

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

JANUARY 19, 2023



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

Staff Present: Daugherty, Jones, Paisley, Sullivan, Blackburn, Hughes, Humphreys, Potter, Foster

1. Call to Order by Mayor Anderson at 7:00 P.M.
2. 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		

3. Prayer and Pledge led by Mayor Anderson
4. Approval of the Agenda and Executive Session Announcements

Motion to approve: Hall
Second: Street

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

5. Public Hearings (to be done with items)
Done with agenda items
6. Citizen Comments
 - A. Julie Fischer, 7276 Northwest Hwy
 - B. Tiffany Wilson-Mobley, 7303 Cox Run Ct
 - C. David Dodoro, 7551 Cherokee Hills Rd
7. Public Announcements, Awards, Recognitions

A. City Events - Daugherty

8. Staff Comments and Monthly Reports

- A. Police Report - Humphreys
- B. Fire Report – Hughes
- C. City Manager Report – Daugherty

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

A. Minutes from Board of Commissioners Meeting January 5, 2023

Motion to approve: Street
Second: Hall

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

B. Minutes from Board of Commissioners Work Session January 5, 2023

Motion to approve: Street
Second: Hall

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

10. Old Business

A. Annexation of Tax Map 021, Parcel 056.00 Northwest Hwy

1. Public Hearing
 - a) Julie Fischer, 7276 Northwest Hwy
 - b) Tiffany Wilson-Mobley, 7303 Cox Run Ct

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

Motion to approve: Hall
Second: Anderson

Discussion – Commissioner Hall asked Mr. Sullivan how the Planning Commission voted on this item. He also asked if this item met the 2040 plan. Commissioner Street asked Mr. Sullivan about the wording on the public hearing signs posted on the property.

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

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

Mayor Anderson asked for a show of hands who was interested in the open seat. Commissioner Hall asked Mr. Potter to explain the role of the Board of Commissioners in appointing a new commissioner. Mr. Potter stated the board had a right to fill the seat up to 90 days after the seat became vacant and if the board failed to fill the seat within the 90 days a special election would take place.

The following came forward to speak:

1. Greg DeWire, 2115 Fairview Blvd
2. Chris McDonald, 7515 Nathaniel Woods Blvd
3. David Dodoro, 7551 Cherokee Hills Rd
4. Tiffany Wilson-Mobley, 7303 Cox Run Ct
5. Stuart Johnson, 7219 Bowie Hollow Rd
6. Mitch Dowdy, 7277 Old Franklin Rd

Motion to appoint Stuart Johnson: Anderson

Second: Hall

Discussion – Commissioner Street asked to let the citizens decide who fills the vacant seat. Commissioner Hall stated he would like to see all interested parties stay involved in the city. Mayor Anderson encouraged anyone wanting to serve on the BOC to run for office next election.

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

Stuart Johnson was appointed to the Board of Commissioners and Mayor Anderson administered the Oath of Office.

11. New Business

A. Discussion on Public Hearing Process (Street)

Commissioner Street stated she would like to see the number of meetings changed for the public hearing process. She would like to have three meetings with the first being under new business and explaining all information about the property. The second meeting being under old business with the public hearing. The third meeting would be to make sure all the citizens questions and concerns have been addressed and take the final vote.

Mayor Anderson asked Commissioner Street to write up her suggestion in ordinance form and bring it back before the board to have it voted on.

Commissioner Johnson asked Mr. Potter to speak about what the city charter calls for and what it would take to change the charter. Mr. Potter stated to change the charter the BOC would have to pass a resolution asking the State Representative or State Senator to present it to the legislature before the end of the current legislative session. If passed by the legislature it would then come back before the BOC for final approval.

Mr. Potter advised Commissioner Street to speak with him for further guidance.

