

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

JUNE 17, 2021

Debby Rainey, Mayor  
Lisa Anderson, Vice Mayor  
Brandon Butler, Commissioner  
Rod Dawson, Commissioner  
Scott Lucas, Commissioner  
Scott Collins, City Manager  
Tim Potter, City Attorney  
Brandy Johnson, City Recorder

**Staff Present:** Collins, Johnson, Potter, Blackburn, Hughes, Humphreys, Ross, Sullivan, Paisley

**1. Roll Call – by Johnson**

	Present	Absent
Commissioner Anderson	x	___
Commissioner Butler	x	___
Commissioner Dawson	x	___
Commissioner Lucas	x	___
Mayor Rainey	x	___

**2. Call to Order by Mayor Rainey at 7:00 p.m.**

**3. Prayer and Pledge led by Commissioner Lucas**

**4. Approval of the Agenda and Executive Session Announcements –**

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**5. Public Hearing**

A. Section 8 of Ordinance 2021-12, Setting the Tax Rate for Fiscal Year 2021-22 for the City of Fairview, Tennessee – no comments

B. Ordinance 2021-12, Fiscal Year 2021-22 Budget for the City of Fairview, Tennessee – no comments

**6. Citizen Comments**

A. David Dodoro, 7551 Cherokee Hills Road, yield time to Shawn Sirgo

B. Shawn Sirgo, 7112 Varden Court, member of American Legion Post 248, Fairview Chamber of Commerce, owns the only full-time active law firm in the city and has concerns over the fireworks ordinance. In 2017, changes to the ordinance proposed by Shannon Crutcher enabled non-profits to sell fireworks within the city limits with the intent of the proceeds benefitting the city and its citizens. A couple of years ago, we dirtied the water, and a for-profit came in, took their funds out of the city, county and state and this benefited no one. This year, the BOC revised the ordinance to ensure the spirit of the intent was upheld. We saw cones in the Walmart parking lot, sent communication to the city and posted communication. The tent is now up and belongs to TNT, a for-profit entity. There is

also one at the Flying J. I understand they have no temporary structure permit while the American Legion was required to obtain one prior to putting up their tent. Sirgo listed a myriad of works done by the Legion in Fairview noting they contribute thousands of dollars annually to the city and its citizens. Because they have no building of their own, 100% of what they take in goes back out to the community, city and veterans. Yet, only two of their contributions were considered beneficial to the city in applying for a city fireworks permit; the veterans memorial park swings and contributions to the Bowie Park playground fund. New flag poles recently installed at veterans memorial park were not considered beneficial to the city yet we have a new branch of the military, thus requiring new poles. Sirgo considers the Legion to be bullied, browbeat and delayed by the city while they do nothing proactive to stop the for-profit group from selling fireworks. The Legion still doesn't have their local permit and Sirgo wonders what process has changed and why this year. The state fire marshal issues state sales permits. They check to see whether a municipality allows sales or not before issuing but they are not responsible for policing any conditions as that would belong specifically to the city. Questions we would like answers to: Why have they been allowed to put up a temporary structure without a permit? Where is their sign? How do they qualify as a non-profit? What do they contribute to the city? What repercussion is there for violating the ordinance? Who is protecting the integrity of the ordinance you put in place? Are we waiting until the entity who has put up two tents starts selling? Sirgo urges the board to request the city attorney prepare an ex parte emergency sanction and that the city manager owes and explanation to the board and the mayor if he doesn't proactively protect the spirit of the ordinance as it was intended. City Manager Collins assents that the things Sirgo has accused of are simply not true and have not happened. Collins notes Mr. VanSickle had questions regarding the fireworks permit application, they reviewed together and Collins assisted with answering his question of what would comply as non-profit acts. A specific question of would donating money to the school count and Collins answer was possibly but would need verification that city residents were the recipients of benefits. VanSickle's second question was about the swings and if that would qualify and Collins told him they are installed on city property so yes, he believes it does qualify. Those were the only two questions discussed. In their second discussion at the issuance of the permit, Collins stated all docs were in accordance with the fireworks ordinance but waiting on the fire marshal inspection for the site. All we are waiting for is verification that the tent, when fully stocked, meets fire code and all accusations of any egregious actions by the city are simply not accurate. There are tents at Walmart and Flying J, however, absent a search warrant, we cannot go to the site, open the tent and inspect. Collins spoke with Walmart management and requested contact information for the tent. Once he received that information (2 days later) he emailed a copy of the ordinance, notified department heads regarding a potential request for inspection and left his personal cell phone number. There has been no inquiry as of now, nor application for permit. We can't prosecute for a fireworks sale that has not taken place. Mayor Rainey asked Mr. VanSickle to speak. Jim VanSickle, commander of the local American Legion post, 7441 Liberty Road, states he supplied Collins all of the information required and most of what Shawn spoke about was what he gave him. VanSickle continued that the process this year was nothing like ever before stating the first three years the city was 100% behind the Legion and permits were issued almost immediately. VanSickle started May 10 getting information together and claims it took three weeks to get a temporary structure permit yet their sign permit was issued the same day. He feels some things are not complete and they won't be able to get the tent ready for the final inspection until Monday so they will be a couple days late starting to sell. VanSickle stated they do still have a few fireworks from last year as they didn't sell out due to the big box. Once they have that final inspection the tent has to be manned 24 hours a day per state law. They will get inspection from Fairview fire chief on Monday. Collins adds with the new ordinance, he believes staff is doing their due diligence to make sure that everything complies with all the requirements.

