

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

FEBRUARY 4, 2021

Debby Rainey, Mayor
Lisa Anderson, Vice Mayor
Brandon Butler, Commissioner
Rod Dawson, Commissioner
Scott Lucas, Commissioner
Scott Collins, City Manager
Tim Potter, City Attorney
Brandy Johnson, City Recorder

Present: Anderson, Butler, Dawson, Lucas, Rainey

Staff Present: Collins, Johnson, Paisley, Potter, Ross, Blackburn, Sullivan

1. Roll Call – by Johnson

	Present	Absent
Commissioner Anderson	x	___
Commissioner Butler	x	___
Commissioner Dawson	x	___
Commissioner Lucas	x	___
Mayor Rainey	x	___

2. Call to Order by Mayor Rainey at 7:01 p.m.

3. Prayer and Pledge led by Commissioner Lucas

4. Approval of the Agenda and Executive Session Announcements -

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

5. Public Hearing – none

6. Citizen Comments

- A. Eileen Brogan, 7106 Brush Creek Road South, speaking as president of the Friends of Bowie Nature Park regarding the proposed development, The Neighborhood at Bowie Park. Bowie Nature Park is downhill and downstream from the proposed development which is a cause for concern. I know this is not an exchange but please let us know tonight if there will be an environmental impact study completed. The lots along the boarder slop toward the park and no stormwater basin is shown on the plan on that side. The developer told us the 25' buffer along the park would be increased to 35' but the amended plan still shows 25'. Pollution mitigation, related to run-off from water running off the development, is likely to contain fertilizers and pesticides that will wash into the park along with

oil and gas from the roads and driving. This is likely to pollute the Hickman Branch and from there Little Turnbull Creek. It would be a shame to spoil or diminish the park with a developer using its proximity as a selling point, though I'm sure from the developer's standpoint, in an attempt to showcase it.

- B. Tiffany Wilson-Mobley, 7303 Cox Run Court, Tonight the elected commission will discuss a rezoning request for a proposed neighborhood next to Bowie Nature Park and there will be a vote to see if a public hearing will be scheduled to further discuss. The request is to move from low to medium density and if approved for medium density, no matter how fancy it sounds with words like PUD, POD and overlay, it still means from 90 to 150 homes or more and a second park entrance. Although our commissioners may have already decided to move to a public hearing, in truth, they don't have to. The land is already zoned for a low-density, one-acre lot neighborhood, a development that would not threaten wildlife, streams and trails of the park. We don't need to move to a public hearing, commissioners, we just need you to make the developer to bring the right plan to build low-density. Please reset the process by voting no tonight. There is a petition, as I'm sure you are aware, circulating that calls for this zoning request to be denied. As of today, more than 1,700 people have signed, including hundreds of Fairview residents and people from all over middle Tennessee who know and love this park. Their request is to simply deny the rezoning request and work with the developer, the right developer, to design a low-density, one-acre lot neighborhood. This is very important to us. This is so, so important to us. The rezoning request would also have potentially catastrophic impact in our neighborhood and other homes around it. Stormwater already causes regular damage to property and homes in our subdivision, Cox Run, and has for decades. Just this past summer, as you've heard, one family suffered more than \$40,000 in flood damage and several homes suffer ongoing damage, even in light rain. This problem has not been addressed by the city and we are not quite sure if it will but it's causing a lot of damage to us and loss of property. The development proposed would turn quiet, safe neighborhood streets, like Cox Run Drive and Mangrum Drive, into the main entrance. These streets were not designed or intended as main thoroughfares for hundreds of cars. You're putting a subdivision next to a park and you have to go through ours to get there. These are streets that we walk on. We don't have sidewalks. We don't want our pets and children to be afraid that they will get hit. Neighbors with family members that have special needs rely on the safety and quiet of these streets. We call on the Board to deny this request. Say no to the next step, a public hearing. Reset this process and start the right way. Consider what needs to be done to develop a neighborhood that earns the right to border this park, that honors the legacy of Dr. Bowie and her sisters and that doesn't forever damage existing neighborhoods filled with families and children, lifelong residents and even new arrivals who moved here for the quiet beauty of our town. Honor the park, honor the family that owns this property, the Groves family, and their father's memory. Stop this please from moving any further. These are just a few of the problems with the decision to rezone this development to medium density.

7. Public Announcements, Awards, Recognitions – none

8. Staff Comments and Reports

- A. City Manager Report – City Manager Scott Collins will be emailing the Board members with a couple of date options for the Focus on Fairview events. We typically hold two events, one on a Saturday morning and one on a weeknight. The objective is to present a snapshot of the operations and finances of the city in a broader, open discussion type of forum. This year's events will be a little more important than those in the past because financial decisions made this calendar year will have decades of impact. We will have received enough financial information from the county and state to answer questions regarding a business plan to address and discuss the substantial impact to our future. Proposed dates will follow via email soon.

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

- A. Minutes from the January 21, 2021, Board of Commissioners Meeting
B. Second and Final Reading of Ordinance 2021-01, An Ordinance of the City of Fairview, Tennessee, Further Amending the Annual Budget for the Fiscal Year Beginning July 1, 2020, and Ending June 30, 2021

Motion: Anderson

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

11. Old Business (none)

12. New Business

- A. First Reading of Ordinance 2021-02, An Ordinance to Amend the Zoning Ordinance of the City of Fairview, By Rezoning 1.58 Acres of Property, Located at 7109 Sleepy Hollow Road, Williamson County Tax Map 069, Parcel 055.00, From RS-40, Single Family Low-Density Residential, to R-20, Single Family Medium-Density Residential, Owner: Nicholas Vacco – Collins notes the Planning Commission approved the owner's request to rezone to R-20 and build a single-family home. Approval tonight would send the request to a public hearing.

