

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
JANUARY 19, 2023
7:00 P.M.

1. **Call to Order**
2. **Roll Call**
3. **Prayer and Pledge**
4. **Approval of Agenda and Executive Session Announcements**
5. **Public Hearing(s)** (to be done with items)
6. **Citizen Comments (limited to the first 5 citizens to sign in and a limit of 3 minutes each)**

7. **Public Announcements, Awards and Recognitions**
 - A. City Events

8. **Staff Comments and Monthly Reports**
 - A. Police Report
 - B. Fire Report
 - C. City Manager Report

9. **Consent Agenda (Any Item May be Removed for Individual Consideration)**
 - A. Minutes from Board of Commissioners Meeting January 5, 2023
 - B. Minutes from Board of Commissioners Work Session January 5, 2023

10. **Old Business**
 - A. Annexation of Tax Map 021, Parcel 056.00 Northwest Hwy
 1. Public Hearing
 2. Resolution 01-23, A resolution to annex certain territory upon written consent of the owners and to incorporate the same within the boundaries of the City of Fairview, Tennessee with R-20 single family medium-density residential zoning, Map 021, Parcel 056.00. Northwest Highway, 5.38 Acres, Owner: Candlewood Cove LLC

 - B. Discuss and/or Act on Vacant Commissioner Seat (Anderson)

11. **New Business**
 - A. Discussion on Public Hearing process (Fischer-Street)

12. **Communication from the Mayor and Commissioners**
13. **Meeting Adjournment**



CITY OF FAIRVIEW

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

JANUARY 5, 2023

Lisa Anderson, Mayor
Brandon Butler, Vice Mayor
Leslie Fischer-Street, Commissioner
Wayne Hall, Commissioner
Tom Daugherty, City Manager
Tim Potter, City Attorney
Rachel Jones, City Recorder

Staff Present: Daugherty, Jones, Mangrum, Paisley, Sullivan, Eggimann, Potter, Foster

1. Roll Call – by Jones

	Present	Absent
Mayor Anderson	<u> x </u>	___
Vice Mayor Butler	<u> x </u>	___
Commissioner Hall	<u> x </u>	___
Commissioner Fischer-Street	<u> x </u>	___
Unfilled Commissioner Seat		

2. Call to Order by Mayor Anderson at 7:04 P.M.

3. Prayer and Pledge led by Vice Mayor Butler

4. Approval of the Agenda and Executive Session Announcements

Motion to approve: Butler
Second: Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u> x </u>	___	___	___
Vice Mayor Butler	<u> x </u>	___	___	___
Commissioner Hall	<u> x </u>	___	___	___
Commissioner Fischer-Street	<u> x </u>	___	___	___
Unfilled Commissioner Seat				

5. Public Hearings (to be done with items)
NONE

6. Citizen Comments

- A. Tiffany Wilson-Mobley, 7303 Cox Run Court
- B. Collen Van Fossen, 7801 Pinecrest Court

7. Public Announcements, Awards, Recognitions
NONE

8. Staff Comments and Reports

- A. Planning Report - Sullivan
- B. Public Works Report – Daugherty

- C. Finance Report - Daugherty
- D. City Manager Report - Daugherty

9. Consent Agenda (Any Item May Be Removed for Individual Consideration)

- A. Minutes from the December 15, 2022, Board of Commissioners Meeting

Motion to approve: Hall
 Second: Butler

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u>X</u>	---	---	---
Vice Mayor Butler	<u>X</u>	---	---	---
Commissioner Hall	<u>X</u>	---	---	---
Commissioner Fischer-Street	<u>X</u>	---	---	---
Unfilled Commissioner Seat				

10. New Business

- A. Off-Premises Beer Permit for Flash Market #7150 Located at: 1425 Hwy 96 N, New Owner: Arie Kotler

Motion to approve: Butler
 Second: Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u>X</u>	---	---	---
Vice Mayor Butler	<u>X</u>	---	---	---
Commissioner Hall	<u>X</u>	---	---	---
Commissioner Fischer-Street	---	<u>X</u>	---	---
Unfilled Commissioner Seat				

