

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

August 7, 2014

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

Present: Totty, Johnson, Bissell, Sutton
Others Present: Hall, Cantrell, Humber, Johnson, Cooper, Paisley
Not Present: Carroll

1. **Call to order by Mayor Totty at 7:06 p.m.**
2. **Approval of the Agenda** – Commissioner Sutton made a motion for approval with Commissioner Bissell seconding. Vice Mayor Johnson noted Chief Harris requests the addition of item 8G – Discuss and/or Take Action on Taking Bids for a 15 Passenger Van for the Police Department. FOR: Bissell, Johnson, Sutton, AGAINST: Totty.
3. **Citizen Comments – (Limited to the first five (5) citizens to sign in and a limit of three (3) minutes each).** –
 - A. Jim Power- Notes that he understands the budget is tight but some items have been approved such as the ADA trail to Joann’s classroom, forester for the park, signage on I-840 to promote the park that seem to be stalled. He adds that these items add up to the amount spent on the new truck for the park (clarified he’s not saying we don’t need the truck but these other items are important also).
4. **Awards and/or Recognitions** – none
5. **Public Announcements** –
 - A. City Manager Hall reminds everyone of emissions testing every Monday and Tuesday from 7:30 until noon.
 - B. Mayor Totty invites everyone to the Economic Development Meeting at City Hall on Monday, August 18th at 6:00 pm
 - C. Commissioner Sutton reminds everyone that tomorrow is the first day of school and asks to be especially aware of school zones
6. **Approval of the Minutes** –
 - A. Approval of the Minutes from the July 17, 2014 Public Hearing – Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
 - B. Approval of the Minutes from the July 17, 2014 Board of Commissioners meeting - Commissioner Sutton made a motion for approval with Vice Mayor Johnson seconding. All were in favor.
7. **Old Business** –
 - A. Second and Final Reading of Bill #2013-06, Ordinance No. 801, An Ordinance to Change the Zoning in the City of Fairview, Tennessee, Located at 7355 Overbey Road, as Shown on, the City of Fairview Geological Listing of Assessment Roll Map 46, Parcel

44.00, From RS-40 to RS-15 (Mixed Use PUD), 108.41 Acres, Kathy Beata, owner – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. Matt Beata was present as a representative of the property. All were in favor.

- B. Discuss and/or Take Action on State of Tennessee Contract with the City of Fairview for Mowing and Litter Pick Up – Attorney Cantrell notes this is a carbon copy to last years contract except the number of cycles we would be paid for. Streets Director Keith Paisley details the hours to complete, salaries, fuel, oil and the net amount would be \$1634.44 for the city. Commissioner Bissell made a motion for approval with Commissioner Sutton seconding. Mayor Totty questions what the difference between the amount budgeted and the contract amount. CFO Daugherty states the budget amount was \$18,0000. Mayor Totty amends the motion for the contract process to not move any further until we fund how to fund the difference in the amount budget and the contract amount with cuts in the current budget rather than moving forward with a deficit. Commissioner Bissell seconds for discussion noting the Finance Review Committee has already laid out plans for when revenues fall short of expenditures. He further notes that we are not going to not cut the grass so we can at least get the contract amount to do so. Vote on the amendment: FOR: Totty, AGAINST: Bissell, Johnson, Sutton. Vote on the original motion: all in favor.

Mayor Totty apologizes for Commissioner Carroll not being present this evening.

- C. Discuss and/or Take Action on Vacant Board Seats to Include Those Surrendered by Commissioner Sutton – Commissioner Sutton notes he would like to withdraw his resignation on certain boards until after the election so the new Board of Commissioners will have input into filling these seats. DEFERRED.

