

City of Fairview

BOARD OF COMMISSIONERS

September 19, 2013

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

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hyatt, Cantrell, Porter, Lovvorn, Pewitt, Cooper, Paisley, Harris,
Sutton, Holsinger

1. Mayor Totty called the meeting to order at 7:05 p.m.

A. The prayer and pledge was led by Mayor Totty.

2. Approval of the Agenda –

A. Vice-Mayor Johnson stated that he wanted to make one deletion and one addition; under item 7D the gun range has been asked to be deferred to go to committee and add 7G discuss and/or take action on the Triangle School Project. Commissioner Sutton made a motion to approve the agenda. Vice-Mayor Johnson 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. Victoria Fuentes stated that she read the revised ordinance 807 keeping of chickens and is still frustrated by this revision. She stated that previous Boards disallowed chickens; we should be moving forwards instead of backwards, she is worried about unwanted animals prowling around more frequently. She stated she hoped the Board would reconsider this proposal.

B. Jon Cherry stated he was here to report on the Chamber of Commerce and Nature Fest and thanked the City for allowing them to use the nature park. He thanked all five Commissioners for coming and the staff, Fairview's finest, and everyone that participated. They estimate about 6,000 people came out, he thanked all the sponsors and stated that he was very pleased with the outcome.

4. Awards and/or Recognitions –

A. Mayor Totty thanked the chamber for a great Nature Fest.

5. Public Announcements –

A. Commissioner Sutton stated the Masonic Lodge is having a Bar-B-Q and chicken dinner on October 5th from noon to 5 p.m., adults are \$10 and children 10 and under are \$5.

6. Approval of the Minutes –

A. The minutes for the September 5, 2013 Public Hearing were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

7. Old Business –

- A. Discuss and/or Take Action on Bids for New Police Vehicles – Chief Harris stated that he needed permission from the Board to take bids on the vehicles and the equipment. Vice-Mayor Johnson made a motion to approve. Commissioner Sutton seconded. City Attorney Cantrell stated that you have to advertise the bids. Commissioner Bissell stated that we use the sealed bid process where a deadline is given and people submit their bid in a sealed envelope and the bids are opened and read into the record. For: Totty, Sutton, Johnson, Bissell Against: Carroll
- B. Discuss and/or Take Action on the Money Received from the Run Wild Event in the Park – CFO Pewitt stated that we received \$241 from the event which was our 25% of the profit and she asked for the Board's guidance as to where to put the money, putting it in the special park fund had been discussed at a previous meeting. Commissioner Sutton made a motion to add it to that fund. Mayor Totty seconded. All were in favor.
- C. Discuss and/or Take Action on Setting Type of Payment to the Members of the Various Boards and Commissions – Commissioner Sutton stated that we had brought this up before and we were asking for a payment process for each meeting that is called for the subsequent Boards other than the Planning Commission and the regular Board of Commissioners in order to encourage more people, in a small way, to partake in these Boards. His motion is that each time a meeting is called we give that stipend to those individuals that are there. Mayor Totty stated that the stipend discussed was \$40 for the chairman and \$25 for the appointees. Commissioner Sutton restated that would be his motion. CFO Pewitt stated that we allocated \$5,000 in the budget and that is a separate line item. City Attorney Cantrell stated that there are some Boards that you cannot give a stipend to that you can only pay their expenses by statute, the Parks Commission, Beer Board, the Board of Adjustments and Appeals and the Tree Commission can only be reimbursed their expenses by state statute, they cannot be paid a stipend, you can approve that they are paid for their expenses up to an amount but it has to be actual expenses, you can pay a stipend to Board of Commissioners, Planning Commission, Board of Zoning Appeals and the Industrial Board. Commissioner Bissell amended the motion to all six, the Tree, the Commission, the Board of Adjustments and Appeals, the Beer Board, the Park Board, the Industrial Board to have no stipend but to be able to submit receipts up to \$25 per person for expenses incurred per meeting. Commissioner Sutton seconded. Vice-Mayor Johnson asked what are we going to rule out. Commissioner Sutton withdrew his motion and stated that it was too much to ask of accounting to keep up with. Commissioner Bissell withdrew his amendment to the motion. There was no action taken.
- D. Discuss and/or Take Action on the CCC Gun Range Agreement was deferred.
- E. Discuss and/or Take Action on the City Hall Exterior Improvements Plan of Action Update – Project Manager Holsinger stated that he met with one contractor yesterday and will try to meet with two more tomorrow or early next week and have the finalized quotes so we can award the contractor the work and as soon as he has those he will bring them back to the Board to discuss. He stated that the clock on the tower has three bulbs and that there is not a light fixture for the tower, he stated that he would like to get an electrician in here to find out what it will take to get a permanent light fixture up there to illuminate the tower.
- F. Discuss and/or Take Action on the Update of the Library Expansion Plan – Mayor Totty stated that she is honored to bring to everyone that we have been before the Williamson County Board of Commissioners, they had three committee meetings and the commission meeting took place on the 7th and the Board was requesting an addendum by the County Mayor on the interlocal agreement and our request as a Board to participate in the enlargement or expansion project was to utilize some of the School Facilities Tax Fund towards that project so they have unanimously agreed and that will now go forth as they will do the addendum, she is asking that the information be brought back once the addendum is set forth but at this point there has not been a project submitted there has only been rough drawings. There is no