- B. Off-Premises Beer Permit for Fairview Stop and Save Market Located at: 2665 Fairview Blvd, New Owner: Neil Patel

Motion to approve: Butler
 Second: Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u>X</u>	---	---	---
Vice Mayor Butler	<u>X</u>	---	---	---
Commissioner Hall	<u>X</u>	---	---	---
Commissioner Fischer-Street	<u>X</u>	---	---	---
Unfilled Commissioner Seat				

- C. Resolution 02-23, A Resolution of the Board of Commissioners of the City of Fairview, Tennessee, confirming the appointment of one Board of Commission member to the Board of Zoning Appeals

Motion to apppoint Wayne Hall: Butler
 Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u>X</u>	---	---	---
Vice Mayor Butler	<u>X</u>	---	---	---
Commissioner Hall	<u>X</u>	---	---	---
Commissioner Fischer-Street	<u>X</u>	---	---	---
Unfilled Commissioner Seat				

- D. Resolution 03-23, A Resolution of the Board of Commissioners of the City of Fairview, Tennessee, confirming the appointment of one citizen to the Board of Zoning Appeals

Motion to appoint Shawn Sirgo: Hall

Mayor Anderson stated that Mr. Sirgo had spoken with her prior to the meeting and withdrew his application

Motion to appoint Stacy Beaulieu-Fawcett: Butler

Second: Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u> x </u>	___	___	___
Vice Mayor Butler	<u> x </u>	___	___	___
Commissioner Hall	<u> x </u>	___	___	___
Commissioner Fischer-Street	<u> x </u>	___	___	___
Unfilled Commissioner Seat				

E. Resolution 04-23, A Resolution of the City of Fairview, Tennessee, Board of Commissioners approving a city manager contract and authorizing the mayor to sign on behalf of the city

Motion to approve: Hall

Second: Butler

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	<u> x </u>	___	___	___
Vice Mayor Butler	<u> x </u>	___	___	___
Commissioner Hall	<u> x </u>	___	___	___
Commissioner Fischer-Street	<u> x </u>	___	___	___
Unfilled Commissioner Seat				

F. Discuss and/ or act on the dismissal hearing of the City Recorder

Motion to affirm the decision of the hearing officer: Hall

Second: Butler

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	___	___	___	<u> x </u>
Vice Mayor Butler	<u> x </u>	___	___	___
Commissioner Hall	<u> x </u>	___	___	___
Commissioner Fischer-Street	___	<u> x </u>	___	___
Unfilled Commissioner Seat				

11. Communications from the Mayor and Commissioners

12. Adjournment

Motion to adjourn: Butler

Second: Hall

Meeting was adjourned at 7:44 P.M.

Rachel Jones, City Recorder



CITY OF FAIRVIEW

BOARD OF COMMISSIONERS WORK SESSION MINUTES

JANUARY 5, 2023

Lisa Anderson, Mayor
Brandon Butler, Vice Mayor
Wayne Hall, Commissioner
Leslie Fischer-Street, Commissioner
Tom Daugherty, City Manager
Tim Potter, City Attorney
Rachel Jones, City Recorder

BOC Present: Anderson, Butler, Hall, Fischer-Street
PC Present: Butler, Anderson, Cali, Magner, Senyard, Schulist, McDonald
Staff Present: Daugherty, Jones, Sullivan, Totty, Hughes, Paisley, Potter, Foster

- 1. **Call to Order by Mayor Anderson at 5:34 P.M.**
- 2. **Bellehaven Development**

City Attorney, Tim Potter opened with an update on the history of the Bellehaven development.

- 2008 – Annexation and zoning was requested to RM8-PUD, the preliminary plan was approved and recorded
- 2016 – Developer obtained approval through the Planning Commission for a final Master Development Plan from the city that was approved. The zoning ordinance applicable at the time stated that construction must begin within three years, or it would lapse, and further approvals would be required.
- 2022 – Developer came back to the city with proposed changes which included fewer homes as well as the entrance location to be changed.
- With new zoning regulations put in place by the city in 2019, changes were classified as “major” or “minor”.
- Major changes must be approved by the Planning Commission and Board of Commissioners.

