

City of Fairview

BOARD OF COMMISSIONERS**April 1, 2004**

Stuart L. Johnson, Mayor
 Darrell Mangrum, Vice-Mayor
 Eddie Arney, Commissioner
 Ken Brison, Commissioner
 Wayne Hall, Commissioner
 Alan W. Deck, City Manager
 Larry Cantrell, City Attorney
 Kathleen Daugherty, Recorder

Present: Johnson, Mangrum, Brison, Arney, Hall

Others Present: Deck, Cantrell

Absent: None

- 1. The meeting was called to order by Mayor Johnson at 7:09 p.m.**
 - A. Mike Mangrum from the Fairview Community Church led the Prayer and Pledge to the Flag.
- 2. Approval of the Agenda –**
 - A. Added to the Agenda under Old Business – Recommendations from the Planning Commission Meeting held on March 9, 2004.
 - B. Added to the Agenda under New Business – Sale of City Property (Commercial Lot)
 - C. Arney advised that he thought a discussion on the Beer Ordinance was suppose to be on the agenda and asked that it be added under Old Business.
 - D. Mangrum then made a motion to approve the Agenda with the additions. Arney seconded the motion. All were in favor.
- 3. Citizen Comments- (Limited to the first five citizens to sign in and limit of five minutes each)**
 - A. Wade Smith of Locksley Lane advised that he did not see how they can consider the entrance to the Park at the intersection of Bowie Lake Road and Hwy. 100 when the survey of the park shows the entrance to be at the gate.
 - B. Terry Thornhill of Cox Pike was present in support of Wade Smith in his pursuit of getting a beer license.
 - C. Mary Smith of Locksley Lane advised that they did not intend to cause some much controversy asking for a beer license for Mojo's. She hoped that they would be given the opportunity to expand their business. She feels that they give a lot to the community in donations and etc.
 - D. Mark Nelson of Hill Hughes Road asked if the City is going to move the gate if the official entrance to the park is the intersection of Hwy. 100 and Bowie Lake Road
- 4. Awards and Recognitions –**
 - A. Representative Phillip Johnson was present to present an award to Arnold King who was selected as the "Umpire of the Year". He presented King with a resolution from the House of Representatives and the Senate.

5. Public Announcements – None

6. Approval of Minutes -

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on March 18, 2004. Hall made a motion to approve the minutes. Mangrum seconded the motion. All were in favor.

7. Old Business –

- A. Presented for adoption was Resolution #6-2004: A Plan of Services for the proposed annexation of Map 18, Parcel 12 containing 2.25 acres located on Hwy. 96 North as a CI Zone. Johnson read the caption. Mangrum made a motion to adopt Resolution #6-2004. Arney seconded the motion. All were in favor.
- B. Presented for second and final reading was Bill #2004-5: An Ordinance to annex Map 18, Parcel 12.00 containing 2.25 acres located on Hwy. 96 North as a CI Zone. Johnson read the caption. Mangrum made a motion to pass Bill #2004-5 on second and final reading. Arney seconded the motion. All were in favor.
- C. Presented for first reading was Bill # 2004-6: An Ordinance amending the Fairview Municipal Code by changing the official city tree from the Red Maple to the American Redbud. Johnson read the caption. Hall made a motion to pass Bill #2004-6 on first reading. Mangrum seconded the motion. Brison stated that he is voting to change the official tree only because it was recommended by the Tree Commission. Vote on motion: All were in favor.
- D. Electrical Permit Fees – Deck advised that the Fairview Municipal Code Section 12-103 (10) allows the City to collect \$5.00 for each permit issued. Deck further advised that he thought this had been settled with the State. They are now however telling us that we can only charge the \$3.00 fee set by the State. Our alternative is to stop issuing permits or charge the \$3.00 fee. He has instructed the codes department to charge only the \$3.00 fee because it would inconvenience the local contractors if we stopped issuing permits. He asked the Board to amend Section 12-103 (10) of the Fairview Municipal Code to read the fee for issuing electrical permits will be \$3.00. Brison made a motion to amend the Municipal Code. Arney seconded the motion. All were in favor.
- E. Official Park Entrance – Presented for adopted was Resolution #7-2004 designating the gate on Bowie Lake Road as the official park entrance. Johnson read the caption. Mangrum made a motion to adopt the Resolution. Johnson seconded the motion for discussion purposes only. Arney asked why they were doing this now with the Hickory Home BarBQ lawsuit concerning the location of the entrance. He also advised that they had already established the entrance to be at Hwy. 100 and Bowie Lake Road. Johnson asked Cantrell if he has researched the minutes or ordinances to see where the official entrance is located. Cantrell stated that he has not but the resolution was prepared because of the confusion over where it is. Arney suggested that the minutes be researched because of the lawsuit. Cantrell

