

BOARD OF COMMISSIONERS**May 4, 2006**

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

Present: Brison, Arney, Hall, Johnson, Mangrum

Also Present: Forehand, Cantrell

Absent:

1. Mayor Brison called the meeting to order at 8:24 p.m.

A. The Prayer and Pledge to the Flag were led by Josh Pendergrass.

2. Approval of the Agenda –

A. Hall 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)

- A. Rosemary Kubit advised that “Clean Sweep” was a huge success and that 67 people turned out to help. She thanked those who sponsored the event and helped to make it a success. Mayor Brison thanked the Kubits for heading up the project.
- B. Faith Hanchey was concerned about the site plan for the Brownlyn Farms Development and asked why it was approved since it does not meet subdivision regulations. Hoped that the Board listens to their comments.
- C. Lisa Anderson advised that most of the people here opposing the development live in the area. She has talked with other citizens that feel the petition they were approached with was not honest. There are some people that would like to come to Fairview that like smaller yards. She reminded those present that the project will be completed in phases.
- D. Susan Welchly stated she was not against the development but is against 5,400 square feet lots and against high density. She reminded the Board members of their 2002 campaign promises.
- E. Susan Morrison stated that they were all neighbors and Mr. Rutledge is not their neighbor. He is a business man. This is about their community not his. She asked the Board to listen to the people and do the right thing.

4. Awards and/or Recognitions –

- A. Jim Beata advised that he saw Fire Chief Cooper in action last week at a construction site injury and wanted to recognize him for his excellent work.

5. Public Announcements –

- A. Commissioner Johnson reported that Fairview High School ranked 7th in the Nation as the best high school and 3rd in the State.

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on April 20, 2006. Mangrum made a motion to approve the minutes as presented. Johnson seconded the motion. All were in favor.

7. Old Business –

- A. Presented for adoption was Resolution #10-06: Calling for a Public Hearing to be held on June 1, 2006 at 7:00 p.m. on the annexation of the Marlon Cunningham Property Map 21, Parcel 61.01 containing 37.70 acres. Mangrum read the caption. Johnson made a motion to adopt the resolution. Arney seconded the motion. All were in favor.
- B. Presented for adoption was Resolution #11-06: Calling for a Public Hearing to be held on June 1, 2006 at 7:00 p.m. on the rezoning of the Marlon Cunningham Property Map 21, Parcel 61.01 containing 37.70 acres to an R-20 zone. Mangrum read the caption. Arney made a motion to adopt the resolution. Johnson seconded the motion. All were in favor.
- C. Presented for adoption was Resolution #12-06: Calling for a Public Hearing to be held on June 1, 2006 at 7:00 p.m. on the annexation of the Timothy Ray Johnson and Deborah Denise Johnson property Map 21, Parcel 61.01 containing 10.00 acres. Mangrum read the caption. Hall made a motion to adopt the resolution. Johnson seconded the motion. All were in favor.
- D. Presented for adoption was Resolution #13-06: Calling for a Public Hearing to be held on June 1, 2006 at 7:00 p.m. on the rezoning of the Timothy Ray Johnson and Deborah Denise Johnson property Map 21, Parcel 61.01 containing 10.00 acres to an R-20 zone. Mangrum read the caption. Hall made a motion to adopt the resolution. Mangrum seconded the motion. All were in favor.
- E. Presented for adoption was Resolution #14-06: Calling for a Public Hearing to be held on June 1, 2006 at 7:00 p.m. on the annexation of the Timothy Ray Johnson and Deborah Denise Johnson property Map 21, Parcel 61.19 containing 3.00 acres. Mangrum read the caption. Johnson made a motion to adopt the resolution. Arney seconded the motion. All were in favor.
- F. Presented for adoption was Resolution #15-06: Calling for a Public Hearing to be held on June 1, 2006 at 7:00 p.m. on the rezoning of the Timothy Ray Johnson and Deborah Denise Johnson property Map 21, Parcel 61.19 containing 3.00 acres to an R-20 zone. Mangrum read the caption. Johnson made a motion to adopt the resolution. Arney seconded the motion. All were in favor.
- G. Presented for adoption was Resolution #16-06: Calling for a Public Hearing to be held on June 1, 2006 on the rezoning of the Robert and Kenneth Peak Property located at 1411 Hwy. 96 North, Map 18, Parcel 19.00 containing 1.37 acres to a C-I zone. Mangrum read the caption and made a motion to adopt the resolution. Arney seconded the motion. All were in favor.

