

City of Fairview

BOARD OF COMMISSIONERS

November 7, 2013

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

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hall, Cantrell, Porter, Lovvorn, Pewitt, Cooper, Paisley, Sutton

1. Mayor Totty called the meeting to order at 7:03 p.m.

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

2. Approval of the Agenda –

A. Commissioner Sutton made a motion to approve. Commissioner Carroll seconded. Mayor Totty stated that she has recommendations of deferring 8C, an addition of discuss and/or take action on audit workshop, an addition of discuss and/or take action on the approval of the audit of June 30, 2013. Commissioner Sutton asked to defer 8D. 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. Leslie Staley stated that she was here to speak about some citations that have been given to her recently by the City's codes department. She stated that unfortunately it seems to be rather convenient that after speaking about her opinion at the meeting and shortly thereafter she has been cited for several different things on her property one was for having chickens. The second one was for the pool in her backyard that sits directly behind her house and you can only see it through a small area in the fence when the car is not there and the third one was for an abandoned hot tub and this has all been within the last three months or less. As a citizen she feels it is disturbing that she starts coming to these meetings and she starts standing up and she wants to be involved in the City and now this has happened and she sees the City's codes department drive past her house almost every day and it feels like there is a little bit of coincidence happening and just wanted the Board to be aware of that.

B. Jim Power stated last week the Board passed the chicken ordinance and Commissioner Sutton asked Mr. Lovvorn if this only allowed 20% of the citizens of this town to have chickens allowing 80% who couldn't and yet the Board passed it and he doesn't understand how you can pass anything that will only allow 20% of the people in that town to receive that benefit. Vice-Mayor Johnson stated that two commissioners voted against it. Mayor Totty stated that she didn't think the 20/80 is an accurate number and we did go from zero if indeed the 20% and if that be the status of where we are starting the difference is being told no in the city has changed because there were some allowances. Commissioner Sutton stated it wasn't the entire Board.

4. Awards and/or Recognitions –

- A. Interim City Manager Wayne Hall stated he had two items, the first item was that he toured the Walmart project and the project manager of Walmart commented on how well the codes department has worked with their requests when inspections were needed and that it started with the young lady in the office all the way down to the inspections and getting them done in a prompt manner and he also stated that if he ever had a project again he would love to work in Fairview because of the way Fairview has treated him and tonight he wanted to recognize Don Lovvorn, Sharon Hall, Greg DeWire and John Bledsoe. The next thing is the hard work that our public works department does and there is a movie prepared by Nik Day, there was a section on Catherine Drive where the road was collapsing and the orange cones were up for three months, Nik Day presented the movie showing the project from the beginning to the end and then he recognized Nik Day in the IT department, Donn Lovvorn for his advice, Keith Paisley on how to go about this and the boys who did the hard work, Todd Bratcher, Blake Ayers, Nick Green and Randy Beck.

5. Public Announcements –

- A. Interim City Manager Hall reminded everyone that emissions testing is every Monday and Tuesday from 7:30 a.m. to noon and Veteran's Day is Monday and City Hall will be closed.
- B. Commissioner Carroll stated that Fairview Middle School is having a pancake breakfast on Saturday with some holiday shopping with booths.
- C. Commissioner Sutton it is time for the chitlins and chicken dinner over at the Lion's Club it starts at 4:00 on Saturday it is all you can eat for \$10.00 for adults and \$5.00 for children and it all goes for a good cause and that is for testing the vision of children.
- D. Vice-Mayor Johnson stated that tomorrow night is the first round playoff game for the High School football team and Fairview will be hosting the Harpeth Indians, 7:00 p.m. kickoff.
- E. Mayor Totty stated that our Congressman Marsha Blackburn will be visiting the Fairview area tomorrow; she will be visiting with the Fairview High School with selected students that are in History and Government and also at the Fairview Middle School.

6. Approval of the Minutes –

- A. The minutes for the September 19, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.
- B. The minutes for the October 3, 2013 Board of Commissioners meeting were presented for approval. Commissioner Sutton made a motion to approve. Vice-Mayor Johnson seconded. All were in favor.

