

## City of Fairview

**BOARD OF COMMISSIONERS**

February 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  
Kathleen Daugherty, Recorder

Present: Brison, Arney, Bissell, Johnson, Sutton, Forehand, Cantrell

Absent:

- 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. Johnson made a motion to approve the Agenda as presented. 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 – None**
- 6. Approval of the Minutes –**
  - A. Presented for approval were the minutes of the Board of Commissioners Meeting held on January 15, 2009. Johnson made a motion to approve the minutes as presented. Sutton seconded the motion. All were in favor.
- 7. Old Business –**
  - A. Discuss and take action relative to a proposed settlement of the lawsuit Holland Contractors, Inc. v Brook Hollow Green, LLC, Williamson County, Chancery Court Docket No. 34737 – Larry Cantrell explained that Holland Contractors was not suing the City but Brook Hollow Green, LLC for nonpayment of paving bills. Since the City is holding the bond (in the amount of \$100,000) on the project the City has become involved in the suit. Cantrell explained how the bond funds would be disbursed if the Board agrees. After discussion was held it was decided to defer any action until the City Engineer could be present. Arney made a motion to defer action until the next meeting. Johnson seconded the motion. All were in favor.

- B. Presented for Second and Final Reading was Revised Bill #2008-44: Amending the Yard Sale Ordinance. Johnson read the caption and made a motion to pass Bill #2008-44 on second and final reading. Sutton seconded the motion. All were in favor.
- C. Presented for First Reading was Bill #2009-01: Rezoning a portion of the property located at 2401 Fairview Blvd. from RS-40 to CG (Commercial General) Map 47 H, Group A, Parcel 18.00, 1.49 acres – SCV LLC, Owner. Johnson read the caption and made a motion to pass on first reading. Sutton seconded the motion. All were in favor.
- D. Presented for adoption was Resolution No. 01-09: Set date of February 19, 2009 for a Public Hearing on the rezoning of property located at 2401 Fairview Blvd. Johnson read the caption and made a motion to adopt the Resolution. Arney seconded the motion. All were in favor.

#### **8. New Business –**

- A. Recommendations from the Planning Commission Meeting held on January 13, 2009 – None
- B. Discuss and/or take action on Southstar Proposals – Mayor Brison stated that since he has an interest in one of the parcels that will be discussed he will turn the meeting over to Vice-Mayor Johnson. Johnson then asked Ralph Knauss representing Southstar to present his proposal. Mr. Knauss presented a map of the proposed project that will be located across from Chester Road. He advised that it will bring in at least 250 jobs plus sales tax revenues. He stated that he needed action from the Board tonight because he is going to meet with the anchor tenant on Monday. He advised that in order to make this project work financially he needed some help from the City. He asked that the Board vote to make a one time purchase of street lights and poles for the parking lot at the cap price of \$120,000 (or reduce the price of the fire station by this amount). He also asked that the City pay the light bill for the street lights and parking lot lights usage for a twenty year period at the cap of \$40,000 per year. He also advised that they need to complete the sale of the fire station in 300 days instead of the original 450 days asked for earlier. After other questions from the Board about the project Bissell asked if it was legal for the city to pay the light bill. Cantrell stated that it would have to be done through a Community Development Board. The discussion then led to the City paying for building the road in the project instead of paying for the street lights. Knauss did not feel this was a doable solution. But after further discussion, He did agree that the City could purchase the road after it is completed and that would help them finance the project. Bissell asked for a recess in order to calculate the financial responsibility of the City. The meeting recessed at 8:02 p.m. Vice-Mayor Johnson called the meeting back to order at 8:15 p.m. Bissell advised that with his calculations the City could eventually earn five times the amount of their approximately \$750,000 investment in the project. He felt that when opportunity knocks you cannot turn away and that it is not bad business to bring in something that will benefit the community. Arney asked if the City can give Knauff a letter of intent to purchase the road when it is completed and let a Committee discuss the source of the

funds. Knauss advised that a letter of intent would be enough for him to take to his meeting with the anchor tenant on Monday. Arney made a motion to prepare the letter of intent. Bissell seconded the motion. For: Arney, Bissell, Johnson, Sutton. Abstain: Brison. Motion carried. Arney then made a motion to suspend further action until later in the Meeting. Bissell seconded the motion. For: Arney, Bissell, Johnson, Sutton. Abstain: Brison. Motion carried. Vice-Mayor Johnson turned the meeting back over to the Mayor.

