

City of Fairview

BOARD OF COMMISSIONERS

February 19, 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 7:02 p.m.**
 - A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.
2. **Approval of the Agenda –**
 - A. Arney made a motion to approve the Agenda as presented. Johnson 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 –**
 - A. Commissioner Arney welcomed the businesses located in the new Westview Plaza on the west end of the city. They are Nash Eye Care, Continental Insurance, and Northstar Mortgage Group.
6. **Approval of the Minutes –**
 - A. Presented for approval were the minutes of the Beer Board Meeting held on February 5, 2009. Arney made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.
 - B. Presented for approval were the minutes of the Board of Commissioners Meeting held on February 5, 2009. Bissell made a motion to approve the minutes as presented and corrected. Johnson seconded the motion. All were in favor.
7. **Old Business –**
 - A. Presented for Second and Final 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 it on second and final reading. Bissell seconded the motion. All were in favor.

- B. Presented for Second and Final Reading was Bill #2009-02: Amending the Fairview Municipal Code, Title 5, Chapter 1, Section 5-104, "Competitive Bidding". Johnson read the caption and made a motion to pass it on second and final reading. Bissell seconded the motion. All were in favor.
- C. Approve proposed settlement of the lawsuit Holland Contractors, Inc. v Brook Hollow Green, LLC, Williamson County Chancery Court Docket No. 34737 – Attorney Larry Cantrell advised that this was deferred from the last meeting so that Engineer Jamie James could be present to answer questions from the Board. Mr. James explained that in addition to the paving that needs to be completed some curbing was removed on a cul-de-sac and it needs to be replaced to prevent some of the erosion there. Forehand advised that Mr. Dan Eubanks has volunteered to replace the curbing at no cost to the City. Cantrell then stated that the \$100,000 bond being held by the City was paid into the Court. He asked the Board to approve that it be disbursed as follows: \$4,415.46 to the City (for street signs \$372.96 and engineer fees in the amount of \$3,660.00 + \$382.50); (Bonding Company's attorney fees \$2,560.00) \$10,000.00 will be retained until the paving has been completed. The balance of \$83,024.54 minus court costs will go to Holland Contractors, Inc. Arney made a motion to approve the settlement as stated by the city attorney and give the Mayor permission to sign it. Johnson seconded the motion. All were in favor.
- D. Adoption of Resolution No. 02-09: Authorizing the Purchase of a Public Roadway through Bowie Commons from Southstar, LLC. Mayor Brison stated that he had an interest in this project and asked the Vice-Mayor to conduct this portion of the meeting. Vice-Mayor Johnson read the caption of the Resolution and made a motion to adopt it. Bissell seconded the motion. *For:* Johnson, Bissell, Arney, Sutton. *Abstain:* Brison. Motion carried. Vice-Mayor Johnson turned the meeting back over to the Mayor.
- E. Report from Legal Committee on creating a Community Development Board – Mayor Brison advised that the legal committee decided to table creating a Community Development Board.

8. New Business –

- A. Approve Joint Presentation with the Tree Commission and The Patricia Hart Society of the United Way on City Hall Property – City Mgr. Forehand advised that they would like to place a plaque in front of the tree they planted last year in honor of those affected by the FEB 2008 tornadoes and those who helped and continue to help with the recovery. The presentation will be on April 25th at 9:00 a.m. Forehand further advised that they are estimating some 150 people to be present and she plans to use park personnel that will be on duty that day to help out. Johnson made a motion to approve the presentation. Bissell seconded the motion. All were in favor.

B. Approve Recommendations from the Planning Commission Meeting held on February 10, 2009 –

- (1) Approve Preliminary Master Development Plan Amendment to the Shoppes at City Center and South Harpeth Business Park, Map 42, Parcels 174.00 and 175.00 containing 5.34 acres – Premier Development Partners. Due to an interest in this project, Mayor Brison turned the meeting over to Vice-Mayor Johnson. Vice-Mayor Johnson asked for a motion to have the city attorney prepare the ordinance. Bissell made a motion to prepare the ordinance. Arney seconded the motion. For: Johnson, Bissell, Arney, Sutton. Abstain: Brison. Motion carried.
- (2) Approve Rezoning Application from RS-40 to TCOD/MSMU Map 42, Parcel 168.01, containing 0.71 acres, City of Fairview, Owner. And incorporate into the Preliminary Master Development Plan Amendment to Bowie Commons, Map 42, Parcels 170.00 (Dianna Hughes and Jerry Lampley, Owners) Parcel 169.01 (Elizabeth Binkley, Owner), Parcel 169.02 (Charles Mangrum, Owner) Parcel 169.00 (Kenneth Brison, Owner) and Parcels 168.01 and 168.00 (City of Fairview, Owner). Vice-Mayor Johnson asked for a motion to have the city attorney prepare the ordinance. Bissell made a motion to prepare the ordinance. Sutton seconded the motion. For: Johnson, Bissell, Arney, Sutton. Abstain: Brison. Motion carried. Vice-Mayor turned the meeting back over to the Mayor.
- (3) Approve the Official Boundary, Street, and Zoning Maps. (to be presented at the meeting by Donn Lovvorn). Lovvorn asked to defer action due to a discrepancy in the map. There was no objection to defer.

9. City Manager Items for Discussion -

- A. Miscellaneous Updates – None
- B. City Attorney Comments - None

10. Communications from the Mayor and Commissioners –None

11. The meeting adjourned at 7:20 p.m.

Kathleen Daugherty, CMC
City Recorder