7. Old Business –

- A. Second and Final Reading on Bill #2013-212 Ordinance No. 817, an ordinance for an amendment to the City of Fairview, Tennessee Budget for Fiscal Year 2013-2014 budget. Vice-Mayor Johnson read the caption. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. All were in favor.
- B. Discuss and/or Take Action on History Village/Triangle School – Commissioner Bissell presented a slide show recapping the internal audit for the spending on the Triangle School project. He stated that this project has

been going on for seven years and he has heard talk of the concern on how much the City has spent on the project and stated that the original donation was \$20,000, fiscal year 2012-2013 appropriations \$30,000, structural work \$48,500 for a total of \$98,500 and a portion of that has not actually left our hands so we have actually spent around \$85,000. The project goal that he and Dr. Rice are working towards is that the Triangle School and the Jingo Post Office will be open for public visitation as a museum is to coincide with our July 2014 Independence Day celebration. Commissioner Bissell presented a conceptual drawing of the layout of History Village, he presented a list of tasks that the City is to complete and take care of and those are the security lighting, complete the parking lot, complete the sidewalks and the foot bridge, complete the landscaping and a joint effort on the grand opening celebration. He stated that the City will maintain the grounds as we currently do, security patrol will be the park rangers and if there are any major repairs we will have to work that issue as it comes up. Dr. Rice stated that in addition to the Jingo Post Office and the Triangle School we are also in the process of doing some demolition work on the medical clinic at Boone Street, the back two rooms have been removed and tomorrow the porch will be removed, all the sheet rock and everything on the inside has been removed and a second flooring will be put down and before long it will be moved.

- C. Discuss and/or Take Action on Bowie Park Forestry Project – Interim City Manager Hall stated that he and Keith have been to the test site and right now he has some concerns regarding safety on how these logs are going to be dropped and how the tops of the trees are going to be topped and in this 3.2 acres there are over 250 trees and he wants to meet with the logger himself and see what his plan of attack is and how fast he is going to do this or how slow he might do it and how we can address how the logs will drop. He is concerned with the safety of our men doing the chipping and the children that will be coming out to reforest the plants next year and he doesn't want them crawling over the top of several logs stacked on top of one another and would like to defer any action until he meets with the logger.
- D. Discuss and/or Take Action on King Road Paving Project – Interim City Manager Hall stated that he has asked that this forego the bidding process and he believes the road is in severe shape and will only get worse over the winter. This is a highly travelled road and a lot of our children go to and from school on the road and would like the Board's opinion on whether we can go forward on the repaving project without a bid process. He has received a good bid of \$31,000 and that is to mill it, two inches of hot mix and the striping, it will take approximately 4 weeks to get it on the schedule and then the asphalt plants will be closing down. Vice-Mayor Johnson asked the Mayor that if we could we could get the City Attorney to address this. City Attorney Cantrell stated that the state law in the section of our charter does allow for foregoing the bidding process in instances for public safety and for this instance of not being available until next spring, it will require written justification from the City Manager to the Board for a request to forego the bidding process which the Board has the City Manager's request and it also has to have a resolution passed by the Board and the Board does have the resolution that was prepared for this item and it has to be passed unanimously or it fails and he requested a roll call vote so that the recorder can record a roll call vote because the statute requires that the vote be recorded. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. Vice-Mayor Johnson read the caption of resolution 20-13. The City Recorder did the roll call vote. Sutton, aye, Johnson, aye, Totty, aye, Carroll, aye, and Bissell aye, the City Recorder stated that the vote was

5 votes for. The City Attorney asked that the City Recorder place the letter from the City Manager in the book with the resolution and the vote.