Motion: Lucas

Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- B. First Reading of Ordinance 2021-03, An Ordinance to Amend the Zoning Ordinance of the City of Fairview, By Rezoning .89 Acres of Property, Located at 7001 City Center Way, Williamson County Tax Map 042, Parcel 168.10, From MSMU, Main Street Mixed Use, to CG, Commercial General, Owner: Family Advantage Federal Credit Union – Collins relays this request passed the Planning Commission for its proposed use as a car wash. There had been some concern on accessibility for this parcel due to the access through the rear of Hardee's lot near the drive through. The access has limited the potential uses for development for this site. The applicant's use supports a single entry/exit point and states it is actually ideal for their use. The proposal meets Commercial General designation requested. Commissioner Butler asked if they have received WADC approvals and Collins understands they have. Commissioner Dawson indicates we have been working through commercial zoning designations and two previous requests have been denied without said designations adopted. Collins notes we are working to get the commercial designations completed by will not likely be done before April or May. This specific question was raised at the Planning Commission level and it would meet the future designation because of access limitations of this particular parcel. The current owner of the parcel, the credit union, couldn't meet site restrictions to develop for their use and have approved application for the car wash. Mayor Rainey states approval tonight would lead to a public hearing on the matter.

Motion: Lucas

Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- C. First Reading of Ordinance 2020-29, An Ordinance to Amend the Zoning Ordinance of the City of Fairview, by Rezoning 124.43 Acres of Property, Consisting of Map 043, Parcel 006.00 and Map 043, Parcel 026.00, Located at Wayne's Lane and Mangrum Lane, From RS-40, Single Family Low-Density

Residential to an R-20, Single Family Medium-Density Residential, Planned Overlay Development and Approving a Master Development Plan, Owners: Cory Groves and Johnny Groves – Commissioner Lucas made a motion for approval but that motion died due to lack of a second. Anderson explains having just received the plan today she doesn't feel prepared to vote tonight, suggesting that maybe another workshop would be in order. Mayor Rainey adds the developer agreed to a second workshop if the Board desires. Collins explains an approval on a first reading essentially provides notice for a public hearing.

Motion: Butler – to defer until the next meeting

Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- D. First Reading of Ordinance 2021-04, An Ordinance to Amend Title 11, Chapter 12, Section 11-1202, of the City of Fairview Municipal Code – Collins states this current code section is quite antiquated regarding illegal prowling. The definition used is not really applicable nor legally enforceable and this ordinance would repeal the section and reserve for future use.

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- E. First Reading of Ordinance 2021-05, An Ordinance to Amend Title 11, Chapter 12, Section 11-1203, of the City of Fairview Municipal Code – Collins remarks that this is a similar issue to the previous agenda item except instead of repealing the section we need to amend it. It would be somewhat problematic to lawfully enforce someone not applying themselves to an honest occupation.

Motion: Lucas

Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- F. Resolution 02-21, A Resolution of the City of Fairview, Tennessee, Designating Items and Materials as Surplus and Authorizing Their Disposal (fire hose)

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

13. Communications from the Mayor and Commissioners

- A. Vice Mayor Anderson met with a couple people in Cox Run subdivision and was able to walk around and feel their concerns. Dan Allen, engineer/developer called her and spoke about resolutions for the concerns of the neighbors. They want to come together to find a resolution for the development and the community. Anderson asks to keep talking, listening, and working together to let every voice be heard. She appreciates all who have come out and those who have talked to her. She is always open and understanding of concerns and will help in any way.
- B. Commissioner Butler questioned the public hearing process noting he feels it has become habit to approve a first reading for the sake of moving forward for a public hearing. Attorney Tim Potter states a public hearing is required for annexations and rezonings but they can be at either the first or second reading. The typical reason for approving a first reading prior to the hearing is so you don't incur the effort of the hearing (legal advertising and notification requirements) unless it gets past the first read. Butler also requested revisiting the joint Planning Commission/Board of Commissioners open conceptual workshops prior to large developments coming before either board. It would be a time to review the project and how it fits with our comprehensive land use plan. Butler questioned the proper way to discuss this. Collins suggests determining the parameters with board boards to set expectations prior to further discussion on the matter.
- C. Commissioner Dawson thanked all in the community for stepping up and getting involved in the discussion. It is a great thing to bring your concerns forward to you representatives. Thanks to the developer for reaching out to provide solutions and I think this is a testament to the Fairview citizens getting involved in shaping the future, thank you. On this date in 1913, a little girl was born in Tuskegee, Alabama. Some thirty years later, a number of airmen graduated from the Tuskegee Institute and shipped off to North Africa and Europe, sent there to fight for our freedom. Rosa Parks and the Tuskegee Airmen truly are American heroes. During this month, let us remember and celebrate all American heroes in February.
- D. Commissioner Lucas – none
- E. Mayor Rainey asked about scheduling a work session with the developer before the next meeting beginning at 5:00 p.m. Collins noted that would be February 18 and that the city would advertise. Rainey thanked all for being involved. As a bit of housekeeping, you would like our respect when you speak and we ask the same of you.

14. Adjournment –Commissioner Lucas made a motion for adjournment meeting was adjourned at 7:35 p.m.

Brandy Johnson
City Recorder