Vice Mayor Johnson exits the meeting at 7:23 pm

8. New Business –

- A. Discuss and/or Take Action on Bill #2014-20, Ordinance No. 842, An Ordinance to Change the Zoning of Certain Property Located in the City of Fairview, Tennessee, Located at 7062 City Center Way, Owned by Karen Dirkse (Lassan), As Shown on, the Fairview Geological Listing of Assessment Roll Map 42, Parcel 173.00, 1.0 Acres, from RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use) – Commissioner Bissell reads the caption. Jon Cherry is present to represent the property owner. Mayor Totty calls for a recess at 7:26 pm and calls the meeting back to order at 7:29 pm. Commissioner Sutton makes a motion for approval with Commissioner Bissell seconding. All were in favor.
- B. Discuss and/or Take Action on Bill #2014-21, Ordinance No. 843, An Ordinance to Change the Zoning of Certain Property Located in the City of Fairview, Tennessee, Located at 7061 City Center Way, Owned by John A. Harrison, as Shown on, the Fairview Geological Listing of Assessment Roll Map 42, Parcel 172, 0.575 Acres, from RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use) – Vice Mayor Johnson reads the caption and makes a motion for approval with Commissioner Sutton seconding. Mr. Harrison was present as owner of the property. All were in favor.
- C. Discuss and/or Take Action on Resolution No. 12-14, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 7062 City Center Way, Owned by Karen Dirkse (Lassan), As Shown on, the Fairview Geological Listing of Assessment Roll Map 42, Parcel 173.00, 1.0 Acres, from RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use) – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. All were in favor.
- D. Discuss and/or Take Action on Resolution No. 13-14, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Certain Property Located in the City of Fairview, Tennessee, Located at 7061 City Center Way, Owned by John A. Harrison, as Shown on, the Fairview Geological Listing

of Assessment Roll Map 42, Parcel 172, 0.575 Acres, from RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use) – Vice Mayor Johnson read the caption and made a motion for approval with Commissioner Sutton seconding. All were in favor.

- E. Discuss and/or Take Action on Assignment for the Park Board – Commissioner Bissell states that he believes this time of restricted spending should be a time to develop plans so when we are in a better place we are ready to go. He specifically would like to task the Park Committee with developing and preparing in final form for submission to the BOD a comprehensive 5-10 year plan for the improvement and expansion of our parks and recreation system to include: What new services or facilities should we provide? In what order? What would be the complete cost of construction including land acquisition if needed? Where would the facility or service be located? What are the maintenance costs? Staffing, security, additional or specialized equipment? Integration of the sidewalk system being planned. How do we pay for this? Referendum for tax increase, % of revenues, cash. How does it fit with the County services? Opportunities to partner? Should we be moving to take over all services? He states that prior to submission to the BOC the plan should be vetted with the Parks Director and Staff for potential issues but notes this is a citizen driven plan so the Parks Committee should do the leg work. He requests the final plan be submitted by March 1, 2015 in time for consideration of potential funding beginning next fiscal year. The following ideas have been mentioned but this list is not to be considered all inclusive: camping, splash pad, dog park, archery range, paddle boats, farmer's market, new stage or pavilion, ADA trails, more greenways and sidewalks, playgrounds in neighborhoods, skateboard park, expansion of nature center, horseback center, movement of bike trails, expansion of trail system to other locations, corporate partnering with Walmart, management of community garden. Vice Mayor Johnson seconds the motion. Mayor Totty notes that in 2012 the Park Board rewrote the master plan for Bowie Nature Park and since then the park system has broadened to include Triangle Historical Village and Veterans Memorial Park. Parks Director Paisley notes the previous plans included most of the items Commissioner Bissell mentioned. All were in favor.
- F. Discuss and/or Take Action on Codes Review Committee – Codes Director Frank Humber notes there are a few issues of housekeeping for this committee; Tim Mangrum was appointed as a member of the public and is now on the Planning Commission and no term of service was established. Humber recommended for the Board of Commissioner and Planning Commission positions their terms of office be their term for this committee as well and the Codes Director and City Manager's term be their term of employment. Commissioner Bissell made a motion for approval. Mayor Totty clarifies there are currently 3 members of the Planning Commission sitting on this committee and the original matrix was for 2 Planning Commission members. Mr. Humber states we also need to clarify the number of years the public members will serve and recommends a term of four years. There was discussion about the importance of the original matrix for this committee versus the current matrix. Mayor Totty suggests amending the motion to defer until Mr. Humber can address with the Planning Commission. Commissioner Sutton makes a motion for approval with Mayor Totty seconding. All were in favor.
- G. Discuss and/or Take Action on Taking Bids for a 15 Passenger Van for the Police Department – Chief Harris states he is asking for permission to go to bid on a used 15 passenger van to transport prisoners for court dates noting the one we have now is too small, has over 150,000 miles on it and was bought used, it has multiple issues and a challenge to keep running including a short of some kind, and has no screens to segregate male from female prisoners. He states it would be purchased out of the drug fund. Vice Mayor Johnson makes a motion for approval with Commissioner Sutton seconding. Mayor Totty inquires about the balance of the drug fund and CFO Daugherty replies it is over \$100,000 but probably more in the \$125,000 range and we have had around \$40,000 the last 6 weeks in vehicle auction sales. Commissioner Bissell asks what the price range is for the new van and Harris replies \$20,000. Mayor Totty questions whether the van we have at Bowie Park could be used, how many passengers the current van holds and whether we might use two separate vans for transport. City