PC member, Emily Senyard, asked the question what constituted a major change verses a minor change. Mr. Potter asked Mr. Sullivan to provide an explanation. Mr. Sullivan read aloud section 10-203.8 of the zoning ordinance titled Modifications to an Adopted Planned Overlay District Development. Mr. Sullivan then explained which changes to the plan could be considered “major” based off this section in the zoning ordinance and the approval process going forward.

Anthony Sparrow, Senior Vice President of Walton Global Holdings, who also owns the property, gave his perspective on the background of the property since it was purchased by his company in 2014.

- In 2014 when the property was purchased it had water and sewer accessibility.
- In 2016 when the planning process was ready to begin, he found out the property no longer had sewer accessibility.
- Dickson Water Authority agreed to maintain a step system for the property.
- Took some time to find a builder who would work with a step system.
- Worked with city staff and attorneys to determine if the rezoning process was required.

PC member, Emily Senyard, commented on the 2016 Master Development Plan having a “sunset clause” of three years. There was discussion about lot sizes with both the 2008 and 2016 plans. Mr. Potter stated in his opinion the Master Development of 2016 was no longer in effect.

Shawn Henry, representative of the developer, spoke saying this was a "modification" of a PUD Master Plan. He stated they are proposing to modify the 2008 recorded preliminary plan.

Mr. Sullivan passed out copies of a side-by-side comparison of the 2008 recorded plan in comparison to the current proposed modified plan.

Jay Easter, Engineer for Ragan Smith, detailed the comparison of the 2008 plan and the proposed modified plan. Changes pointed out are as follows:

- Entrance removed from Hwy 96
- Additional connection on Northwest Hwy
- Change in lot size
- Fewer number of lots
- Increased green space
- New plan complies with city's storm water ordinance

Commissioner Street questioned how much right-of-way would be needed to widen Northwest Hwy and Elrod Rd. Mr. Easter stated that along their frontage they would be dedicating all right-of-way for the property they own. Mr. Sullivan stated there are several properties where right-of-way would be purchased and several that would have a construction easement. He explained any property needed for the project would be purchased.

Commissioner Street also questioned the entrance of the development being removed from Hwy 96. Her concern was flooding Northwest Hwy and Elrod Rd with traffic. Mr. Sullivan stated staff had looked at the entrance from Hwy 96 and determined it to be a safety issue because of the proximity to the Northwest Hwy intersection.

Commissioner Hall asked for clarification about the realignment of Northwest Hwy and about the intersection of Hwy 96 and Northwest Hwy being signalized. Mr. Sullivan responded explaining the realignment and details of the project including a traffic signal that would be installed.

PC member, Emily Senyard, commented that the recorded plat did not reflect some of the amendments that was made with the Board of Commissioners. Commissioner Hall stated that there were 18 amendments, not 11, on the night the vote was taken.

Jim Murphy, representative of the property owner, stated the original plan was approved in 2006 and that is when the amendments were put onto the plan. A major amendment was done in 2008, which is the plan that is recorded.

PC member, Haley Schulist, proposed the question if something is a major change should it go through the rezoning process. Mr. Potter answered no. He stated that a design plan would have to go through the Planning Commission and Board of Commissioners, but that it would not require a new rezoning. Ms. Schulist also questioned if the 2008 amendments superseded the 2006 plan. Mr. Potter stated he believed that to be correct.

PC member, David Wagner, spoke seeking clarification on buffers to include the higher density areas. Mr. Easter joined Mr. Wagner at the podium and pointed out the buffers and additional green space on the map. Mr. Wagner also questioned the use of common areas as it was his belief most were slated for drainage. Mr. Easter explained that there was a significant amount of green space in the new plan and understood the confusion about the drainage areas. He stated that a portion of the area was in fact needed for required drainage and storm water management but added there were also plans for walking trails throughout the area.

Commissioner Street asked why the property that was conveyed to city in 2008 is included in the current green space shown on the map. Jim Murphy told Commissioner Street that it was included in the original plan. Mr. Easter clarified that he was not including the area in the calculated green space on the new plan. Mr. Easter stated he would prepare a later illustration that would more clearly define the plan, showing green spaces etc.

