

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

April 6, 2017

Patti L Carroll, Mayor
Shannon L Crutcher, Vice Mayor
Derek K. Burks, Commissioner
Scott Lucas, Commissioner
Debby Rainey, Commissioner
Scott Collins, City Manager
Tom Daugherty, CFO
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Crutcher, Burks, Lucas, Rainey
Others Present: Collins, Cantrell, Johnson, Hall, Paisley

1. **Call to order by Mayor Carroll at 7:00 p.m.**
 - A. Prayer and Pledge led by Mayor Carroll
2. **Approval of the Agenda** – Commissioner Burks made a motion for approval with Commissioner Lucas seconding. All were in favor.
3. **Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).** - NONE
4. **Awards and/or Recognitions** - NONE
5. **Public Announcements** - NONE
6. **Staff Comments** – Public Works Director Paisley announces Earth Day Celebrations on April 22 noting there are lots of activities planned by the staff and friends of the park – more details to follow. Camp Bowie signups are ongoing.
7. **Approval of the Minutes** (only needed if removed from consent agenda)
8. **Consent Agenda Consisting of Items as Follows**
 - A. Approval of the Minutes from the March 16, 2017 Board of Commissioners Meeting
 - B. Second and Final Reading on Ordinance 2017-03, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2016-2017 Budget (\$165,000 School Facilities Fund, \$10,000 Bowie Park Fund and \$25,000 General Fund)

Commissioner Rainey makes a motion for approval with Vice Mayor Crutcher seconding. All were in favor.
9. **Old Business**
10. **New Business**
 - A. Discuss and/or Take Action on Ordinance No. 2017-04, an Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located off Old Nashville Road, Owned by Jennifer Rose Bufford, Reda Olivia Kidder and James Ricky Jones, as Shown on, Williamson County, Tax Map 42, Parcel 74.00, Map 42, Parcel 79 and Map 22, Parcel 167, from RS-40 to RS-15 R.P.U.D. – Vice Mayor Crutcher read the caption and made a motion for approval seconded by Mayor Carroll. It was noted that a representative was not present and Commissioner Burks made a motion to defer the item seconded by Commissioner Lucas. All were in favor.

Reconsider: Vice Mayor Crutcher read the caption. Tim Mangrum was present representing the project. Mangrum explained he is proposing a 39 lot subdivision as a RS-15 PUD and he feels this type of development is in high demand in Fairview currently. Mayor Carroll questioned whether any variances were requested and city engineer, Will Owen, replies no. Mangrum notes his intent is for the houses facing Old Nashville Road to have rear entry garages off the feeder road. Vice Mayor Crutcher made a motion to approve with lots 3,2,1,29 and 28 to be noted for facing Old Nashville Road with rear entry garages and a 35' front setback seconded by Commissioner Burks. Owen states sidewalks are not being proposed on Old Nashville making sure the Board is aware to which Carroll questions the no variances statement. Owen notes since no driveways are connected to Old Nashville Road he thought this was why but that it would set a precedent and is not aware of any recent developments that would meet this specific criteria. Owen continues the PUD creates some flexibility of give and take of the BOC with restrictions. Concerns were discussed over sidewalks to nowhere, the need for future sidewalks and contributing to a sidewalk fund with sidewalks not needed now but to provide in the future. Owen was questioned about the density of the proposal and he states this parcel is identified as medium density in the land use map and that is what the RS-15 zoning is considered. Crutcher withdrew his motion and Burks withdrew his second. Vice Mayor Crutcher made a motion to approve with the February 13, 2017 city staff report and lots 3,2,1,29 and 28 facing Old Nashville Road with rear entry driveways and a 35' front setback from Old Nashville Road and either put in sidewalks or pay into the sidewalk fund as prescribed by the existing fee schedule seconded by Commissioner Burks. City Manager Collins suggests rather than putting the money into a fund it could be used toward the current Safe Routes to School project. All were in favor.

- B. Discuss and/or Take Action on Resolution 03-17, a Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning and Establishing P.U.D. Status of Certain Property in the City of Fairview, Tennessee, Located off Old Nashville Road, Owned by Jennifer Rose Bufford, Reda Olivia Kidder and James Ricky Jones, as Shown on, Williamson County, Tax Map 42, Parcel 74.00, Map 42, Parcel 79 and Map 22, Parcel 167, from RS-40 to RS-15 R.P.U.D. – Vice Mayor Crutcher read the caption and Commissioner Burks made a motion to defer seconded by Commissioner Rainey. All were in favor.

Reconsider: Vice Mayor Crutcher read the caption and made a motion for approval with Commissioner Lucas seconding. Commissioner Rainey requested citizens be able to submit comments for the public hearing via email so they don't have to be present. Mayor Carroll noted they can be read into the minutes. All were in favor.

- C. Discuss and/or Take Action on Recommendation from the Planning Commission for Rezoning Request for Lot 2 of Donald H. Tidwell Subdivision from RM-12 to R-20, Map 23, Parcel 44.01, 4.74 Acres, Owner: Donald M. & Rosemary Cunningham, Revocable Trust – Vice Mayor Crutcher read the caption and made a motion for approval with Commissioner Burks seconding. All were in favor.
- D. Discuss and/or Take Action Setting Quarterly Joint Workshops of the Board of Commissioners and Planning Commission – Commissioner Burks states at the last Planning Commission meeting one of the members requested regular quarterly meetings with the BOC. With the PC having a larger number of members it makes sense to meet prior to a PC meeting. It was discussed having the joint workshop the first month of each quarter. The previously scheduled joint workshop on the land use map next Tuesday will be the first in this series. No action.