- C. Discuss and authorize the city attorney to prepare an ordinance to create a Community Development Board – City Mgr. Forehand explained that this was put on the agenda to provide a legal way to pay the utility bills for the Southstar project and she had envisioned a Board of three members. She explained that this could also help other developers and is essential to the City as we move forward. Arney asked if this could be deferred. Forehand advised that they might want to send it to an Ad Hoc Committee for discussion. Arney made a motion to defer action tonight and send it to the Legal Committee which will meet at 6:00 p.m. prior to the next meeting. Sutton seconded the motion. All were in favor.
- D. Appointment(s) to the Planning Commission – Mayor Brison reported that there was another resignation from the Planning Commission (Christopher May) so they will need to appoint two members. He advised that there were six applicants: Pattie Carroll, Wayne Hall, Mark Miller, Steven Page, Norman Parsons, and Lynn Wright. Mayor Brison placed all six names in nomination. Three of the applicants were present: Pattie Carroll, Wayne Hall, and Mark Miller. Each of the applicants were given time to introduce themselves. Mark Miller then withdrew his name for consideration. Mayor Brison instructed the Board that they will vote for two of the five remaining applicants by open vote. Each Board Member voted for Pattie Carroll and Wayne Hall. Therefore Hall and Carroll were unanimously appointed as the two new members to the Planning Commission.
- E. Approve Lease Agreement with Williamson County Hospital for Ambulance Service – City Mgr. Forehand stated the lease is renewed every three years and is the same as it was three years ago. The City Attorney has reviewed the original contract and the amendment. Johnson made a motion to approve the Lease Agreement. Arney seconded the motion. All were in favor.
- F. First Reading Bill #2009-02: Amending the Fairview Municipal Code, Title 5, Chapter 1, Section 5-104, “Competitive Bidding” – City Mgr. Forehand advised that she asked the city attorney to review this section of the Municipal Code regarding the lease purchase a new fire hall. In doing this he discovered some other items in the section that need amending. Johnson read the caption and made a motion to pass Bill #2009-02 on first reading. Arney seconded the motion. All were in favor.

## 9. City Manager Items for Discussion -

- A. Miscellaneous Updates – None
- B. City Attorney Comments – Cantrell advised that the Board is aware that Grady Givens, Stacey Givens and Margaret Bates Givens once again filed a law suit against the annexation of Hwy. 100. He also advised that the law suit has now been terminated.

10. **At 9:00 p.m. the Mayor turned the meeting back over to Vice-Mayor Johnson** – At this time the Vice-Mayor asked for a recess until the letter of intent can be prepared. Vice-Mayor Johnson called the meeting back to order at 9:25 p.m. Cantrell advised that the letter has been completed and he would like Knauss to explain it. (see copy of letter attached). Bissell made a motion to authorize the Vice-Mayor to sign the letter of intent containing the items discussed and with the Vice-Mayor's satisfaction that it contains what has been discussed. Sutton seconded the motion. For: Arney, Bissell, Johnson, Sutton. Abstain: Brison. Motion carried.

Mr. Knauss also asked the Board to approve an amendment on the closing date of the fire station property. They would like the closing date changed from 540 days to 300 days. Arney made a motion to approve the amendment to change the closing date on the fire station property. Bissell seconded the motion. For: Arney, Bissell, Johnson, Sutton. Abstain: Brison. Motion carried.

11. **Communications from the Mayor and Commissioners – None**
12. **The meeting adjourned at 9:50 p.m.**

Kathleen Daugherty, CMC  
City Recorder