Vice Mayor Butler questioned if the reinstatement on the Planning Commission agenda is improper. Mr. Butler suggested that the plan should be resubmitted to the Planning Commission and have two readings before the Board of Commissioners including a public hearing. Mr. Potter affirmed that his statement was correct.

Mr. Potter stated that the purpose of this work session was to educate everyone and to be informed. He directed any questions be forwarded to his office. Mr. Butler confirmed that PC Resolution PC-72-22 would be removed from the January 10th, 2023, Planning Commission agenda.

Mayor Anderson announced that she was going to entertain questions from the citizens but due to this project going back to the Planning Commission and Board of Commissioners, citizens will have the opportunity to gather questions and speak at the public hearing.

3. Adjournment at 6:43 P.M.

Rachel Jones, City Recorder



RESOLUTION 01-23

A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE WITH R-20 SINGLE FAMILY MEDIUM-DENSITY RESIDENTIAL ZONING, MAP 021, PARCEL 056.00, NORTHWEST HIGHWAY, 5.38 ACRES, OWNER: CANDLEWOOD COVE LLC

**Tax Map 021, Parcel 056.00
Northwest Highway
Owners: Candlewood Cove LLC
5.38 Acres**

WHEREAS, the City of Fairview, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory to be zoned as R-20 Single Family Medium-Density Residential adjoining its existing boundaries and within its urban growth boundaries; and

WHEREAS, the owners of all property within the territory proposed for annexation and zoning have given their written consent by notarized petition so that a referendum is not required; and

WHEREAS, a copy of this Resolution, describing the territory proposed for annexation and zoning, was promptly sent by the City of Fairview to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation, with such being sent by first class mail and mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on the proposed annexation by owner consent; and

WHEREAS, this Resolution was also published by posting copies of it in at least three (3) public places in the territory proposed for annexation and zoning and in a like number of public places in the City of Fairview, and by publishing notice of the Resolution at or about the same time in the Observer, a newspaper of general circulation in such territory and the City of Fairview; and

WHEREAS, a Plan of Services for the area proposed for annexation and zoning is included as Section 1 hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

WHEREAS, the proposed annexation, zoning and Plan of Services were submitted to the Fairview Planning Commission for study, and it has recommended the same; and

WHEREAS, notice of the time, place, and purpose of a public hearing on the proposed annexation, zoning and Plan of Services was published in a newspaper of general circulation in the City of Fairview not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

WHEREAS, a public hearing on the proposed annexation, zoning and Plan of Services was held by the governing body on the 19th day of January 2023.

Section 1: Pursuant to the provisions of **TCA 6-5-102**, there is hereby adopted, for the area bounded as described above, the following plan of Services:

Police

Patrolling, radio response to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.

Fire

Fire protection by the present personnel and equipment of the City of Fairview Fire Department, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.

Water

Water for domestic, commercial, and industrial use will be provided by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. **The City of Fairview, Tennessee, does not provide this service.**

Water for fire protection will be provided and water lines and fire hydrants will be installed by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. **The City of Fairview, Tennessee, does not provide this service.**

Sanitary Sewers

Sanitary Sewer Service will be serviced by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures.

The City of Fairview, Tennessee does not provide this service.

In the event connection to the Sanitary Sewer Service is not allowed by WADC, an individual sewage disposal system shall be required for residential and non-residential occupied structures. If public sewer facilities are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be approved by the County Health Department.

Refuse Collection

Private haulers or the county convenience center will handle refuse collection in the annexed area.

Streets

The State Highway Commission under the standards currently prevailing by the State of Tennessee will serve the State Controlled Streets in the annexed area. The City of Fairview, Tennessee under the standards currently prevailing in the city will serve the City Controlled Streets in the annexed area.

Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards.

Schools

The annexed area will be served by the Williamson County School system that serves the entire City of Fairview, Tennessee.

Inspection Services

Any inspection services now provided by the City will begin in the annexed area on the effective date of annexation.

