

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

February 7, 2019

John Blade, Mayor
Debby Rainey, Vice Mayor
Derek K. Burks, Commissioner
Rod Dawson, Commissioner
Scott Lucas, Commissioner
Scott Collins, City Manager
Tim Potter, City Attorney
Brandy Johnson, City Recorder

Present: Blade, Burks, Crutcher, Dawson, Lucas, Rainey

Others Present: Collins, Potter, Mills, Johnson, Daugherty, Hughes, Humphreys

1. Roll Call –

	Present	Absent
Commissioner Burks	x	_____
Commissioner Crutcher	x	_____
Commissioner Lucas	x	_____
Vice Mayor Rainey	x	_____
Mayor Blade	x	_____

2. Call to Order by Mayor Blade at 7:05 p.m.

A. Prayer and Pledge led by Mayor Blade

3. Approval of the Agenda and Executive Session Announcements – Collins notes there is an executive session scheduled which should take approximately 20 minutes and there will be no action after the session. Also, we need to amend the agenda to include discussion regarding the vacancy of the city judge added as item 3A.

Motion: Crutcher

Second: Rainey

	Yes	No
Mayor Blade	x	_____
Vice Mayor Crutcher	x	_____
Commissioner Burks	x	_____
Commissioner Lucas	x	_____
Commissioner Rainey	x	_____

A. Vacancy of the City Judge – Commissioner Crutcher and Commissioner Burks requested to be excused as they will abstain from any discussion or vote as attorneys who practice in this court and have asked to be considered for the vacancy. City attorney Tim Potter offers condolences to Judge Dryer's family noting he attended law school with Dryer, he was a friend and a smart man of integrity. It is the obligation of the BOC to fill the vacant

position per the charter. The appointed will serve until the next general election cycle and according to Robert's Rules of Order there is a majority required for a vote.

Motion: Rainey – declare the position of municipal court judge open
Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	___	___	X	___
Commissioner Crutcher	___	___	X	___
Commissioner Lucas	X	___	___	___
Vice Mayor Rainey	X	___	___	___
Mayor Blade	X	___	___	___

- B. Nominations for the open position (no second is required). Commissioner Lucas nominated Shannon Crutcher and Commissioner Rainey nominated Derek Burks. City Attorney Tim Potter attested that the two nominated qualify for the position in that they are over the age of 30, licensed to practice law in Tennessee and reside within Williamson County.

Motion: Blade – motion to cease nominations
Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	___	___	X	___
Commissioner Crutcher	___	___	X	___
Commissioner Lucas	X	___	___	___
Vice Mayor Rainey	X	___	___	___
Mayor Blade	X	___	___	___

- C. Vote for nominees for Fairview municipal court judge

	VOTE	ABSTAIN
Commissioner Burks	___	X
Commissioner Crutcher	___	X
Commissioner Lucas	Crutcher	___
Vice Mayor Rainey	Burks	___
Mayor Blade	Crutcher	___

Attorney Potter announces Shannon Crutcher has been elected by majority. Judge Mike Binkely will swear him in at his chambers tomorrow morning at 8:30 am. Court will begin at 10:00 am tomorrow. Crutcher and Burks re-join the meeting. Crutcher accepts the appointment and tenders his resignation as a member of the Board of Commissioners. Crutcher states this process is one none of us wanted to go through as we lost a judge who worked hard to be elected. Crutcher hopes to continue his public service in the role of judge and it's difficult to leave his role on the BOC as he has worked really hard to make this city a better place and he feels he is leaving it better than it was. He appreciates the trust put in him and he looks forward to continued service.

- D. Accept resignation of Commission Shannon Crutcher.

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	X	___	___	___
Commissioner Lucas	X	___	___	___

Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- E. City Attorney Tim Potter relays to the Board that the charter states the BOC shall fill any vacancies of the BOC if they occur more than 90 days to the next general election. Commissioner Burks verifies this will be for a term that the appointee will serve until the 2020 general election and then would run for the remaining term at that election. Commissioner Rainey makes a motion to appoint Rod Dawson to the seat. Mayor Blade makes a motion to cease nominations seconded by Commissioner Rainey.

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Lucas	___	x	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

Commissioner Lucas makes a motion to amend the motion and hold a special election to fill the seat. Motion dies for lack of a second.

Commissioner Lucas makes a motion to amend the motion and defer the item until the next meeting to have a public hearing and citizens comments regarding the appointment seconded by Commissioner Burks.

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	___	x	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	___	x	___	___
Mayor Blade	___	x	___	___

Vote on nomination to appoint Rod Dawson to the vacant BOC seat.

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Lucas	___	x	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

City Attorney Tim Potter swears in new Board of Commissioners member Rod Dawson, congratulates him and reminds of the election in November of 2020.