monetary amount assessed to this project at this point, there is only an estimate. Commissioner Sutton stated that the only request he would like to make is prior to us approving the transfer of that money that we have full disclosure to the project and the cost. Commissioner Carroll asked Crystal to explain what the School Facility Tax is. CFO Pewitt explained that there is a percentage of the sales tax that is collected for the county that the county had earmarked for the schools in our county and each city based on their size gets a portion of that sales tax and Fairview gets right at 5% of that and that is roughly between \$7,000 and \$10,000 a month and it has to go into this specific fund for our schools only and now we have been given permission to use it for the library. Mayor Totty asked Ms. Pewitt to get the interlocal agreement between the county and the city on the Schools Facilities Tax and email it to the Commission for their review.

- G. Discuss and/or Take Action on Triangle School Project – Vice-Mayor Johnson asked Dr. Rice to come up to the podium, and stated that he had several questions since the last meeting. Vice-Mayor Johnson asked Director Lovvorn if he had received the email from the architects stating the \$360,000 because Kevin didn't get it. Mr. Lovvorn stated that he hadn't received anything. Commissioner Sutton asked Mr. Lovvorn if we had looked at it and discussed the possibility of issuing the C.O. once the windows are put in because the building is structurally sound. Mr. Lovvorn stated that the only way a C.O. could be issued is if this Board decides that the existing building as it is right now is all they are going to do except the windows being placed in there because if they still want to do the mechanical, electrical, plumbing, build the kitchen and restroom we still have to have those plans to be able for John to review and approve before they can do that construction. If it's just to occupy the building as it is the windows need to be replaced, a handicap parking space needs to be installed with a ramp from that parking space to that ramp that goes into the front of the building and the threshold needs to be worked out where it is ADA compliant then we can issue a C.O. Dr. Rice stated that it was his understanding that an architect was going to do two things, one, draw the plans for the air conditioner which have already been drawn by the one that is going to install the air conditioner and two, draw the plans for the wiring. Dr. Rice stated that when the building closed it had electricity and lights and there was also a kitchen and a bathroom. Commissioner Sutton asked Mr. Lovvorn if it is required that we hire the engineer. Mr. Lovvorn stated that is what he has been asking for, for the past seven years, it didn't matter who paid for them as long as we got adequate plans that we could review and approve, for us to be able to do inspections on the building so we have a file that has a paper trail where we inspected the building to make sure it is safe for occupation, we have to have plans that we review and approve so when the construction is done, John goes and does an inspection and says ok you've constructed the project according to the documents that have been approved, and you've gotten approval for the electrical which the state will do the electrical inspection, John will do the inspection on any plumbing and any mechanical. Mr. Lovvorn stated that we have to have a licensed engineer to draw those plans and stamp them this is because it is a commercial building and the City of Fairview requires that all commercial buildings have stamped plans from a licensed engineer, this is a commercial building because you are asking the community and people to come into that building and view it, the use of the building deems it as commercial. Vice-Mayor Johnson asked if we could inquire that if someone at Griggs and Maloney is a mechanical engineer and could review the plans that may be our cheapest route. Dr. Rice stated that half of the windows are ready to be installed and can be installed in the next two weeks, the cost is a total of \$15,000 and there is around \$13,000 in funds left over from two to three years ago. Project Manager Kevin Holsinger stated that the handicap ramp would have the same design as the Gift Cottage and he and the City Manager have discussed doing this in house to help with the cost, the labor is there with the city staff the cost will be the cost of the concrete and the striping and the form work, there are two doors going into the Triangle School and right now they are above the maximum for ADA so he will have to look at making one or both wheelchair accessible. Commissioner Bissell asked Dr. Rice to watch his comments and to be more cooperative with the City. Mayor Totty called point of order and there was discussion about Robert's Rules of Order. Lisa Anderson, Vice-Chairman of the Historic Commission stated that at their

last meeting they met with an architect Mr. Allen Lowe and asked what happened with that. Mr. Lovvorn stated that Mr. Lowe declined the project. Project Manager Holsinger stated that he had received from Robert Clark back in late November a sketch on graph paper that showed some mechanical calculations and we will need a formal set of engineered stamped plans for that air conditioning unit. Mr. Holsinger stated that he has the calculation that he has scanned himself and he can send those to Will assuming they have a mechanical engineer on staff, but he believes Griggs and Maloney for the most part is an environmental, civil and structural engineering firm.