Planning and Zoning

The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City Planning will thereafter encompass the annexed area.

Public Works

Services provided by the Public Works department will be extended to the annexed area on the effective date of annexation to include seasonal chipper and leaf pick up. Reference the city's website for pickup times and specific information regarding what qualifies for this service.

Street Lighting

Existing street lighting will continue to be maintained by the utility provider in the annexed area.

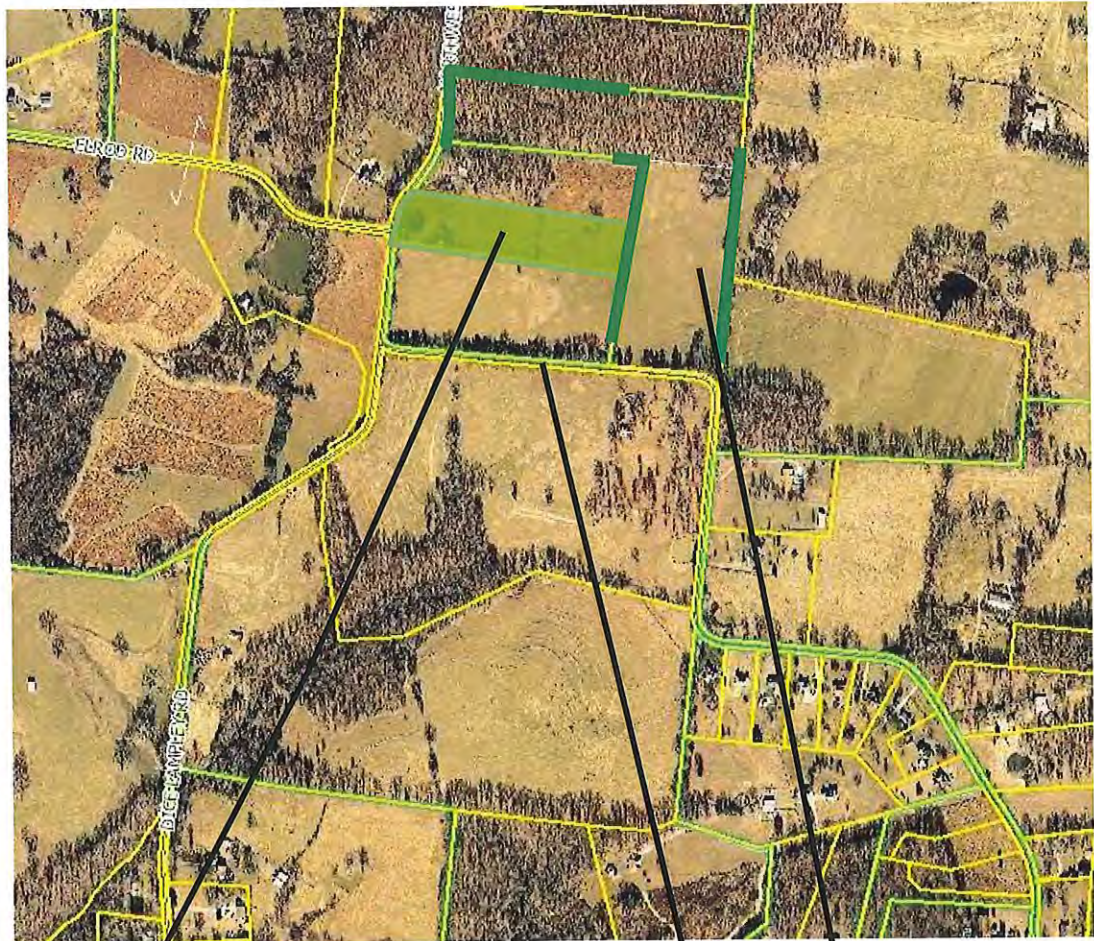
Recreation

Residents of the annexed area may use all City parks on and after the effective date of annexation.

Miscellaneous

Any other service(s) not classified under the foregoing headings will be in accordance with the standards prevailing in the City of Fairview, Tennessee.