- E. Discuss and/or Take Action on the CCC Gun Range - Interim City Manager Hall stated that he and Chief Harris made a trip to WADC and met with Mike Adams regarding the contract that was up for renewal and they made a few changes but none of them were major it was mainly that we get our own gate for entering the gun range and the only thing that they have asked is for us to keep it cut and make sure that the trash drum out there is kept empty and that we notify the people at the sewer plant when we go in to have practice; their attorney will draw up the contract and as soon as we get it he will present it to the Board for signatures. There was no action. City Attorney Cantrell wanted to publicly state that Mike Adams and their attorney were very good to work with again in getting this set up.
- F. Discuss and/or Take Action on Fairview City Projects – Mayor Totty asked if anyone had any comments on any specific projects and stated that the floor was open. Mayor Totty stated she would like to ask one question, last meeting we discussed the denying or the not accepting of any of the bids for the Greenway, when Will was here, and the vote was to turn the Greenway Grant back, her question was if any paperwork, legalities, conversation or anything taken place on that vote. Director Lovvorn stated not to his knowledge, he knows that Will was going to contact the contractor that had the low bid and let him know that the bids were rejected and he thinks Will was to prepare a letter to send back to the grant provider to let them know that we were going to turn the grant back over. Mayor Totty stated that there would be no action but she would like everyone to look at their calendars for a project workshop at 5:30 p.m. on the 21st of November prior to the next Board of Commissioners meeting. Everyone was ok for the workshop but Vice-Mayor Johnson stated that he would not be present due to his hip surgery. Director Lovvorn stated that he had an update on the Roadscapes Grant, we did get a notice to proceed to design and he contacted John Lavendar with Lose and Associates and he said the design is pretty much complete but they are going to have to do excess land reports and said that could take until spring of next year and that Shawn Bible, the one that over sees the Roadscapes Grants, likes to see plannings done in the fall, so they will probably get everything together so that they will have a fall planning in 2014 but the contract that we have with the state expires the 25th of April 2014 so he has to contact Monique Hazelwood to see if we can get another extension passed the 25th of April so we can make the fall planning and still be under contract and in talking with John Lavendar he didn't think there would be a problem getting an extension on that contract because they really want us to spend the money. Director Lovvorn stated that he also has a letter from the state on our allocations for the STP funding on the NPO and usually they do a four year allocation and we had a four year allocation of the \$486,000 that we are working on still trying to get the resurfacing project done we have gotten into the second phase of the NEPA that is turned back over to the state and we are waiting on them to get back with us so we can proceed to design on the resurfacing project but the federal highway administration has gave their next allocation for 2014 and we have \$94,118 in our STP funds that we can use for another project, so if there is another project that you want to use this \$94,000 on it will have to be on roads that are functionally classified as a collector, that is Chester Road, Cox Pike and Cumberland we might can work with the state to reclassify another road as a collector we would just have to get something together and approach the local programs office and ask them if they would update our classification map and put whatever road we may

want to do some work on but that \$94,000 we really need, if we have a project, to get with the MPO to put it in so we can allocate it to another project. Mayor Totty asked if Mr. Lovvorn had any suggestions of other roads that might be in consideration. Mr. Lovvorn stated that he talked to Keith earlier and mentioned the culvert on Chester Road by Food Lion. Mayor Totty asked that they evaluate that and give a recommendation and asked if we could call other roads that are not included right now. Mr. Lovvorn stated that we have to present that to the local programs office and they have to evaluate it and then they make that decision on whether or not they make those classifications. Mayor Totty suggested Horn Tavern Road and Northwest Hwy and made a request that with the new information and new grant money that Mr. Lovvorn make a recommendation for us to see how we can address that to give you something to work with.

8. New Business –

- A. Discuss and/or Take Action on Recommendations from the Planning Commission – Mayor Totty stated that she wants to make record that she has personal interest in one of the properties being discussed and she will not participate in any voting and she turned the meeting over to the Vice-Mayor. Commissioner Sutton made a motion to approve. Commissioner Bissell seconded. Director Lovvorn stated that all they were asking for tonight is for the attorney to draw up the ordinance if the Board chooses to move forward with it. For: Sutton, Johnson, Carroll and Bissell. Vice-Mayor Johnson stated that he relinquishes the floor.
- B. Discuss and/or Take Action on Bill #2013-24 Ordinance No. 819, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Ordinance Article VIII “Overlay Districts, Section 8-301, Art. VIII-34, Floodplain District Regulations, 8-302, Definitions, Art. VIII-37, Development, District Regulations, 8-302, Definitions, Art. VIII-42, State Coordinating Agency, 8-303, General Provisions, 8-303.2, Basis for Establishing the Areas of Special Flood Hazard, Art. VIII-43.” – 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 Bill #2013-23 Ordinance No. 818, An Ordinance for an Amendment to the City of Fairview, Tennessee Budget for Fiscal Year 2013-2014 Budget – This item was deferred.
- D. Discuss and/or Take Action on Donation to Franklin Middle College – This item was deferred.
- E. Discuss and/or Take Action on Profile for City Manager Position from MTAS – Mayor Totty stated that she will make statement of apology for Mr. Broughton that he had a standing appointment with a previous City that he is working with on other business matters and he wanted to send his apology to the Board and to Staff that he is not present but wanted to present the emails, sent to everyone, of the profile. Vice-Mayor Johnson made a motion for approval. Commissioner Sutton seconded. Mayor Totty highlighted the time line of the City Manager recruitment that the BOC approve the position profile at the November 7, 2013 for the purpose of beginning for advertisement. All were in favor. Mayor Totty stated that in the profile there were some questions and if everyone is prepared on voting we can move forward.