- C. Allen Murray, 7109 Oak Tree Drive, yield time to Shawn Sirgo
- D. Elizabeth Keeton, 7200 Jones Ln, yield time to Shawn Sirgo
- E. Jamie Statton, 7301 Shepton Park, yield time to Shawn Sirgo

## **7. Public Announcements, Awards, Recognitions - none**

## **8. Staff Comments and Reports**

- A. Police Department Report, Chief Zack Humphreys gives a report for the month of May noting staffing remains full at 23 with one currently on deployment. Overtime hours were down for May and training hours increased to 246 with a lot of those hours completed in house. Operationally, we saw an

increase in self-initiated calls, assisted by having new officers out on the roads. The number of arrests and citations both saw an increase this month as well, also due to being fully staffed and a return to proactive policing. We saw 16 traffic accidents in May, 13 with property damage only and only three with injuries. Shop with a Cop program is back on for December 2021 and, with the July 3 event back, fundraising will begin at the event.

- B. Community Relations Report, Richard Ross reports the 10<sup>th</sup> annual July 3 celebration is on for this year noting we have secured 26 sponsors and 10 food vendors. Lots of fun activities are planned, including a dunking booth with some high-profile Fairview names in the tank and live music from Nashville School of Rock and Rubik's Groove. Joe Dubin, "Big Joe on the Go" from Channel 4, will be our emcee for the event and JACK FM reached out to partner with us by donating ad services for the event. We look forward to our largest crowd yet based on response to both Rubik's Groove and the advertising from JACK FM. People love our event because it provides the fun and fireworks they are looking for without having to travel to Nashville.
- C. City Manager Report, Scott Collins addresses routine traffic complaints involving speeding on neighborhood roads, especially around school start and dismissal times. Since there are multiple locations for the complaints which occur at the same time it is difficult to physically staff the police to monitor but there are ways to inhibit speeding. Collins shares a draft plan to install pre-manufactured speed tables at 1500' intervals along both Dogwood Drive and Grammar Drive as well as adding 3-way stops at several locations, to include Kyle's Creek Drive as well. The 3-way stops are a simple solution and if they don't work as we intend, they are easily removed. Our goal is to resolve concerns of speeding vehicles in residential areas. Collins also mentioned the addition of a flashing speed limit sign in Kyle's Creek subdivision. We will hold a public hearing to obtain public comment on these items.

## 9. Consent Agenda – N/A

## 10. Old Business

- A. Second and Final Reading of Ordinance 2021-12, An Ordinance of the City of Fairview, Tennessee, Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2021, and Ending June 30, 2022 – Commissioner Anderson requested the addition of a line item funding up to \$50,000 to Veterans Park and History Village for expanded parking, work to the entrance and property maintenance to be funded from the property tax increase since we have budgeted additional revenue conservatively. City Manager Collins suggests passing tonight as is to comply with state timeline and then present an amendment. Dawson questions the desire to earmark funds not yet identified and how that would logistically work. Collins acknowledges a future budget amendment as we review the budget for revisions at least once annually. After property tax season (November to February typically) we can revisit the revenue and amend at that time once the majority is received. Then we could allocate as an expenditure the amount desired by the board and move the remainder overage to the reserve fund as is standard procedure. Commissioner Butler added that these items would be great for Commissioner Dawson to include in the parks master plan.