Attorney Cantrell notes that the prisoners have no choice but to attend court and if there were to be an accident the first question would be about the quality of the van. He further notes Harris is only asking permission to go to bid and the bid would have to be approved before any monies spent or appropriated. Chief Harris responds the current van holds 6 but it is tight noting this is a safety issue and he would not want to have an accident. If more vans are used it would take more officers off the streets to drive the vans. He also noted we would sell the current van and put those funds back into the drug fund. FOR: Bissell, Johnson, Sutton, AGAINST: Totty, motion carried.

9. City Manager Items for Discussion –

- Notes City has received \$40,219.42 in auction sales in the past couple of months and of that \$8462 goes back into the general fund for the sale of a tractor, pickup and lawnmower.
- Has a listing of items requested during the last meeting:
- The \$35,000 professional services line item includes the \$9,000 for the auditor contract as well as \$27,000 for the City Attorney fees
- Grant Anticipation Note (GAN) – we would pay interest and the current rate is 3.25% however we would only pay on the amount outstanding
- Fiscal Policy – working toward the October deadline for completion
- Recommendations from last years audit were questioned at the last meeting and we are in compliance with their recommendations
- Kevin Holsinger’s email has been absolved
- Per the City Attorney, the Tree Bank funds may not be used for hardscapes such as fences. Vice Mayor Johnson states the ordinance can be amended and City Attorney Cantrell confirms. It was requested this item be on the next agenda.
- CFO will resign as chairperson at the next Finance Review Committee and a new chairperson will be selected
- Requests permission to move forward with the Grant Anticipation Loan for the Resurfacing Grant. Attorney Cantrell explains the GAN requires a resolution to be passed and notes Mr. Hall is asking for direction but there will not be any action taken to commit this evening. Vice Mayor Johnson and Commissioner Sutton note they would like to move forward. Mayor Totty states she doesn’t think it’s a good idea and can’t give the ok to proceed. Mr. Hall notes the GAN would be for the total grant amount but our portion (\$120,000) would be paid out of the State Street Aid. The loan would be initiated as needed to pay invoices and we would request reimbursement for each payment along the way so we could pay back the loan and never have the full amount out at once to pay interest on. Commissioner Bissell asks about the funds and Codes Director Humber notes it is Federal money that the state is managing. Bissell asks about assurance of funds from the government. Humber notes that before they issue notice to proceed the funds are obligated/earmarked for this project. Bissell states he supports moving forward and notes we will have another chance to discuss before borrowing and hope to have the commitment of funds from the state.