stated the entrance does not affect the lawsuit that is now in the court of appeals. Arney made a motion to table action on the resolution to allow Cantrell to research the minutes. Hall seconded the motion. Vote on motion to table the resolution:

For: Arney, Brison, Hall Against: Mangrum, Johnson Motion to table passed.

Brison stated that if the City considers the gate the park entrance, Mojo's does not need a waiver. He also advised that there are also other businesses that have stated they are in financial hardships and need to sell beer. Hall stated that he felt that in the future they will be faced with more and more of this and should consider amending the distance requirement in the Beer Ordinance.

- F. Waiver of Distance Requirement for Mojo's – Johnson asked if anyone wished to make a motion concerning the waiver. Arney made a motion to grant the waiver. Hall seconded the motion. Mangrum asked that they explain the difference in granting the waiver and changing the entrance to the Park. Hall stated that the citizens would say that they moved the entrance in order for Mojo's to get the beer license. Cantrell advised that the Board can grant waivers if it wants to or it can move the entrance to the park. After further discussion Brison asked that the motion be withdrawn until the next meeting since this is basically the same thing as moving the entrance to the park. Hall withdrew his second to the motion. Arney withdrew his motion. Action was deferred until the next meeting.
- G. Annexation and Utility Services – First Reading Bill #2004-7. An Ordinance to amend and renumber portions of Ordinance #549 Sewer Use Ordinance: Section 18-204 etc.) Johnson read the caption. Cantrell explained that the ordinance makes provisions for those who may have sewer installed by their property by a developer. It also makes provision for sewer installations made by the City and it provides for those who may not be able to take advantage of the sewer if they desire to. Brison asked if the ordinance requires businesses to connect to the sewer system. Cantrell stated that it did. Mangrum made a motion to pass Bill #2004-7 on first reading. Arney seconded the motion. All were in favor.
- H. City Boundary Revisions – Mangrum asked that this be deferred until the May 6th Board Meeting.
- I. Recommendations from the Planning Commission Meeting held on March 9, 2004:
 - (1) Adopt a Plan of Services for the annexation of properties along Hwy. 96 North from the present city limits to the Dickson County Line. (The Board voted on this at the March 18th Board Meeting)
 - (2) Adopt a Plan of Services for the annexation of property on Hwy. 96 North being Map 18, Parcel 12.00 containing 2.25 acres as a CI Zone. (The Board voted on this earlier in this meeting)