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- B. Second and Final Reading of Ordinance 2021-14, An Ordinance to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

## 11. New Business

- A. Resolution 10-21, A Resolution of the City of Fairview, Tennessee, Regarding the Vacation of Rights-of-Way at Glavenshire Ct, Harlestone Drive, Bognor Trail, and a Section of Adenborough Drive – City Attorney Tim Potter requests deferral of this item to the next meeting so he may share with the developer's attorney.

Motion: Lucas – to defer to the next meeting

Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- B. Resolution 11-21, A Resolution of the City of Fairview, Tennessee, Designating Certain Fire Service Equipment as Surplus and Authorizing the Disposal of the Items

Motion: Dawson

Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- C. Resolution 12-21, A Resolution of the City of Fairview, Tennessee, Authorizing the City Manager to Engage the Tennessee Army National Guard Regarding the Construction of a Police Department Firearms Training Facility, to Negotiate Any and All Service Agreements Between the City of Fairview and the Tennessee Army National Guard Regarding the Construction of a Police Firearms Training Facility, and to Execute Any and All Documents Regarding the Construction of a Police Firearms Training Facility – City manager Collins proposes that for some time we have discussed the need for a firearms training facility. Through some communications with State Representative Sam Whitson and Tennessee Army National Guard (TANG) contacts we have an opportunity this year to form a civil project partnership to accomplish this goal. One of the projects TANG partners on is firearms training facilities. They have been out for a site visit and expressed interest. During their two week summer camps, TANG would do all the ground work, develop the road base, implement the stormwater system, all at zero cost to the city. The project would be spearheaded by their engineers and is an unbelievable opportunity for the city which would be made possible through our great partnership with Sam Whitson. Our city engineer has been working on the development of a site design, which the city would be responsible for. The design would be reviewed by TANG and they would partner to submit for all the standard approvals for such work. All the work, ground work, underground stormwater infrastructure, parking, road beds, etc., would be completed in their two week summer camp time and then the city would be responsible for adding asphalt and the building structures.

Motion: Lucas – for approval

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___

Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- D. Resolution 13-21, A Resolution to Annex Certain Territory Upon Written Consent of the Owners and to Incorporate the Same Within the Boundaries of the City of Fairview, Tennessee, with R-40 Single Family Low-Density Zoning: 114 acres, Map 021, Parcels 062.00 and 063.00, Property Owner Norman Lampley – Commissioner Butler notes this is the first step and will set a public hearing noting these parcels are adjacent to the Brownlyn Farms proposed development. They are asking for one-acre zoning and could currently develop as such in the county but the city wouldn't receive any revenue from and would still be providing services to the area. These parcels are within the area of future growth expected for the city by Williamson County.

Motion: Anderson  
Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- E. Ordinance 2021-13, First Reading of an Ordinance to Amend the Zoning Ordinance of the City of Fairview by Rezoning 37.14 Acres of Property Located at 2451 Fairview Boulevard, Williamson County, Tennessee, Tax Map 046, Part of Parcel 087.00, from CG, Commercial General, to RM-12, Multi-Family Residential, Owner: Estate of Laura Katherine Sullivan, Agent: Choteau Creek Holdings, LLC – Barry Sullivan and Ben Eastep were present to represent the property. Butler notes this parcel is adjacent to Jingo Market and Jefferson's noting they originally came before the Planning Commission requesting R-20 zoning and were denied but returned with the RM-12 request which was unanimously approved. A public hearing is required prior to the second reading providing an opportunity to hear adjacent property owners opinions.

Motion: Butler  
Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- F. City Parks Operational Plan Committee – Commissioner Dawson updates the Board on the proposed parks operational plan committee. This is an advisory committee to the Board and Dawson envisions working with established groups such as the American Legion and Friends of Bowie Nature Park in the process. Dawson proposes 6 citizen members of the committee (2 who have lived in Fairview for zero to five years, 2 for five to ten years and 2 greater than ten years) who are not presently on any other city committee or outside committee having to do with our parks. He believes this will provide broader views and fresh objectivity noting the committee will work closely with the established groups and city employees who work and maintain the parks as well. The goal is to update the established 2015 master plan and build a business plan for each of the parks and the park system as a whole. Dawson believes a true business plan is an important aspect so that when funding is available we can look to the plan and implement the next step. Dawson will forward his proposal to staff so that a draft document establishing the committee can be presented to the Board for formal approval. NO ACTION.
- G. Treehouse Playground Covered Pavilion and Picnic Tables – Commissioner Anderson states she is in the same location six days a week and often people bring ideas to her. Anderson proposes the addition of a pavilion and picnic tables adjacent to the new treehouse playground to provide a covered location to enjoy lunch. She continues that since funds are increasing due to fundraising we could use the excess for a pavilion and picnic tables rather than future maintenance. Mayor Rainey questions the approval of these items since the playground design has been approved. Collins notes if it is outside