4. Public Hearings

- A. **Item 10A** - no comments
- B. **Item 10B** – no comments
- C. **Item 10C**

- (1) Travis Bennett, 7316 Lake Road, notes the area already has a traffic issue that will only be increased by the volume of houses proposed. Lake Road and Cox Pike are narrow and already an issue for school buses. The second proposed entrance on Lake Road is on his property line and he's not sure how the developer will legally access Lake Road. He is not aware of an easement and believes the entrance would not just be used with the subdivision residents. The road would be within 45 feet of his garage door and won't meet city standards. It would only be 10 to 12 feet from his driveway to the road and it's in a hollow so already a poor line of sight. He understands progress but has concerns

over the safety with the added volume of traffic from 141 new units. If the developer doesn't own the easement how will they gain access? The green space offered by the developer isn't conducive to building on and he feels we would be giving a variance for something that couldn't be developed anyway. The leach field still leaches out somewhere because that's a lot of sewage to be treated.

- (2) Ian Kelly, 7202 Cutters Crossing Ct, notes he is all for sale of property and is for growth but he wants to see it done right. He enjoys his view of rolling hills. He has an issue with the density even though it is below the number of allowed houses. Cox Pike is a tight road and so is Lake Road so he has concerns over the added traffic due to the density of the proposed development.

5. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).

- A. Susan Sheffield, 7850 Cherokee Hills Road, has lived in Fairview since 2003 and is amazed by the growth and especially the increased noise levels. Sheffield would like to see the Board put a noise ordinance in place, similar to the existing one in Franklin which is very specific and has penalties. Franklin put a lot of effort into developing theirs and it includes a lot of variables, such as construction, lawn care and even football. Sheffield gave the city recorder a copy of Franklin's noise ordinance to distribute to the Board.

6. Announcements, Awards, Recognitions – NONE

7. Staff Comments and Reports –

- A. **Police** – Chief Zack Humphreys presents the January 2019 report for the police department noting they are fully staffed to budget at 21, incurred 279.5 overtime hours for the month and completed 102 hours of training. January brought 943 calls for service with 124 arrests (as compared to 92 arrests in 2018). Citations issued rose from 23 in 2018 to 100 this year. These are not just for speeding and are often issued in lieu of arrests. There were 17 vehicle accidents (compared to 10 in 2018), one had personal injury involved but no fatalities. The department is working to revitalize the auxiliary and brought in three new auxiliary officers; Scott Miller, Steve Richards and Roy Stinson to add to our one existing auxiliary officer. There were no significant public relations events in January.
- B. **Fire- Fire** Chief Scott Hughes presents the fire department report for the month of January 2019. Calls for the month increased 10% over last year at 102 calls for service (versus 90 in 2018). We had one structure fire and were also called for mutual aid with the county who used our UTV. 71% of the calls were medical related, 9% motor vehicle, 15% other (includes false alarms, cancelled calls) and 5% fires. The department completed 601 total training hours for the month and they are fully staffed at 18 full time and 9 volunteers. Chief Hughes reminds anyone in the city who has no smoke detectors to contact the department and they will install for them. The department has a grant that provides the smoke detectors. Commissioner Rainey requested Chief contact Meals on Wheels.
- C. **Public Works** – City Manager Collins notes we have been busy restructuring the department. We are continuing leaf pick up with the biodegradable bags and it is a much safer method than used in the past. We will discuss the pick up of leaves, limbs and debris at the next BOC meeting to explain our new process. We have been working on a total restructuring plan for the planning and public works departments. All personnel is in place and Collins will follow up with the new job descriptions soon. As capital needs go we have mentioned needing a knuckleboom truck. We are going to be testing this with a nearby vendor soon. They are providing the truck and driver for us to see how it might suit our needs. We have passed ordinances regarding the chipper, leaf and debris pick up. Previously we didn't have enforcement for these items but on item 11C tonight we are correcting that issue. The process will be to issue a letter, a follow up letter and then issue

a codes summons for the citizen to answer. We are trying to improve services while not increasing staff which is not an easy task.

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

- A. Minutes from the January 3, 2019, Board of Commissioners Meeting
- B. Minutes from the January 17, 2019, Board of Commissioners Work Session

Motion: Lucas

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

9. Old Business

- A. Ordinance 2018-24, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 22, Parcel 130.02, Consisting of 2 Acres, Located on Sweetbriar Road, From a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District, owner: James P. Caldwell, Jr.

Motion: Lucas

Second: Burks

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	___	___	x	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- B. Ordinance 2018-25, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 22, Parcel 145.01, Consisting of 1 Acre, Located at 7605 Herlie Lane, From a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District, owners: Mark and Linda Williams

Motion: Lucas

Second: Burks

Commissioner Burks verified there is room to build with the existing setback requirements. Collins replied yes but it will be tight.