8. New Business –

- A. City Hall Grand Opening - Johnson stated that if there were no objections they would form a Committee to organize the grand opening. Since there were no objections he asked Deck to run an ad in the local paper asking for volunteers for the Committee.
- B. Revision of Property Tax Collections – Cantrell stated that there was some controversy over the date to pay property taxes without a penalty and the fact that the last date to pay fell on a Sunday. The Fairview Municipal Code states that taxes paid on March 1st are due with penalty and there are no exceptions for holidays or weekends. Cantrell further advised that the TCA provides for paying when the last due date falls on a holiday or weekend. He suggested that they amend the Fairview Municipal Code to allow for paying the next working day without penalty if the due date falls on the weekend or a holiday. He also recommended that they make it applicable to March 1st of this year and refund the penalty to those who walked in the office and paid on March 1st. Arney made a motion to have Cantrell prepare the ordinance to amend the Fairview Municipal Code and make it applicable to March 1st of this year. Brison seconded the motion. All were in favor.
- C. Discussion on the Bowie out parcel located on Crow Cut Road – Johnson advised that some of the Board members have been meeting with Rogers Anderson and Doug Hood to discuss the Master Plan for Recreation for Williamson County. Hood stated that they are presently working with other communities in Williamson County to help with their recreation programs. Arney advised that he would like for the City to work with the County on providing more ball fields in Fairview. Johnson asked Parks Director Wade Hooper for his opinion. Hooper advised that the Parks Department did not have a problem with the out parcel being used to provide more ball fields. Johnson also asked if any of the “Friends of Bowie Nature Park” had any comments. Eva Harris stated that she did not feel that Ms. Bowie would have wanted the property used for ball fields. Lynne Bachleda stated that she felt they need to look at the problem of noise and light pollution and felt it should remain as a passive area. She felt there was definitely a need for more recreation areas in Fairview but not in the Nature Park. Anderson stated that they would like to help Fairview. He also stated that they usually provide recreation facilities as a joint effort. They would ask the City to contribute the infrastructure to the out parcel or any area the City chooses. Arney stated that the City approached the County for help with the ball fields. Johnson asked if anyone from the Fairview Recreation Association wanted to speak. Bobby Greene stated that he was the treasurer of the Association and there is a real concern about areas for foot ball and soccer fields for practice and games. Greene stated that he lives across the road from the out parcel and he is not worried about the lights. Hood stated that lights would not be considered for a long time due to the expense and that the area would be a flat open green space. Hall asked Cantrell if he had reviewed Ms. Bowie’s will. Cantrell stated that he has and there were some requests but that it would always be used for public purposes. There were other areas suggested but the amount of acreage on all of them was a problem. The Board decided to look at other areas and discuss the out parcel at a later date. Anderson

stated to let them know when a decision is made and they will consider it in their Master Plan for the County. The County cannot purchase any land for such a project.

- D. Sale of City Property – Deck stated that he was approached this week about the lot on the right of City Center Blvd. Arney stated that he would like to see a plan of what they want to do with the lot. Arney also asked if the property has been appraised. Deck stated that it appraised at \$127,000 and contains 1.27 acres. Deck also stated that the City will have to retain an easement to the detention pond and lift station. Arney asked if the interested party was aware they would be responsible for the proposed roadway. Deck stated that he felt they were. Arney made a motion to advertise the lot for sale at a minimum bid of \$127,000 and the bidder will be responsible for the entire infrastructure. Hall seconded the motion. All were in favor.
- E. Discussion on the Beer Ordinance – Arney stated that they had discussed amending the distance requirement in the beer ordinance before. He felt the 1,000 feet requirement is going to be a problem in the future as the City grows. He suggested that it be changed to 300 feet. Mangrum stated that he did not feel the distance needed to be changed or that they needed to grant any waivers. Johnson asked for any other comments. Mr. Murphy from Hills Grocery stated they have asked for change in the distance several times but they are now in the process of working with Fair Heights Baptist Church about a waiver. Cantrell stated that he needs to know what they want if he is to prepare an amendment to the beer ordinance. Johnson stated that it will either be zero or three hundred feet. Cantrell stated that he will prepare the amendment and leave the distance blank and they can decide at the next meeting.
- F. John Stark asked to speak concerning the out parcel. He stated that Ms. Bowie left the park to the City because she knew he cared about her trees. She did not want a lot of physical activity in the park. However, she did not consider the out parcel as part of the park.

9. City Manager Items for Discussion and/or Action – None

10. Communications from the Mayor and Commissioners –

- A. Arney asked Deck to check on the culvert at Aggie Hamilton Lane.
- B. Hall asked about the Stop Sign at Horn Tavern and Bahne Road. Deck stated that he thought Howard Bridges had already put it up. He will check on it.

11. The meeting adjourned at 8:45 p.m.

Mayor

City Recorder