8. New Business –

- A. Discuss and/or Take Action on Bill #2013-21 Ordinance No. 816, An Ordinance to Change the Zoning on Chester Road Property Owned by Kelly J. Shiver and Kelly C. Shiver – Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. Vice-Mayor Johnson asked Mr. Shiver what his purpose was for this zoning change. Mr. Shiver stated that he would like to divide it into two separate tracks since development has gotten slow over the last few years, he had hoped to sell it to a developer and has had no luck with that so he thought he would make a 5 acre track and a 9 acre track and that might be more desirable for folks looking for a bigger track. All were in favor.
- B. Discuss and/or Take Action on Resolution No. 13-13, A Resolution to Set a Public Hearing on October 17, 2013 for Ordinance 816, the Rezoning of Chester Road Property Owned by Kelly J. Shiver and Kelly C. Shiver. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- C. Discuss and/or Take Action on Resolution No. 17-13, A Resolution to Set a Public Hearing on October 17, 2013 for Ordinance 805, to Annex Property Located at 2950 Fairview Boulevard, Owned by Jerry E. Cary and Helen A. Cary. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- D. Discuss and/or Take Action on Resolution No. 18-13, A Resolution to Set a Public Hearing on October 17, 2013 for Ordinance 806, to Annex Property Located at 2931 Fairview Boulevard, Owned by Russell Spicer and Peggy Spicer. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Carroll seconded. All were in favor.
- E. Discuss and/or Take Action on Resolution No. 14-13, A Resolution to Set a Public Hearing on October 17, 2013 for Ordinance 807, Keeping of Chickens. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- F. Discuss and/or Take Action on a Splash Pad in the Park – Commissioner Carroll stated that there was a citizen that came to her wanting to know the likely hood of getting a splash pad because a lot of people out here go to Kingston Springs, she said the best way to go about this is to see how many people are interested, the citizen started a petition and has several hundred signatures on it but the citizen couldn't be here tonight but Commissioner Carroll wanted to bring it up for discussion. Commissioner Carroll stated that maybe the Park Board could do the leg work and find out information about a splash pad, the cost, the theme, etc. Commissioner Sutton stated that the first step would be to check with the Land Trust to see if it would be allowed in the park. Vice-Mayor Johnson stated that the City Manager has the paperwork on this and we have been out and visited the one in Kingston Springs and he thinks we can bypass going to the Park Board and let the City Manager give us his information, and cost analysis on this. Mayor Totty made a motion to defer this to the Park Board for the evaluation and consideration. Commissioner Carroll seconded. For: Totty, Carroll Against: Sutton, Johnson, Bissell Commissioner Carroll made a motion to have the City Manager present what he has as far as research and looking into cost and potential project. Commissioner Sutton seconded. Commissioner Bissell amended the motion to give the City Manager 30 days and to provide the Board with cost figures and necessary approvals and give us a choice of locations. Vice-Mayor Johnson seconded. All were in favor for the amended motion. All were in favor for the original motion.