On the cover question, one was a salary or a salary range and she stated that Mr. Broughton did request that that be put in the advertisement and he had stated that we discussed in several conversation that would be discussed upon applicants, there are several options, discuss upon applicants, put a range in so that way you can have a direct comment in the advertisement, a specific number. Commissioner Bissell suggested that we use the salary range. CFO Pewitt stated that the range would be from \$66,364 to \$96,346. Vice-

Mayor Johnson stated that the minimum should be \$76,000 based on the current Interim's pay and not to hire someone in under Department Head salary. CFO Pewitt stated that would be \$76,144. Vice-Mayor Johnson made a motion for statement of a salary range for the position of City Manager of \$76,144 to \$96,000. Commissioner Bissell seconded. All were in favor.

The second under the profile for advertisement it does say a send to. Commissioner Sutton said he would like to see them come straight to the City, he doesn't want MTAS to filter all the applicants, he wants to see them. Mayor Totty stated that we can still request all but she believe that MTAS filtering and making sure that they have all the qualifications that we have set forth and if they are willing to do that for free that does not take any staff time. Mayor Totty made a motion that all the applications are vetted through MTAS but any local applicants be shared outside of that. Vice-Mayor asked what would be the definition of local. Mayor Totty stated anyone in the zip code 37062. Commissioner Bissell stated that he agrees with Commissioner Sutton, MTAS can look at them and be the mail drop; that gives us one central point if anyone needs someone to contact, but he doesn't want him to eliminate anyone and he wants to see all the applicants. Mayor Totty reiterated mail to MTAS as point of reference, all applicants presented to the Commissioners with recommendations of qualifications and this eliminates her motion for local applicants. Commissioner Sutton made that a motion. Vice-Mayor Johnson seconded.

The third item, is it pertinent in the ad that the person is to live in Fairview and that they have a residence in the City and is there a variance for proximity, say 2 miles, 10 miles, etc. Commissioner Sutton stated that he thinks they should be required to live in the City with a variance of time frame before they have to comply if they are selected and he looks at as they will be making decisions for this City that will reflect on the people who live in this City but not them if they don't live in this City and that could be a conflict. City Recorder Porter stated that on the previous item the motion was to mail to MTAS and asked did we have a second and a vote because if we did she missed it. Vice-Mayor Johnson stated the he seconded it. Commissioner Carroll stated that the Recorder was right that we didn't vote. Vote was called, all were in favor. Commissioner Bissell made a motion that the candidate be a resident of the City. Commissioner Sutton seconded. All were in favor.

- F. Discuss and/or Take Action on Audit Workshop Recommendations – Mayor Totty stated the recommendations from the workshop they had from 5:30 to this position will report to the Finance Director. Commissioner Carroll clarified that this Finance Clerk position was a recommendation from the auditors as was discussed in the workshop. All were in favor. Position will be posted on the website and applications will be received by the City Manager.
- G. Discuss and/or Take Action on the Audit from June 20, 2013 – Commissioner Bissell moved to approve and Vice-Mayor Johnson seconded. All were in favor.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall thanked the Mayor, Vice-Mayor and Board of Commissioners. He thanked them for the opportunity to serve the citizens of Fairview and the workforce on hand as they have accepted him extremely well. Anything he has asked for they have jumped to it. There is laughter in the building and he got a little jealous and thought he needed to be in the laughter program himself. His first three weeks have been very enjoyable.
- B. Staff Comments –
Captain Mark Sutton presented the Police Report for the month of October.