- H. Presented for Second and Final Reading was Bill # 2006-02: Annexation of Property along Elrod Road, Dice Lampley Road, Northwest Hwy. and State Hwy. 96 North, Map 21, Parcel 21.01 (68.6 acres) and Map 21, Part of Parcel 21 (187 acres) and being the proposed Brownlyn Farms Development. Mangrum read the caption. Johnson made a motion to pass Bill #2006-02 on second and final reading. Arney seconded the motion. Vote on motion: *For:* Arney, Johnson, Hall, and Mangrum. *Against:* Brison (because he is opposed to the zoning that goes with it).
- I. Presented for Second and Final Reading was Bill #2006-03: Rezoning of Property Along Elrod Road, Dice Lampley Road, Northwest Hwy. and State Hwy. 96 North, Map 21, Parcel 21.01 (68.6 acres), Map 21, Part of Parcel 21.00 (187 acres) and Map 18, Part of Parcel 41.00, being the proposed Brownlyn Farms Development, to an RM-8 PUD, Per Development Plan and Conditions. Mangrum read the caption and made a motion to pass Bill #2006-03 on second and final reading to get it on the floor for discussion. Johnson seconded the motion. Mangrum asked Cantrell if they can vote on this Bill if changes are made. Cantrell advised that they can (1) approve the plan as submitted, (2) disapprove the plan, or (3) reach an agreement with Mr. Rutledge on another plan. Hall asked Rutledge if he would consider building 655 houses. Rutledge advised that with all the road improvements and amenities he could not make a reasonable return. Mangrum asked Rutledge what was the number of units in his latest plan. Rutledge advised that there are 754 units.
- After further discussion, Johnson made a motion to make amendment #1 to the original motion: that the development consists of 725 lots or 2.7 units per acre. Mangrum seconded the motion. Johnson stated that the smallest lot will be 6,500 square feet and feels this project will be good for the community. Vote on Amendment #1: *For:* Johnson, Arney, and Mangrum. *Against:* Hall and Brison. Motion passed.
 - Mangrum made a motion to make amendment #2 to the original motion: that the high density area will be toward the front of the development on Hwy. 96 North. Johnson seconded the motion. Vote on Amendment #2: All were in favor.
 - Mangrum made a motion to make amendment #3 to the original motion: that all groundwater, ponds, and streams be handled by the rules of TDET. Hall seconded the motion. Vote on Amendment #3: All were in favor.
 - Mangrum made a motion to make amendment #4 to the original motion: that all buffers must have screening except at street corners and entrances where site distances are a concern (to be determined by the appropriate governing body). Johnson seconded the motion. Vote on Amendment #4: All were in favor.
 - Mangrum made a motion to make amendment #5 to the original motion: that all silt fencing be installed and all permits acquired before any grading begins. Johnson seconded the motion. Vote on Amendment #5: All were in favor.
 - One concern of the Planning Commission was that sewer would be available for the development. City Mgr. Forehand read a letter from Sandra Dudley of the WADC stating that sewer will be available for this area.

- Mangrum made a motion to make amendment #6 to the original motion: that except for senior housing the houses must have a minimum of 2,000 square feet. Johnson seconded the motion. Vote on Amendment #6: All were in favor.
- Mangrum made a motion to make amendment #7 to the original motion: that house must be brick, stone, hardy material or some combination of these. Hall seconded the motion. After further discussion with Mr. Rutledge Johnson made a motion to amend Amendment #7 to allow true stucco. Hall seconded the motion. All were in favor. Vote on Amendment #7 as amended: All were in favor.