SECTION 2: LOCATION MAP



Parcel Proposed for Annexation
Woodwick Phase 2; Located on Northwest Highway
Tax Map: 021 Parcel: 056.00
5.38 Acres; Requested Zoning: R-20
Owner: Candlewood Cove LLC

Woodwick Phase 1

Northwest Highway

SECTION 3: LEGAL DESCRIPTION

PARCEL 056.00 - Lying and being in the First Civil District of Williamson County, State of Tennessee, and being more particularly described as follows:

BEGINNING at a capped "Sharondale Nashville" iron pin set in the east margin of Northwest Highway located at Tennessee State Plane (NAD 83) Grid Coordinate North 609,360.84, East 1,627,726.95; Thence, with the east margin of Northwest Highway, North 6 degrees 52 minutes 20 seconds East, 133.57 feet to a capped "Sharondale Nashville" iron pin set; Thence, along a curve to the right with a central angle of 29 degrees 53 minutes 06 seconds, a radius of 177.56 feet, and a chord bearing of North 21 degrees 48 minutes 53 seconds East, 91.57 feet, a total distance of 92.61 feet to a capped "Sharondale Nashville" iron pin set; Thence, North 36 degrees 45 minutes 26 seconds East, 9.86 feet to a capped "Sharondale Nashville" iron pin set; Thence, leaving the east margin of Northwest Highway, South 83 degrees 37 minutes 15 seconds East, 1,003.81 feet to a capped "Sharondale Nashville" iron pin set; Thence, South 11 degrees 56 minutes 37 seconds West 231.42 feet to a capped "Sharondale Nashville" iron pin set; Thence, North 83 degrees 37 minutes 15 seconds West, 1,011.88 feet to the point of beginning, containing 234,526 square feet. (5.384 acres) I more or less, according to survey by Sharondale Surveying, Inc., dated July 17, 2020.

BEING the same property conveyed to Jingo Building Group LLC, a Tennessee limited liability company, by Warranty Deed dated September 15, 2020, from Cheryl Pittard, Trustee of the Miriam Ruth Kelley Special Needs Trust, as set forth in the Will of James W. Kelley as shown in Case No. P9247, in the Probate Court of Williamson County, Tennessee, of record in Book 8191. Page 28, Register's Office for Williamson County, Tennessee. This conveyance is subject to the following:

1. Taxes for the year 2022, which have been prorated, and payment thereof, by acceptance of this conveyance, is expressly assumed by Grantee.
2. Easement for Middle Tennessee Electric Membership Corporation of record in Book 684, page 44, of record in the Register's Office for Williamson County, Tennessee.
3. Right of way of Northwest Highway and all matters according to survey by Sharondale Surveying, Inc., dated July 17, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the city of Fairview, Tennessee, as follows:

- A. That the proposed territory is hereby annexed and incorporated into the boundaries of the City of Fairview, to be effective as of the 19th day of January 2023.
- B. That the Plan of Services for this territory, included, hereto is approved and the same is hereby adopted.
- C. That the City Recorder will cause a copy of this Resolution to be forwarded to the Mayor of Williamson County including the Plan of Services.
- D. That a copy of this Resolution shall be recorded with the Williamson County Register of Deeds, and a copy shall also be sent to the Tennessee Comptroller of the Treasury and the Williamson County Assessor of Property.
- E. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district following certification by the election commission that the annexation was approved.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Approved by the City of Fairview Board of Commissioners this 19th day of January 2023.

Mayor, Lisa Anderson

Attest:

City Recorder, Rachel Jones

Approved as to Form and Legality:

City Attorney

The Plan of Services and Zoning Request of this Resolution Considered by the City of Fairview, Tennessee Municipal Planning Commission this 15th day of November 2022.

The Fairview, Tennessee Municipal Planning Commission voted upon the Plan of Services and Zoning Request of this Resolution as Follows:

Aye 9, Nay 0, Not voting 0.

The Plan of Services and Zoning Request of this Resolution were returned to the City of Fairview, Tennessee Board of Commissioners with a Recommendation from the City of Fairview, Tennessee Municipal Planning Commission for Approval x, Disapproval _____, No Recommendation _____.