the investigation result before proceeding. He supports the administrative leave but warns the City could have damages if they are not paid and not found culpable for charges. Crutcher asks the rhetorical question how long are we going to leave people at home being paid? Carroll agrees that is a valid question but we can't control the situation. We asked Sheriff Long to participate to eliminate conflict of completing this internally.

10. City Manager Items for Discussion

- A. Miscellaneous Updates – Interim City Manager Hall tips his hat to the FMS 8th Grade Promotion Ceremony noting the entire event was very nice and he was pleased to see the gym dedicated to Donna Bledsoe.
- B. City Attorney Comments – Attorney Cantrell noted that he argued the motion to dismiss the Holland Paving lawsuit for paving at Leverette Meadows on May 12 due to the fact the complainant failed to state the complaint. The judge will take under advisement and Attorney Cantrell will send the outcome once a decision has been received.

11. Communications from the Mayor and Commissioners

- A. Commissioner Johnson – NONE
- B. Vice Mayor Sutton congratulated the Seniors and is looking forward to seeing them move ahead in their lives. Sutton asked Hall about the status of the paving at Bowie Park and it is out to bid as well as the trail to Joann's classroom which is waiting on engineering.
- C. Commissioner Bissell notes pertaining to the police investigation he is impatient but not so much that he wants the wrong conclusion or a hurry-up judgment. We have a responsibility to make sure we are not in limbo and that something is working. I appreciate the Board, attorney and City Manager engaging in the conversation and I do feel it is moving in a forward direction and the conclusion will be based on fact and a proper judgment can be made.
- D. Commissioner Crutcher echoes some of Bissell's comments noting the reason for the request for an update was we all need to be on the same page and for the citizens. His comments were not directed at Sheriff Long but he does want the proper outcome. Crutcher notes he, too, is impatient, and realizes that maybe the two issues were so intertwined they couldn't be separated.
- E. Mayor Carroll thanks everyone for their patience noting they are trying to do the right thing. She knows it is frustrating but we are hopefully at the end and can come back and be a better department. I see the department being stronger in the end. We have great guys and they deserve a lot of respect. I am tired of the negative light. We are taking actions to right the wrongs and are much better financially though we still need to be conservative for a strong foundation for the future. I would like to

congratulate all the seniors and would like to note I attended the beautiful service honoring Valerie Willmore who was obviously a very loved teacher and part of the community. Let's all stay positive and move forward.

12. Adjournment – Vice Mayor Sutton made a motion for adjournment and meeting was adjourned at 8:48 p.m.

Brandy Johnson
City Recorder