B. Miscellaneous Updates – none

C. Staff Comments –

- (1) Frank Humber, Codes Director – notes he will update on 3 grants: Resurfacing Grant \$640,000, Safe Routes to School \$176,000 and Roadscapes Grant \$100,000. He will be meeting with a consultant on the final plans for cost estimates and evaluating the length or amending the scope. We have until December 2015 to complete so the next steps will be acquisition of property, going to bid and hope to be ready for construction early spring. He also notes this is an 80/20 grant and has been advised to move forward and go ahead with financing because the cost of paving will very likely increase. Mayor Totty notes for the public the Safe Routes to School grant involves sidewalks on Cumberland Drive, the Resurfacing Grant includes resurfacing of Cumberland Drive and Cox Pike. City Manager Hall further details that Cox Pike will be from just past Cox Run to Pinecrest and we would like to work in new striping from Hwy 100 to Cox Run as well but we will get an estimate on that. Questions were raised

about paying for the Roadscapes Grant out of the Tree Bank Fund and it was decided that needs to be addressed. There was some confusion that maybe the Roadscapes Grant had been rejected but was decided that was the Greenway Grant last fall. Codes Director Humber presented his monthly Codes Department report for the month of July. He further notes they recently have had visits from Laura Hudson of Retail Strategies, there has been interest in possibly placing a cell tower on city property and he and Mr. Hall met with Emily Schneller of the Shopping Center Group and discussed a possible strip center and potential businesses and she felt there was a great possibility on Highway 100 and at the I-40 interchange. City Manager Hall notes the status of the ADA trail to Joann's classroom is we are waiting on the survey from Chapdelaine and the money will have to be appropriated before we can proceed once that is completed.

- (2) Chief Cooper presents the Fire Department report noting that in June they had 77 calls and 57 in July. He also complimented the Police and Fire on their response to a particularly rough call today and noted the county fair donated space for a fire truck and booth on the arena floor and volunteers will man the booth throughout the fair stating they have had good response so far and it is a great opportunity to recruit new volunteers.
 - (3) Chief Harris presents the Police report for July noting they had 629 calls, 23 accidents (5 injury accidents) and the drug unit has made over 30 arrests in the last month.
 - (4) Lieutenant Roy Russell thanked the Board for the new police fleet and presented information on the vehicle maintenance program. He states that each person driving a vehicle also has the responsibility to maintain that vehicle. They have a form to complete to request service and there is a plan in place if the vehicle requires more than we can provide in house. He praised Randy Beck for the excellent job he does of keeping up our fleet.
- D. City Attorney Comments – Mr. Cantrell suggested City Recorder Johnson review the minutes on the grants in question and include with the packets for the next meeting. He also noted he will research the question about delaying pay for the BOC and PC and will forward to Brandy to send to the Board.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton asks CFO Daugherty if he has any updates on recent tax revenue. Daugherty replies that rough numbers for July show expenditures \$90,000 under and revenues \$9,000 over projections noting that he requested our liability insurance be paid quarterly this year rather than a lump sum. Sutton thanks everyone for the good turnout at the polls today.
- B. Vice Mayor Johnson states Fairview High School Booster Club will host a BBQ dinner on Saturday, August 16th and to see Ricky Jones for tickets. Johnson has been approached by the FMS PTO about assistance in purchasing or partnering to purchase four benches and two planters for outside their new auditorium at a cost of \$3,225 and hope to have this on the next agenda. The Lions Club is hosting a Mud Bog this Saturday at 4:00 with registration beginning at 1:00.
- C. Commissioner Bissell – no comments
- D. Mayor Totty (video recording cut off during Vice Mayor Johnson's comments)

- 11. Adjournment** – Commissioner Sutton makes a motion for adjournment with Vice Mayor Johnson seconding. All were in favor. The meeting was adjourned at 8:52 p.m.

Brandy Johnson
City Recorder