- G. Discuss and/or Take Action on Bill #2013-07 Ordinance No. 802, An Ordinance to Amend “Uses and Structures Allowable within Residential Districts” – Director Lovvorn stated that this ordinance has already passed the first reading and we can move on to item H. And the same thing with item I. This item was deleted.
- H. Discuss and/or Take Action on Resolution No. 15-13, A Resolution to Set a Public Hearing on October 17, 2013 for Ordinance 802, to Amend “Uses and Structures Allowable within Residential Districts” – Vice-Mayor Johnson read the caption. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- I. Discuss and/or Take Action on Bill #2013-08 Ordinance No. 803, An Ordinance to Amend “Minor Home Occupations, Section j by Adding Subsection x”. This item was deleted.
- J. Discuss and/or Take Action on Resolution No. 16-13, A Resolution to Set a Public Hearing on October 17, 2013 for Ordinance 803, to Amend “Minor Home Occupations, Section j by Adding Subsection x”. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion to approve. Commissioner Sutton seconded. All were in favor.
- K. Discuss and/or Take Action on Bill #2013-20 Ordinance No. 815, An Ordinance to Establish an Impound Lot – Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Bissell seconded. Mayor Totty asked Chief Harris if he had a location identified. Chief Harris stated yes at public works. Mayor Totty inquired about who asked the City Attorney to draw up the ordinance. The City Attorney stated that Commissioner Sutton asked to have it draw up but the City Manager approved it. Chief Harris stated that we do tow vehicles, drug vehicles and they do not go to the wrecker services lot, so we have them and the people leave them and we cannot charge or do anything because we have no ordinance and once the court releases it back to them we give them a certain amount of time for them to come and get it, we can charge \$35 a day for as long as we have the car, if we have this ordinance. Chief Harris stated that he can’t charge them until after the court’s decision and can only charge from that day forward not from the time we actually got the vehicle, the site has to be fenced in but does not have to be manned and this area is already fenced in and we have vehicles there that after they have been released they stay there a year, the people just will not come and get them. Chief Harris stated that the wrecker service charges \$35 a day for lot fee and our lot gets full because it is a small lot. City Attorney Cantrell stated that lots of cities do this because if the people know they will be charged a fee this encourages them to come and get the vehicle and if they abandon the car, there is a state statute that you can advertise the vehicle and sell it because it is abandoned. All were in favor.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – None
- B. Staff Comments –
 - CFO Pewitt presented the August financials and stated that the target is 6.33%. The revenues overall is at 11% and expenses are at 17.64%. She stated that the bid process deadline for the police cars will be October 16th and can be on the agenda for the October 17th meeting.
 - Project Manager Holsinger stated that he gave everyone a copy of the invitation to bid on the Greenway project, he has been working with Will for the past week or so and we should have the bids back by the 15th and we are looking at having the whole project done by March of next year and would like to get at least the asphalt work done before they shut down in December. The 3rd Welcome to Fairview sign project is going quite nicely it is about a 7 day lead time and has solicited quotes from both the local sign companies, they were within \$80 of each other and hopefully by next Friday we will see that sign done. As far as the lighting on the signs goes he is still working with Middle TN. The street paving for King Road, his intent is to have the bidding document ready to go and to be in the paper next week and 22 days from that we will have our per tonnage.
- C. City Attorney Comments – stated he received from the county attorney an introduction to the agreement that we have with the fire departments and he

spoke with Chief Cooper and he said when they had the meeting last Fall that this was discussed and all this is is to finalize the gentlemen's agreement that has been in effect for a good long while and he should have that resolution for the next meeting regarding fire zones, mutual assistance and this type of thing, it is just an extension of the existing mutual assistance agreement. Commissioner Carroll asked the City Attorney if anybody could ask him to draw up an ordinance. Mr. Cantrell stated that in order to draw up an ordinance he has to have approval of the City Manager. Commissioner Carroll asked about the incident earlier and the Robert's Rules of Order and why he didn't pipe in. City Attorney stated that he didn't pipe in because he was not asked to but if it's something that is illegal he will let the Board know but on Robert's Rules of Order technically when you have the floor, you have the floor until you surrender the floor but if it is totally out of order you can ask for order to get people to calm down, that is certainly within the chairman's authority but theoretically you get to finish but any member of the Board can call the previous question, you take a vote on it and if it passes then you have to shut up, you can call a point of order and say calm down or you call the previous question and you call the vote and then if you want to have a recess you have the floor and you can recess.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had no comments.
- B. Commissioner Carroll had no comments.
- C. Commissioner Sutton stated that he appreciates the comments on requests for ordinances and requests for legal opinions. He stated he hopes we get the process down right for the new cars that we need considering over half of our fleet is out of compliance with TML's recommendation for safety standards and he does not want to prolong either deliberately or in deliberately getting those cars that we need to secure the safety and security of the citizens and the police department that we have today, so hopefully we can move forward with that and get it completed in a timely manner and not have any more delays if it is done correctly.
- D. Vice-Mayor Johnson had no comments.
- E. Mayor Totty asked City Attorney Cantrell who requested the opinion that you provided to the Board. City Attorney Cantrell stated that it was the City Manager and that if he gets a request from this Board his purpose is to serve the city or a staff member and if he can't do it he will get back to you and not be rude and say I can't do it and he stated that he will not waste the city's time. Mayor Totty stated that we were represented well in Louisville Kentucky, the Tennessee Kentucky ideal sharing took place and it was a retail economic development hosted through TVA and we were able to thank TSC, Auto Zone and Taco Mars for coming to our community. Mayor Totty invited the public, business owners and officials to the next Task Force meeting on Monday the 23rd at 6:00 p.m.

11. Mayor Totty asked for adjournment.

- A. Commissioner Sutton made a motion to adjourn. Vice-Mayor Johnson seconded. All were in favor. The meeting adjourned at 9:04 p.m.

Theresa Porter
City Recorder