the footprint of the playground and the funds are available when it is time to approve then the Board could simply vote to add the items. Collins reminds that all funds from outside sources are to be remitted to the city by December 29. If we have an overage of funds after the final cost of the project then the board can decide what to do with those funds. Funds remitted after the December 29 date are slated for the future maintenance of the playground. NO ACTION.

- H. City of Fairview Fireworks Ordinance – Commissioner Dawson alludes that in his mind, revisions to the fireworks ordinance should be no big deal but he is learning that is not true. Dawson shares research about the state side of the permit process and then asks attorney Potter what we can do to enforce the ordinance and Potter answers the city can charge \$50 per day for the violation. Dawson inquires about other legal options. Potter replies a law enforcement officer can tell them to stop, issue a fine or a citation. Potter believes the court would say each day is a separate violation occurrence. Beyond that is the option of filing civil action in the Chancery Court of Williamson County naming the defendant and asking the court to enjoin from any further sale of fireworks, file a verified complaint with an affidavit from city law enforcement verifying the violation, request an ex parte restraining order and if the judge finds merit, a hearing would be held. The judge determines whether an injunction is appropriate. The city has to make the decision on what it wants to do. We have the tent but no application to sell. Potter doesn't think that is enough to get an injunction so he wouldn't advise that action as of yet. Collins adds that action would require a vote by the Board of Commissioners and a special called meeting to facilitate the request. Mayor Rainey asks what would be the cost incurred if the city were to choose that path. Potter notes he is paid by the hour and time to petition the court, prepare an affidavit, drive to the court, file with the court and the follow through process it is really difficult to say. Dawson asked if the BOC could vote today on action to take if sales began in violation on Monday. Collins suggests the special called meeting noting if it is not needed it can be cancelled. Rainey questioned jumping to court injunction without citing first. Potter agrees the court would likely ask what the city has done to stop the action. Have they been cited yet? It would not be appropriate to say nothing and, for some offenders, a citation might be enough for them to stop. Potter notes we also would have to know who would need to be served notice and where to serve it. His advice is to wait and see what happens. If there is a violation, issue a citation and see how they react, which would put him in a better position for any needed action. Dawson thinks this is fair and suggests a special called meeting a week after sales begin. Rainey reiterates there is no permit, nothing has been sold and we have no right to look. Collins adds nothing in the ordinance says it is unlawful to apply for a permit. Rainey agrees they have done nothing illegal at this time. Potter believes the objective is to prevent from selling if non-compliant. As Collins pointed out, the tent may say one name but we don't know who the group is, if they are non-profit, we only have the contact provided by Walmart and sent a copy of our ordinance. Anderson offers concern over a week of selling season prior to the special meeting as she feels it is too little too late. Collins reiterates there has been no application made nor requested of the city as of this meeting. Anderson argues that Walmart has confirmed TNT set up the tent with the intent to sell and if someone were setting up a tent in her parking lot they would have to say what it is for. Collins reminds that TNT is in receipt of our ordinance and Anderson states they put up two tents anyway. Collins states they were already in existence and Anderson notes yet they remain. Anderson states that she and the other BOC members were elected by the community as their voice, to uphold the laws and it is their responsibility to ensure that city staff also uphold the laws and ordinances. She has had so many people approach her on this situation and there are a lot of eyes watching to see how we handle it. \$50 per day for violation is nothing compared to \$100k in profit from a fireworks tent so that won't deter them. What happens when we install our new food truck ordinance and some won't comply because it is just a \$50 fine? They'll just see what happens with the fireworks and keep going. Her concern is why do we even have the ordinances if they aren't followed? Anderson pointedly asks city manager Collins, noting she would like an answer, whether he or any family members or people he knows are related to anyone at TNT, or within their organization. Commissioner Lucas speaks up asking if we are really going to interrogate the city manager and Mayor Rainey asks the attorney if this is proper. Collins states he is not going to answer and requests Anderson continue. Anderson asks if TNT tents are not required to have a temporary structure permit. Collins answers there has been no request for an inspection. Anderson asks if it is ok for anyone to erect a structure without a permit and Collins comments it is up to the installer to reach out for a permit. Anderson asks what happens if there is a storm and the tent blows over, hitting someone and injuring them, if they sue is the city liable? Collins advises the city has taken no action. Anderson asks if the veterans were required to get a temporary structure permit and Collins states they requested it of the Planning Department and it was issued. Anderson notes that selling season begins Sunday when staff is not here. If they start selling, we need an officer to go and