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	___	___	x	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- C. Ordinance 2018-26, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 043, Parcel 23.00, Consisting of 111 Acres, Located on Cox Pike, From a RS-40 (Low-Density Residential) Zoning District to a R-20 PUD (Medium-Density Residential Planned Unit Development) Zoning District with 141 Proposed Lots, applicant: Tony Cavender

NO MOTION

10. New Business

- A. Ordinance 2019-02, An Ordinance to Revise the Fund Balance Policy for the City of Fairview (repeal Ordinance 852 and Resolution 17-14) – Collins reminds the board of their discussion in the last work session regarding increasing our reserve level. There is no issue with finances and we want to increase, not deplete. Our current requirement is 5% reserves and we want to increase that to 10% to safeguard. This ordinance repeals ordinance 17-14 and the previous reserve requirement which included replacing funds to the state street aid and school facility funds. It also repeals ordinance 852 which establishes the 5% amount. As a precaution, looking to cash flow and capital needs, the 10% requirement becomes effective July 1, 2020, the end of next fiscal year.

Motion: Rainey

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- B. Ordinance 2019-03, An Ordinance Amending the City's Reserve Fund Requirement – Collins notes that 35% of our bond rating is derived from our reserve fund and this ordinance would establish revisions to the reserve as mentioned with the previous item.

Motion: Rainey

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- C. Ordinance 2019-04, An Ordinance Amending the City of Fairview Municipal Code and Authorizing the City of Fairview's Codes Official as a Special Police Officer with Summons Authority

Motion: Rainey

Second: Burks

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___

Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- D. Ordinance 2019-05, An Ordinance to Amend Section 14-104.3 of the City of Fairview's Zoning Ordinance, Board of Zoning Appeals, Membership – City manager Collins notes we currently have a BOZA vacancy and realized some revisions are needed to the requirements. All our other boards have a simple residency requirement while the BOZA had a 3 year. We are reducing this to a simple residency requirement. Typically the Planning Commission would have jurisdiction over the zoning ordinance but because the BOC appoints the seats for the BOZA they have jurisdiction in this matter. As a courtesy the planning commission will be advised. Mayor Blade resigns his position on the Board of Zoning appeals and encourages citizens to apply for any open position.

Motion: Rainey

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- E. Resolution 03-19, A Resolution of the City of Fairview Board of Commissioners Authorizing the City Manager to Execute Motorola Lease Purchase Documents Relating to the City's Public Safety Radio System – Commissioner Rainey noted she received information on some grants we could have applied for and she reviewed three of the opportunities. Either we were not qualified for them or they had expired. Commissioner Burks agreed with Rainey's assessment.

Motion: Lucas

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

- F. Pyro Shows Contract – City attorney Potter respectfully requested this item be deferred for further review of some of the contract language

Motion: Lucas

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Commissioner Burks	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Vice Mayor Rainey	x	___	___	___
Mayor Blade	x	___	___	___

*City Manager Collins notes he's been here for just over 2 and a half years and when he started he guaranteed he would work really hard but make some mistakes also along the way. He doesn't do social media because he feels it skews your way of thinking. It is February 7 and we are on ordinance change number 5 for the year so the BOC has taken off running. In the last two and a half years we have a new court clerk, city manager, fire chief, police chief, attorney, building inspector, new BOC and 8 out of 9 new planning commission members. That's a 96.3% turnover for the better. He finds it difficult to hear it is the same old Fairview doing the same old thing. Collins thanks the staff and reminds the citizens we are trying to do better and things may not happen quickly but they are underway.

11. Communications from the Mayor and Commissioners

- A. Commissioner Burks offered condolences to Judge Dryer's family, congratulated Judge-elect Crutcher who is a dear friend and colleague and Burks is proud to have him as judge and believes he will do an outstanding job
- B. Commissioner Lucas echoed Burks sentiments to Judge Dryer's family, friends and colleagues and offered congratulations to Judge-elect Crutcher and Commissioner Dawson
- C. Commissioner Dawson thanked the Board and residents for the honor to serve and notes that he considers this a milestone in his life. He has been a public servant for over 25 years in the fire service and it's the way he approaches life.
- D. Vice Mayor Rainey congratulates Judge-elect Crutcher and thanks him for helping to lead some of the current board members when they were newly elected.
- E. Mayor Blade issued condolences to Judge Dryer's family noting he was a personal friend and a fine gentleman. Blade congratulated Judge-elect Crutcher and noted his vote for Dawson did not go without deep thought and he spent time soul-searching, praying and pondering over the decision.

12. Adjourn to Executive Session at 8:14 p.m.

13. Reconvene & Adjournment – Meeting was reconvened and Commissioner Lucas made a motion for adjournment with Commissioner Burks seconding and meeting was adjourned at 8:40 p.m.

Brandy Johnson
City Recorder