12. Communications from the Mayor and Commissioners

13. Adjournment – Commissioner Johnson made a motion for adjournment and the meeting was adjourned at 8:20 P.M.

Rachel Jones, City Recorder



RESOLUTION 05-23

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENGAGE A NEW CITY ATTORNEY**

WHEREAS, the former city attorney, for the City of Fairview (“City”) has resigned from representing the City; and

WHEREAS, the City has decided that it is in the best interests of the City to engage Patrick M. Carter and his law firm, Middle Tennessee Law Group, PLLC, as its City Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Fairview, Tennessee, that the City Manager is hereby authorized to engage Patrick M. Carter and his law firm of Middle Tennessee Law Group, PLLC as its City Attorney upon the terms and conditions set forth in Exhibit A hereto.

Passed and adopted this _____ day of _____, 2023.

Lisa Anderson, Mayor

ATTEST:

Rachel Jones, City Recorder

LEGAL FORM APPROVED:

Patrick M. Carter, City Attorney

January 23, 2023

Tom Daugherty
City of Fairview
7100 City Center Way
P.O. Box 69
Fairview, TN 37062

RE: Engagement of services as City Attorney

Dear Mr. Daugherty:

The purpose of this letter is to confirm our agreement with respect to the terms of this firm's representation of the City of Fairview ("Fairview") as City Attorney. Beginning on or about February 1, 2023, the undersigned will begin serving as Fairview's City Attorney and will continue to do so until either Fairview or the undersigned or both decide to the contrary. The client, of course, is Fairview as represented by the Mayor and Board of Commissioners.

The fee arrangement described below will cover all of our services in this regard.

On your part, Fairview agrees to cooperate fully with us as the City Attorney. Our compensation for services rendered as the City Attorney will be as follows:

Professional services of Patrick M. Carter:	\$285.00 per hour
Professional services of Josh Hogan	\$200.00 per hour
Paralegal services:	\$110.00 per hour

Our billing system is based upon the premise that all statements are due and payable upon receipt, but in no event later than thirty (30) days thereafter. If payments are delayed beyond the due date, we will reserve the right to charge interest at the highest rate permitted by law from the due date until the date when paid. If you should have any questions whatsoever concerning any statement, please feel free to raise such questions directly with me. Pursuant to your instructions, unless I hear from you to the contrary, we will send our monthly statements to Fairview's City Manager at the email address used to send this letter (tdaugherty@fairview-tn.org). These statements will be for actual time expended as calculated in increments of one-tenth ($\frac{1}{10}$) of an hour (6 minutes), plus routine expenses; however, no mileage will be charged to the City for routine travel to City Hall for routine meetings.

Tom Daugherty
City Manager
January 23, 2023
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Upon closure of any and all files generated on behalf of Fairview, same will be transferred to our storage facility where the contents will remain for a period of seven (7) years, at which time said file or files will be destroyed. If Fairview wishes to retain any or all files, Fairview will need to contact us and request such files prior to the seven (7) year expiration time period.

The attorney-client relationship is one of mutual trust and confidence. If you have questions at all concerning the provisions of this agreement, we invite your inquiries. If this letter correctly sets forth the terms of our employment, and if those terms are agreeable to Fairview, please confirm that fact by signing and dating the duplicate copy of this letter in the space provided and return the same to me in the enclosed return envelope.

We look forward to working with you.

Sincerely,

MIDDLE TENNESSEE LAW GROUP, PLLC
D/B/A WOLAVER, CARTER & HEFFINGTON

By:
Patrick M. Carter

THE FOREGOING IS AGREED TO:

CITY OF FAIRVIEW, TENNESSEE

By: _____

Date: _____, 2023



ORDINANCE NO. 2023-01

AN ORDINANCE TO AMEND TITLE 12 OF THE CITY OF FAIRVIEW MUNICIPAL CODE, SPECIFICALLY, SECTIONS RELATED TO THE CITY'S FEE STRUCTURE FOR PERMITS AND FEES RELATED TO CONSTRUCTION, REMODELING, BUILDING PERMITS; AND INDUSTRIAL, COMMERCIAL AND RESIDENTIAL DEVELOPMENT.

