

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES MARCH 23, 2023

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

Staff Present: Tom Daugherty, Rachel Jones, Keith Paisley, Sarah Totty, Zack Humphreys, Scott Hughes, Patrick Carter

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

2. **Roll Call** - by City Recorder, Rachel 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>
Commissioner Johnson	<u>X</u>	___

3. **Prayer and Pledge led by Vice Mayor Butler**

4. **Approval of the Agenda**

Motion to approve: Commissioner Johnson
Second: Vice Mayor Butler

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

ABSENT

Motion passed, 4-0

5. **Citizen Comments**

1. Dena Smith – 7105 Harding Ct
2. Linda Ballou – 7118 Westview Blvd
3. Cathey Pring – 7101 Westview Dr
4. Larry Page – 7201 Harding Dr

6. **Public Announcements, Awards, Recognitions**

A. City Events – City Manager, Tom Daugherty

7. Staff Comments and Monthly Reports

- A. Police Report – Police Chief, Zack Humphreys
- B. Fire Report – Fire Chief, Scott Hughes
- C. City Manager Report – City Manager, Tom Daugherty

8. Consent Agenda

A. Minutes from Board of Commissioners Meeting March 2, 2023

Motion to approve: Commissioner Johnson
Second: Commissioner Hall

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

Motion passed, 4-0

9. Old Business

None

10. New Business

A. Resolution 17-23, A Resolution supporting the submission of an Application for the Assistance to Firefighters Grant (AFG) program for funding from the Federal Emergency Management Agency as well as support for the required matching funds from the City of Fairview. (Fire Chief, Scott Hughes)

Motion to approve: Commissioner Johnson
Second: Commissioner Hall

Discussion: Chief Hughes stated this grant is something the fire dept applies for every year but has not received it in many years. Hughes stated this grant would be used to replace air packs. He stated that currently all of their air packs are in compliance and tested every year. The total grant is \$257,000 in federal money. The cities matching share would be \$12,259 if they received the grant.

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

Motion passed, 4-0

**B. Resolution 19-23, A Resolution calling for a Public Hearing on the proposed Annexation of Territory into the City of Fairview by Owner Consent with RS-40 zoning and approving a plan of services.
(7305 Overbey Rd, 4.9 Acres, Map 069, Parcel 021.00)**

Motion to approve: Commissioner Hall
Second: Vice Mayor Butler

Discussion: Charles Lampley from the Building and Grounds Committee of First Baptist Church came forward to speak. Butler asked Mr. Lampley if there were any plans for this property. Mr. Lampley stated that right now nothing is planned but in the future this property could be used to for a parking lot expansion.

	YES	NO	ABSTAIN	RECUSE	
Mayor Anderson	<u>X</u>	—	—	—	
Vice Mayor Butler	<u>X</u>	—	—	—	
Commissioner Hall	<u>X</u>	—	—	—	
Commissioner Fischer-Street	—	—	—	—	ABSENT
Commissioner Johnson	<u>X</u>	—	—	—	

Motion passed, 4-0

C. Resolution 20-23, A Resolution of the City of Fairview to rescind Resolution 31-22 and open Harding Drive Northwest at the existing stub street cul-de-sac to allow for future connectivity. (Mayor Anderson)

Motion to approve: Commissioner Johnson
Second: Vice Mayor Butler

	YES	NO	ABSTAIN	RECUSE	
Mayor Anderson	<u>X</u>	—	—	—	
Vice Mayor Butler	<u>X</u>	—	—	—	
Commissioner Hall	<u>X</u>	—	—	—	
Commissioner Fischer-Street	—	—	—	—	ABSENT
Commissioner Johnson	<u>X</u>	—	—	—	

Motion passed, 4-0

Motion to suspend the rules and allow citizens to speak on this topic: Mayor Anderson
Second: Commissioner Johnson

	YES	NO	ABSTAIN	RECUSE	
Mayor Anderson	<u>X</u>	—	—	—	
Vice Mayor Butler	<u>X</u>	—	—	—	
Commissioner Hall	<u>X</u>	—	—	—	
Commissioner Fischer-Street	—	—	—	—	ABSENT
Commissioner Johnson	<u>X</u>	—	—	—	

Motion passed, 4-0

Discussion:

Commissioner Johnson asked the property owner to speak first. Property owner, Troy King, came forward to speak. Mr. King stated the property in question was his grandfathers and he had inherited it when his grandfather passed away. Mr. King said he owns three different parcels there close together that each need their own access and since he does not own property to the back of the parcel in question his only access is from Harding Dr. Mayor Anderson stated that if the barrier was put up then Mr. King would have no access to his property. Mayor Anderson stated if Mr. King were to sell his land that connects to Overbey Rd that this would land lock the parcel at the end of Harding Dr. Mr. King stated the parcel does have an existing driveway. Commissioner Johnson asked Mr. Charles Lampley if he owns the property next to this parcel. Mayor Anderson asked Mr. King where his driveway is currently located. Mr. King stated at the very end of the property, if you kept driving straight you would drive right into it. Anderson asked if that was the location where the barrier was to be put up, Mr. King replied yes, the barrier would block his driveway. Commissioner Johnson asked Mr. King the zoning of the property and if he had been back before the board to ask for any zoning changes. Mr. King replied no. Johnson asked Mr. King if the property was currently for sale. Mr. King again replied no. Johnson asked Mr. King if there were any deals on the table or if he knew something that the board didn't. Mr. King replied no. Mr. King stated the company that was previously interested in purchasing the

property was going to install red lights and widen roads but backed out due to not having access to Harding Dr. Commissioner Johnson clarified for Mr. Carter the parcels in question on the map and asked for Mr. Carter's opinion on the matter. Commissioner Johnson stated that if Mr. King sells the land connecting to Overbey the other parcel would be land locked. Mr. Carter agreed. Johnson also stated he doesn't see how the board can cut Mr. King off from access to his own property. Mr. Carter agreed. Commissioner Johnson stated to the crowd that Mr. King accessing his property is no different than each of them accessing their property. Johnson also clarified that there is no subdivision being proposed, there is no requested zoning change to the property, and if that ever happened the citizens would be back again to address it. Mayor Anderson stated that if someone purchased the property and wanted to put in a subdivision the board would address it then and be able to protect with some sort of barrier but that right now there is no subdivision to protect from. Commissioner Johnson stated if the board voted tonight to rescind that in the future a developer would not be guaranteed access to this road. Mr. Carter stated by putting a barrier there it could be considered an "illegal taking" and Mr. King could seek compensation against the city, and that in his opinion the city should not be blocking the driveway.

Linda Ballou: Ms. Ballou stated they are not hung up on the word "barrier". The proposed subdivision at the time wanted to use their neighborhood as an ingress and egress to the new proposed subdivision. She stated they do not have any right nor would they want to keep someone off their own land. She does not think that the selling of land in the future that would cause Mr. King to be land locked is their concern right now. She stated she does not think Mr. King is land locked and that they do not want him to be land locked. She stated they do not care about a barrier; their concern is Harding Dr being built through to other developments. Mayor Anderson stated that is not what they are asking to be done. They are asking right now since there is no subdivision being proposed and since the barrier is not installed they do not want to see the citizens tax dollars used on a guardrail when there is no reason for it. Commissioner Johnson stated with them rescinding this tonight it has nothing to do with anything being approved in the future. Ms. Ballou asked by voting on this tonight is it just an understanding that they are not agreeing to anything else, or can it be stated they are not agreeing to anything other than not putting up the barrier.

Larry Page: Mr. Page stated they didn't need a barrier, he didn't know where the word barrier came from. All they wanted was peace and quiet. Mr. Page stated the issue was having Harding Dr turned into a through street. Mayor Anderson stated that is why the barrier was approved back in September was to protect from construction traffic but now that there is not a development there will not be construction traffic going through. Mr. Page said he was still a bit confused on Mr. King's land locked property. Mayor Anderson pointed out the triangle parcel on the map. Mr. Page stated that Mr. King would be required by law to make an "easement by necessity" if he sold the parcel connecting to Overbey Rd that would allow him to connect to the triangle parcel. Commissioner Johnson said he didn't know if that was correct or not since the triangle parcel currently has public access. Mr. Carter said he didn't think that was a fair statement on the law and he doesn't think they should be discussing other tracts tonight. Mr. Carter stated according to the map the road dead ends into Mr. King's lot which tells him that the road was planned for future connection. Mr. Page said it is a complete circle cul-de-sac. Mr. Carter said it would be improper to try to make a decision now on something that may never be a problem and that it is improper to block someone's driveway. Commissioner Johnson stated not only would it be improper but that this board could vote on it tonight then a board ten years later could undo it. Commissioner Butler stated he has pulled up the plat and the cul-de-sac goes into the property, that the road was stubbed for future connection.

Dena Smith: Ms. Smith stated she does not see a problem putting a barrier to the back of the property if necessary because the property is a part of their neighborhood. Ms. Smith stated she didn't know why the board would vote in favor of putting a barrier up if it was illegal. Ms. Smith asked if they could only rescind a portion of the resolution related to the barrier, to only remove the barrier portion and still leave the road terminated. Commissioner Johnson stated they can not make a motion that a future board couldn't change.

Cathy Pring: Ms. Pring stated since there is no development right now if Mr. King sells his land then they will be back to the same situation they were before with their road being open. She asked the board if they are saying if they are back to that same situation and he sells the land will the board vote again at that time to close the road. Mr. Carter stated if he sells it to a developer and the developer wants to put in a development, they will have to submit a site plan and ask the city for permission to connect to city infrastructure. Mr. Butler clarified that the board never actually saw a proposal for a subdivision, the previous developer had only applied for annexation.