cite them for selling without a permit. Potter interjects the codes enforcement official would issue the citation and Collins adds if a police officer observes a sale then the city would gather information and issue a citation or summons. Anderson objects as the ordinance also says they can't ship, cause to ship.....and Collins reiterates that if a police officer observes a sale then the city will summons the responsible party. Anderson asks whether anyone can request an office issue a citation. Collins states he believes the police can handle the issue. Anderson argues we were told to monitor the situation and Collins insists there is no situation to monitor. Anderson points out it is hard to believe they have two tents up and won't sell. Selling can begin Sunday so you should have officers check both locations. Our veterans, we constructed the ordinance so sales could be by non-profits with the money coming back to the community. Why did it take three weeks for a permit when the normal is 24 hours? Collins explains the entire ordinance is under discussion and June 20 is the first sale date. Staff has the responsibility to verify so we don't pre-emptively issue a permit. Anderson inquired whether all ordinances only have a \$50 fine and Potter concurs noting it has been that way for many decades and probably needs to be updated.

Motion: Dawson to call a special meeting on June 28, 2021, at 7:00 p.m., to prepare for people selling fireworks without a permit

Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	___	x	___	___
Mayor Rainey	___	x	___	___

## 12. Communications from the Mayor and Commissioners

- A. Vice Mayor Anderson has just heard all the exciting news about donations for the playground. Kids come into the shop on a daily basis excited that building a new playground is just around the corner. Anderson adds her thanks to the Friends of Bowie Nature Park and the playground committee for the money they have raised and continue to raise as well as the time planning. A chunk of the funds are coming from property tax dollars to cover most of the cost and then we will continue to need funds for maintenance plus a pavilion and picnic tables. She thanks all who made donations and it is really exciting. Anderson personally thanks the veterans for the money they raise praising their efforts for the community and all the organizations they donate to, shop with a cop, the playground, veterans that need help, families who need help as she knows how hard you work. Knowing this is televised, Anderson hopes the community will go to the Lions Club on Highway 96 beside the baseball fields to purchase their fireworks. It would help take care of the whole situation if they would sell out. Anderson proposes we keep Fairview beautiful by picking up trash and not throwing out our trash.
- B. Commissioner Butler – no comments
- C. Commissioner Dawson praised the police department and Chief Humphreys for working with the Tennessee Army National Guard. This is an amazing way to be able to save more money on something we need. Coupled with the LEASO program, where we obtain military surplus and make use for our benefit with the opportunity to sell it after a certain time for profit, the police department has been very creative, especially in tight budgets, to discover new ways to bring in revenue, save taxpayers dollars and work outside the box to be able to provide new equipment and training to the department.
- D. Commissioner Lucas commented it is one thing for us to disagree board members. It is a totally different thing to attack members of the city and their family. We literally spent hours, an hour tonight discussing fireworks ordinance yet passed a multi-million-dollar budget with little to no discussion. It is absolutely unbelievable and, if I'm being honest, I've never been more disappointed in a board than I am tonight. It is just unbelievable to me.
- E. Mayor Rainey acknowledges city attorney Tim Potter who states for the record, Article 6, section 14 of the Tennessee Constitution limits punitive fines for municipal ordinance violations to \$50. Changing this would require an amendment to the state constitution. Rainey reiterates Potter's statement noting that neither the city attorney, the city manager, city employees, police or codes departments do not control the amount of the fine. The state of Tennessee controls.

**13. Adjournment** –Commissioner Lucas made a motion for adjournment meeting was adjourned at 9:07 p.m.

---

**Brandy Johnson**  
**City Recorder**