

BOARD OF COMMISSIONERS

November 5, 2009

Ken Brison, Mayor
Stuart L. Johnson, Vice-Mayor
Eddie Arney, Commissioner
Allen Bissell, Commissioner
Toney Sutton, Commissioner
Shirley Forehand, City Manager
Larry Cantrell, City Attorney
David Mayberry, Recorder

Present: Brison, Johnson, Bissell, Arney, Sutton

Others Present: Forehand, Cantrell, Lovvorn

1. **Mayor Brison called the meeting to order at 7:04 p.m.**
 - A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.
2. **Approval of the Agenda –**
 - A. Mayor Brison reported that an additional item of New Business needed to be added regarding an extension of time to close with Bowie Commons, LLC on the Park property.
 - B. Johnson made a motion to approve the Agenda with the above changes. Arney seconded the motion. 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). – NONE**
4. **Awards and/or Recognitions – NONE**
5. **Public Announcements –**
 - A. City Mgr. Forehand reminded everyone that the emission testing would be November 11th & 18th at the Fire Station on Hwy 96 from 7:30 a.m. to 12:00 p.m. She then reminded everyone of the Day of Prayer to be held Saturday, November 7th at 10:00 a.m. in the City Hall parking lot.
6. **Approval of the Minutes –**
 - A. Presented for approval were the minutes of the Board of Commissioners Meeting held on October 15, 2009. Sutton made a motion to approve the minutes as presented. Arney seconded the motion. All were in favor.
7. **Old Business –**
 - A. Second and Final Reading of Bill #2009-27: Amend Fairview Municipal Code on Fireworks. Johnson read the caption. A motion to approve the Bill was made by Johnson and seconded by Commissioner Bissell. All were in favor.
 - B. Discuss and/or take action of Resolution to add User Fee to Court Costs: Johnson read the caption. The Mayor stated that he intended to vote “No” on this Resolution because he pledged to not increase taxes.

Commissioner Bissell then stated that this was a fine, and not a tax. The Mayor then reiterated his intentions to vote “No”, clarifying that he pledged to not increase costs of any kind while in office. City Mgr. Forehand then informed the Commissioners that currently they were transferring 10% of court costs to a restricted fund. The Commissioners decided to continue transferring the 10% in addition to the new \$25 User Fee to this restricted fund. Commissioner Sutton moved to approve this Resolution and allocate the monies as previously specified. Vice-Mayor Johnson seconded. *For:* Arney, Bissell, Johnson, Sutton. *Against:* Brison.

- C. Report and/or take action on interviews for City Manager. Mayor Brison stated that the Commission had interviewed 5 candidates on October 29 & 30. He thought most of the candidates were excellent and the City would be well-served with any of them. He added that one candidate, Jeffrey Doherty had withdrawn his application. He asked for any thoughts from the Commission. Commissioner Arney then nominated Andrew Hyatt and Vice-Mayor Johnson seconded the nomination. Commissioner Bissell stated that he was impressed with Hyatt's experience as a City Manager elsewhere in Tennessee, and he thought that would make the transition easier here. Seeing there was no further discussion, Mayor Brison called for a vote on hiring Mr. Hyatt. All were in favor. City Manager Forehand informed the Commission that the salary range was \$63,984 to \$94,727 depending on which step the commission chose to start the new City Manager. She added that Mr. Hyatt was currently making \$60,265 at his current position. Commissioner Bissell then asked if the previous City Managers had been offered a relocation package. Forehand stated that the previous four had not been offered anything, and she was not sure about the ones prior to that. She then clarified that Mr. Hyatt had not asked for a relocation package. Bissell then suggested offering Mr. Hyatt something close to \$70,000, which was Step 4 at \$71,984 according to Forehand. Bissell then moved to offer the Step 4 salary and the standard benefits package. Johnson seconded the motion, and all were in favor. Mayor Brison then stated that he would like the City Attorney to contact Mr. Hyatt after tonight's meeting to offer him the position.

8. New Business –

- A. Official positions authorized to sign checks – City Manager Forehand stated that the Charter authorizes the City Recorder to sign checks, and she would like to get approval for the City Manager or their designee and the City Recorder to sign checks. This would prevent the Commission from having to approve specific people who hold these positions in the future. Vice-Mayor Johnson moved to approve this change, and Bissell seconded. All were in favor.
- B. Appoint Recorder as Chief Finance Officer for the City – City Mgr. Forehand stated that in 2007 the State Comptroller required each city to designate a Finance Officer. Mrs. Kathleen Daugherty has held the position since then, but will soon be retiring. She requested the Commission approve David Mayberry, who is the new recorder, as the Chief Finance officer for the City. Johnson moved to approve Mayberry and Commissioner Bissell seconded. All were in favor.
- C. Discuss and/or take action on use of Police Department City-Owned vehicles. Johnson moved to defer this to the next meeting since Chief Harris was not in attendance. Sutton seconded and all were in favor.

- D. Approval of lease with Bowie Commons, LLC – The City Manager presented this lease to the Board, which would allow the Fire Department to remain in their current location until April 9, 2010 for a payment of one dollar. Vice-Mayor Johnson moved to approve the lease, and Commissioner Arney seconded. All were in favor.
- E. Report on change orders for new fire station. – Forehand presented two change orders to the Board for their approval. The first was to reject option 1 from the bid, which was the shed at Public Works. The original bid included a shed 24' by 80'. When the size was increased to 40' by 80', the cost was too high. Horace Spoon, from Spoon Architecture, presented the second change order. He stated that the contractor is having problems with the soil and water shedding, to the point where a dump truck got stuck on the site. He added that they had to cut down two feet to find suitable soil. He mentioned that steps had been taken to mitigate the total costs of the soil work. A geotechnical engineer had met with a civil engineer and the other parties to the construction to come up with a revised site plan, lowering some of the grades. The total cost was expected to be around \$81,000 before the revisions lowered it to approximately \$46,000. Johnson then asked who had done the core drilling on the site, and Forehand stated that it was not done or suggested prior to the soil problem. Spoon stated that TG Constructors, along with all of the others submitting bids, knew that it had not been core drilled. Bissell stated that the “train had already left the station” on this project, and it would have to be a lesson for the future. Arney made a motion to approve both change orders, and Sutton seconded. All were in favor.
- F. Extension of time on contract with Bowie Commons. Vice-Mayor Johnson took over the meeting at this point, as the Mayor personally owns some land that is also being purchased by Bowie Commons. This is the third extension of time granted on this land. The City Attorney told the Commission that he had read the contract and approved of it. Bissell made a motion to approve the contract, with Sutton seconding. *For:* Arney, Bissell, Johnson, Sutton. *Abstain:* Brison.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates – None
- B. City Attorney Comments – None.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton asked everyone to keep the veterans in mind all the time, and reminded us that Veterans' Day would be the following Wednesday.
- B. Commissioner Arney mentioned the shooting at Ft. Hood earlier in the day, asking us to keep the families and soldiers in our prayers.
- C. Mayor Brison added that there would be a Veterans' Day parade in Franklin beginning at 11:00 a.m. in the 5 Points area.

11. The meeting adjourned at 7:38 p.m.

Mayor

City Recorder