Vice Mayor Crutcher made a motion to reconsider items 10 A and B: for – Burks, Carroll, Crutcher; against – Lucas, Rainey. Motion carried and items will be reconsidered.

- E. Discuss and/or Take Action on Ordinance No. 2017-05, an Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 7, Chapter 5, Sections 7-501 Through 7-514, "Fireworks." – Crutcher notes he discussed changes to our current ordinance at the last meeting allowing local (meaning existing or operating in Fairview) non-profit organizations to sell fireworks. Research and discussions with Attorney Cantrell advise the possibility of challenging this revision. Vice

Mayor Crutcher makes a motion to approve with amending that the sale of fireworks will be available to anyone who requests a permit seconded by Mayor Carroll. Commissioner Burks questions whether Cantrell found specific case law in Tennessee limiting fireworks sales to non-profit organizations and the reply was no. He also asked about limiting the sale of any item to non-profits and again, the answer was no. Crutcher removed his previous motion and Carroll removed her second. Commissioner Burks made a motion to defer seconded by Commissioner Rainey. All were in favor.

- F. Discuss and/or Take Action on Ordinance No. 2017-06, an Ordinance to Amend the City of Fairview, Tennessee, Municipal Code, Title 14, "Zoning and Land Use Control," Chapter 1, "Municipal Planning Commission," Section 14-101., "Creation and Membership." And Title 14, "Zoning and Land Use Control," Chapter 1, "Municipal Planning Commission," Section 14-103, "Removal for Cause." – Vice Mayor Crutcher read the caption with Commissioner Lucas making a motion for approval and Vice Mayor Crutcher seconding. Vice Mayor Crutcher noted after reflecting and discussions with the Planning Commission chair he sees the importance of having established experience on the PC and the consistency that brings. All members are appointed by the BOC for three year terms and the BOC has the ability to remove. Commissioner Burks concurs that the PC requires highly technical knowledge and to be successful needs highly qualified people. Crutcher amends the motion to strike the term limit portion of the ordinance seconded by Mayor Carroll. All were in favor.
- G. Discuss and/or Take Action on Ordinance No. 2017-07, an Ordinance to Amend the City of Fairview, Tennessee Municipal Code, Title 1, "General Administration," Chapter 5, "Code of Ethics," by Addition of Section 1-512, "Protocol for Board and Commission Members After Disclosure of Personal Interest by Members in Voting and Non-voting Matters, Per Sections 1-503 and 1-504." – Vice Mayor Crutcher read the caption and made a motion to approve seconded by Commissioner Lucas. Attorney Cantrell states this sets the protocol for the action of leaving the room for discussion and vote if you disclose a conflict of interest for the BOC and all boards/commissions elected by the BOC. It was noted there will be a speaker installed in the lobby with the upcoming new equipment. All were in favor.
- H. Discuss and/or Take Action on Proposal Contract to Adams Contracting, LLC for the Construction of Contract No. 120027 (Safe Routes to School) – Commissioner Burks notes he hasn't seen the contract and Attorney Cantrell notes he read and it is a typical contract assuming all signatures are properly affixed. Cantrell states there's a lot of info on concrete that the engineer should have reviewed. Vice Mayor Crutcher made a motion for approval with Commissioner Rainey seconding. All were in favor.
- I. Discuss and/or Take Action on Notice to Proceed for Adams Contracting, LLC on Safe Routes to School – Vice Mayor Crutcher made a motion for approval with Commissioner Lucas seconding. All were in favor.

11. City Manager Items for Discussion

- A. Miscellaneous Updates – City Manager Collins gives an update: 1) Chamber A/V installation – we have received proposals which are under our anticipated cost and are currently tweaking. Two vendors submitted proposals which were very close to one another and we hope to proceed by next month; 2) City Planner has been hired and we anticipate a start date of April 24; 3) we have conducted 5 interviews for Fire Chief and will complete two more next week. The three captains have done a lot of work toward their new chief and have represented the city well; 4) Thanks to staff who has been doing a lot of behind the scenes work. They have really stepped up and look to them doing a great job moving forward; 5) Fireworks – I will provide a couple of samples on ways to restrict sales; 6) sincere thanks to Cantrell who has been a part of the city for 13 years and this is his last meeting as our attorney. On behalf of the city and personally thank you. We met my first day here and you have done a lot of the prep work to move the city forward.
- B. City Attorney Comments – Attorney Cantrell thanks the past and present boards and commissions, employees and five city managers he has had the privilege to work with.

12. Communications from the Mayor and Commissioners

- A. Commissioner Rainey thanked Attorney Cantrell for his service. Rainey also thanked Police Chief Humphreys and Assistant Chief Odom for their assistance and professionalism as they had to call the police for the first time in the history of alternative spring break.

- B. Commissioner Lucas thanked Attorney Cantrell for his service.
- C. Commissioner Burks echoed thanks to Cantrell for his time and effort and states he feels the city is moving in a good direction.
- D. Vice Mayor Crutcher thanks Attorney Cantrell noting he handled his work professionally, has been diligent in his work, always prepared and thanked him for his service.
- E. Mayor Carroll thanks Attorney Cantrell noting she worked with him 6 years on the BOC and the Planning Commission before that. He missed no meetings except when he had to due to his commitment to the City. I appreciate your time of service and wish you the best. Carroll notes some conversations seem painfully long but we are making key decisions for the City. I enjoyed Will and Brandon being here to contribute and think it served a good purpose.

13. Adjournment - Commissioner Rainey made a motion for adjournment and meeting was adjourned at 9:04 p.m.

Brandy Johnson
City Recorder