Mangrum advised that the Planning Commission wanted more detail on the site plan. Kathy Haney, Planning/Zones/Codes Director, stated that she has reviewed the plat and there are no problems with it. The boundary map with all requirements will be recorded. Chief Harris was asked if he felt he could provide adequate police protection for this area. He advised that he could. Chief Cooper was asked if he can provide adequate fire protection for this area. He advised that he could. Mangrum advised that there is another RM-8 development in this area that has already been approved. He also stated that he felt it is in the best interest of the City to have this development.

- Mangrum made a motion to make amendment #8 to the original motion: that there are at least 25 units designated as senior housing and that they contain a minimum of 1,500 square feet. Johnson seconded the motion. Vote on Amendment #8: All were in favor.
- Mangrum made a motion to make amendment #9 to the original motion: that the number of homes in Phase 6 be reduced from 112 units to 96 units, the number of homes in Phase 7 be reduced from 88 units to 75 units and contain an average of 2.5 units per acre. Phases 1,2,3,4 and 5 will remain the same. This will be 2.7 units per acre for the entire development. Johnson seconded the motion. Vote on Amendment #9: All were in favor.
- Johnson made a motion to make amendment #10 to the original motion: that Rutledge deed 9.52 acres to the City for soccer and football fields. Hall seconded the motion. Vote on Amendment #10: All were in favor.
- Mangrum made a motion to make amendment #11 to the original motion: that all roads in the development have a 50 ft. right of way. Johnson seconded the motion. Vote on Amendment #11: All were in favor.
- Mangrum made a motion to make amendment #12 to the original motion: that all driveways are of hard surface material. Johnson seconded the motion. Vote on Amendment #12: All were in favor.
- Johnson made a motion to make amendment #13 to the original motion: that natural materials be used to construct walking trails where possible along the streams and ponds to make them more attractive. Mangrum seconded the motion. Vote on Amendment #13: All were in favor.
- Mr. Rutledge was asked if these were items that he could live with. He advised that he could.

Vote on original motion as amended to pass Bill #2006-03 on second and final reading. **For:** Mangrum, Johnson, Arney **Against:** Brison, Hall (because of the density) Motion passed.

- J. Adoption of Resolution #17-06: Plan of Services for the Brownlyn Farms Development area, Map 21, Part of Parcel 21.01 and Part of Parcel 21.00. This was deferred to the Planning Commission for their consideration before it is voted on by the Board.

8. New Business –

- A. Recommendations from the Planning Commission Meeting held on April 11, 2006:
 - (1) Approve the Rezoning Application to change the zoning of 7455 Cox Pike from RS-40 to R-20, Map 43D, Group A, Parcel 17, 2.90 acres – Owner, Christopher M. White. Arney made a motion to approve rezoning the property. Johnson seconded the motion. All were in favor.
 - (2) Give the PC Board direction on requiring streetlights in new subdivisions – Vice-Mayor Arney asked to defer this until the May 18th meeting.
- B. Request that the Planning Commission eliminate the RM-8 Zoning District – Mayor Brison advised that the Planning Commission is already considering changing this zone.

9. City Manager Items for Discussion and/or Action –

- A. Miscellaneous Updates – Forehand reported that she talked with Bill Jorgenson and EMS is planning to put storm warning sirens in Fairview also they are installing a system that will call residents notifying them of tornado warnings. He also advised that everyone needs a good weather radio.
- B. City Attorney Comments – none

10. Communications from the Mayor and Commissioners –

- A. Commissioner Johnson advised that 16 of the residents who spoke against the development live in the County. He also received calls and emails at home some were against it and some were for it. He advised that he hopes they have done the right thing but only time will tell. He agreed they need to follow the growth plan but plans have to change. He thanked Mr. Rutledge for his compromises.
- B. Vice-Mayor Arney reported that Fairview is in the plans for an indoor pool.
- C. Commissioner Hall thanked the Board for their hard work even though he was against the density of the development.
- D. City Mgr. Forehand read a letter from the Gallatin Fire Department thanking the Fairview Fire Department for their help during the recent aftermaths of the tornado.

11. The meeting adjourned at 10:35 p.m.

Kathleen Daugherty, CMC
City Recorder