WHEREAS, the City of Fairview, Tennessee, desires to revise its current ordinances regarding building permits and related fees, and

WHEREAS, in order to effectively incorporate a revised building permits and related fees structure Title 12 of the city's municipal code must be amended, and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE AS FOLLOWS:

BE IT ORDAINED, that Title 12, Chapter 1, Section 12.105, is hereby modified and shall read as follows:

12.105. Applications and Permits Fee Structure.

(1) Single family detached residential and duplex residential new construction building permits.

\$1.80 per square foot of heated, cooled, garage and interior storage space (revenue to be allocated 42.5% to general fund, 42.5% to facilities fund and 15% to a parks and recreation fund)

(2) Single family detached residential and duplex residential renovation building permits.

\$1.00 per square foot of renovated area
(Revenue to be allocated 50% to general fund and 50% to facilities fund)

(3) Multifamily and attached single family residential new construction building permits.

\$2.00 per square foot of heated, cooled, garage and interior storage space (revenue to be allocated 42.5% to general fund, 42.5% to facilities fund and 15% to a parks and recreation fund)

(4) Multifamily and attached single family residential renovation building permits.

\$1.00 per square foot of renovated area
(Revenue to be allocated 50% to general fund and 50% to facilities fund)

(5) Commercial, industrial, and other non-residential new construction building permits***.

\$500 to be allocated to the facilities fund, plus:
\$2.00 per square foot of commercial use space**
\$1.50 per square foot of industrial use space**
\$0.10 per square foot for industrial use open air storage structures

**≥3 side enclosed

*** to include non-residential uses in residential developments

(6) Commercial, industrial, and other non-residential renovation construction building permits***.

\$500 to be allocated to the facilities fund, plus:
\$1.00 per square foot of commercial use space**
\$1.00 per square foot of industrial use space**
\$0.10 per square foot for industrial use open air storage structures

**≥3 side enclosed

*** to include non-residential uses in residential developments

(7) Mechanical permits not included in a building permit.

\$25 per each H.V.A.C. (heating, ventilation, and air conditioning) unit installed

\$25 per each natural gas line installed

(8) Accessory structures and decks not included with a building permit.

\$50.00 plus \$0.50 per square foot

(9) Telecommunication's permanent structure permit

\$500

(10) Grading permits

\$500 plus \$10 per acre disturbed

(11) Right of way encroachment permits

\$500

(9) Plans, plats, annexation and rezoning submission and application fees

Concept plan - \$500 plus \$10 per acre of development area

Master Development Plan - \$2,500 plus \$50 per acre, \$25 per dwelling unit*, \$0.10 per square foot of commercial structures, \$0.10 per square foot of industrial structures, \$0.10 per square foot of industrial use open air storage structures

Preliminary Plat + Construction Documents - \$1,500 plus \$50 per acre, \$25 per dwelling unit*

Site Development Plan + Construction Documents - \$1,500 plus \$50 per acre, \$25 per dwelling unit*, \$0.25 per square foot of commercial structures, \$0.20 per square foot of industrial structures, \$0.10 per square foot of industrial use open air storage structures

Master Development Plan, Preliminary Plat, or Site Development Plan Revision - \$1,500 plus \$25 per acre, \$10 per dwelling unit*, \$0.10 per square foot of commercial structures, \$0.10 per square foot of industrial structures, \$0.10 per square foot of industrial use open air storage structures

Final Plat - \$750 plus \$10 per acre and \$10 per dwelling unit*

Lot Redivision and Minor Subdivision Plat - \$500 plus \$10 per acre and \$10 per dwelling unit*

Annexation, Rezoning, or Board of Zoning Appeal Request - \$500 plus \$10 per acre of site

*Residential Unit or Residential Building Lot

(10) Resubmissions and subsequent review engineering fees.

Beginning with the third submission for review, and applying to each subsequent review, an amount equal to one half of the original submission fee and one half of the original engineering review fee shall be assessed and must be remitted to the city with the third and each subsequent submission for review.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

Passed Second Reading