Mr. Carter stated the first resolution for the barrier should have never been passed by the Board of Commissioners. Mr. Carter stated the resolution should not stand and if the Board of Commissioners allows it to stand, they will have taken Mr. King's driveway access and the city could be held financially responsible for that. Mr. Carter said if a developer wants to come in and connect to Harding Dr then at that point there will be

discussion on it and the city planner and city engineer will have input on it. Mr. Carter read aloud an email he had received from Commissioner Street who could not attend the meeting.

Motion to approve: Commissioner Johnson

Second: Vice Mayor Butler

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

Motion passed, 4-0

D. First Reading of Ordinance 2023-02, An Ordinance to amend the Zoning Ordinance of the City of Fairview, Tennessee, by rezoning 3.97 acres of property located at 1327 Hwy 96 N, consisting of Williamson County tax map 018, parcel 029.00, from CG – Commercial General to RM-20 Multi-Family Residential, Property Owners: Bryan Spicer, Ken Karger, & Tim Mangrum

Motion to approve: Commissioner Johnson

Second: Vice Mayor Butler

Discussion: Tim Mangrum came forward to speak. Mr. Mangrum stated that he is wanting to build condos. He thinks it is a great location for condos being close to the interstate. Mr. Mangrum stated if this zoning is approved, he is hoping to get around 75 units. He stated he has had some preliminary discussions with staff and fire. Butler added this was an 8-1 favorable positive recommendation from the Planning Commission. Butler stated this site is currently surrounded by industrial and commercial zoned properties. Butler stated the future use map identifies this site as interchange business employment district which is a higher density area.

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

Motion passed, 4-0

E. Resolution 21-23, A Resolution of the City of Fairview Board of Commissioners authorizing the Police Chief to enter into a contract with Axon Enterprise, Inc. for the purchase of new tasers. (Police Chief, Zack Humphreys)

Motion to approve: Commissioner Johnson

Second: Commissioner Hall

Discussion: Butler asked Chief Humphreys if this contract was replacing any kind of current contract or services that we currently have with Taser or if this is a new expense. Chief Humphreys replied it is replacing the tasers they currently have that is under contract that ends during the current budget cycle. Humphreys stated Taser has come out with a new product that is far superior and they had a chance to test the product the previous Monday. Humphreys stated Axon works with agencies to break the cost down into five payments rather than one lump sum. Johnson asked Humphreys if the funds will come from the drug fund. Humphreys replied historically this expense was funded through the drug fund and that is their intent with this purchase as well.

	YES	NO	ABSTAIN	RECUSE	
Mayor Anderson	<u>X</u>	___	___	___	
Vice Mayor Butler	<u>X</u>	___	___	___	
Commissioner Hall	<u>X</u>	___	___	___	

Commissioner Fischer-Street
Commissioner Johnson

 x

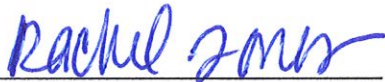
ABSENT

Motion passed, 4-0

11. Communications from the Mayor and Commissioners

- A. Commissioner Hall - Appreciates everyone coming out. Currently serves on the Park Board and has had discussions about city owned property on Elrod Rd that was originally proposed for a park. Has found out that it is a wet area on the lower end by the pond. Suggested a handicapped park be put in with paved walking track and gravel parking area. Also serves on the GRNC Board and possibly a chance to pursue a Farmers Market grant from the USDA and would like to have that at Historical Village.
- B. Commissioner Johnson – Thank you to the citizens who came out. Thinks at the end everyone got on the same page. Assured the citizens none of the board was doing anything sinister or getting ready to approve a subdivision or road. This was the first time he has been in contact with the King family about this property, not sure why things happened back in October the way they did but it needed to be undone based on what our legal counsel was telling us.
- C. Vice Mayor Butler – Thanked the citizens for coming out. Thanked Micah Sullivan and Kevin Blackburn for their years of service and the positive impact they have left on Fairview. Asked Mayor Anderson if next Thursday would be a town hall meeting. Mayor Anderson replied that since they moved the March 16 meeting to March 23 due to Spring Break the town hall meetings would begin the next month with a 5th Thursday which will be June 29th.
- D. Mayor Anderson – Thanked the citizens for coming out. Whatever we have to do to hear our citizens I am good with so if we need to suspend the rules to let everyone talk that is fine. Thinks it helped everyone to understand because she felt like there was some confusion. Wants to be fair to everyone. Congratulated Sarah Totty on becoming the new City Engineer. Thanked Mr. Carter for always speaking up and helping us to understand each item we are discussing. Thanked Mr. Daugherty for keeping them on track also Ms. Jones. Everyone work together to keep Fairview beautiful.

- 12. Adjournment** – Commissioner Johnson made a motion for adjournment and the meeting was adjourned at 8:39 P.M.



Rachel Jones, City Recorder