Chief Cooper –presented the Fire Report for the month of October along with a reminder to change batteries in your smoke detectors. He also noted that smoke detectors are only good for 10 years so yours might need replacing.

Codes Director Lovvorn – presented his monthly report for October.

- C. City Attorney Comments – has the fully executed copy of Addendum A to the interlocal agreement to turn over to City Recorder for joint participation in the future funding of school facilities by use receipts received from the adequate school facilities tax. This document was required for the city to be able to take the portion that the board decides to participate in the expansion of the Public Library from the adequate facilities fund. This had to be approved by this board and the County board.

10. Communications from the Mayor and Commissioners –

- A. Commissioner Sutton recognized Judy Oxford, a graduate from Fairview High School, who will be running for the position of General Sessions Judge for Fairview. Sutton thanked her for coming out tonight and he would like to see everyone who is running for this position come out to be introduced and spend some time with Chief Harris. He has had discussions with Dr. Bass, formerly of Fairview Middle School, on the fine job that he did. Dr. Bass is now in charge of running the Middle College High School in Franklin. Sutton was able to tour the school which is for at-risk students who may not be able to complete their education in a normal school facility. Teacher ratio is very impressive. Twenty percent of the students there are from the City of Fairview. He proposed that we use some of the school grant money (he has checked and believes this is possible because it is a school that is associated with the City of Fairview) along with trying to incorporate this with the other city governments within the county. Currently there are only two that do this – Fairview and Brentwood. The funds are sorely needed and Dr. Bass is putting together a presentation. More information will be forthcoming. Reminder to remember Veterans Day and the fact that freedom is not free. Fire Department and Police Department are heroes everyday. Thank a veteran.
- B. Vice-Mayor Johnson asked Mr. Lovvorn if he had any knowledge regarding Mrs. Staley's comments about the letter she received from the Codes Department. He said he would look into it. Johnson asked Mr. Cantrell if there were any restrictions on what can tell people could or could not do based on religious practices. Cantrell stated that not per se, but there is a difference in religious practices and violating statute. Johnson states that at the time of the implementation of the no-burn policy that if a group was gathered around a fire holding church or reading scriptures the city was told they could not force the fire to be put out, even with the ordinance. Was this instruction correct? Cantrell states it would be an iffy situation. If the fire was endangering someone, the statue could not be used as a shield. So, in some instances, maybe and in some, absolutely not. Johnson requested that Lovvorn's findings be reported back to the board at the next meeting as well as look into the letters that Staley has received. Lovvorn stated that codes are enforced equally. Johnson thanked Mr. Hall for his first couple of weeks and the hard work. He has been approached by multiple City Employees thanking him for selecting Mr. Hall as Interim City Manager and what a great job he is doing.
- C. Commissioner Bissell stated that he did not have any comments but questioned the accuracy of Mr. Hall signing documents using the title of Interim City Manager versus City Manager. Cantrell stated that for legal reasons, they should be signed as Interim City Manager.
- D. Commissioner Carroll questioned why Codes had to make three visits within a three to six month time period and why it might not have been accomplished in one visit. She can understand why Staley would think that she is being targeted.

She does not want any citizen to feel personally attacked. Lovvorn stated that prior to being tasked with increasing property inspections, approximately 95% of inspections were due to a complaint. Currently, he believes that ratio is now approximately 50%. The reason for multiple visits is likely due to complaints that were being followed up on but he will verify. Codes does maintain documentation on these complaints and visits. Carroll thanked Interim City Manager Hall on doing a great job on jumping right in to his position and tackling some big projects. Thanks to veterans and all the families who have lost loved ones.

- E. Mayor Totty thanked the citizens for their attention during the meeting and stated it is encouraging to see people plugged in and concerned. Citizen comments are always welcome. Thank you to Interim City Manager Hall for his work and she has heard many thanks from the citizens at Fernvale Heights for the repair of their road. Thank you to those who have served and are serving in our military here and abroad. We are thankful for the freedoms that we have.

11. Mayor Totty asked for adjournment.

- A. Commissioner Sutton made a motion to adjourn. Commissioner Bissell seconded. All were in favor. The meeting adjourned at 8:35 p.m.

Theresa Porter
City Recorder