

City of Fairview

**BOARD OF COMMISSIONERS
(New City Hall)**

August 5, 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: Arney, Brison, Hall, Johnson, Mangrum

Others Present: Cantrell, Deck

Absent:

1. Mayor Johnson called the meeting to order at 7:09 p.m.

A. Mayor Johnson led the prayer and pledge to the flag.

2. Approval of the Agenda –

A. Added as #7 under New Business was the annexation of the Kelly Shiver property which was left off the agenda.

B. Arney made a motion to approve the agenda with the above additions. Hall seconded the motion. All were in favor.

3. Citizen Comments -

A. David Allison of 7206 Kerry Court was present to show his support for growth and prosperity. He was representing others present who were also in favor of growth in Fairview. He stated that they would like to see more businesses and restaurants in Fairview. He felt that they need to start a cleanup campaign along Hwy. 100.

4. Awards and Recognitions - None

5. Public Announcements - None

6. Approval of the Minutes –

A. Presented for approval were the minutes of the Board of Commissioners Meeting held on July 15, 2004. Mangrum made a motion to approve the minutes as presented. Hall seconded the motion. All were in favor.

7. Old Business –

A. Presented for adoption was Resolution # 11-2004 to adopt a Plan of Services for the Annexation of Map 46, Parcel 53, Tract 2 at 7277 Old Franklin Road and being the Donna and Mitch Dowdy property. Johnson read the caption. Mangrum made a motion to adopt Resolution #11-2004. Arney seconded the motion. All were in favor.

B. Presented for Second and Final Reading was Bill #2004-19: Annexation of Map 46, Parcel 53, Tract 2 at 7277 Old Franklin road, 8.333 acres and owned by Donna and Mitch Dowdy. Johnson read the caption. Mangrum made a motion to pass it on second and final reading. Hall seconded the motion. All were in favor.

- C. Presented for second and final reading was Bill #2004-20: Rezoning of Map 69, p/o Parcel 33, containing 2.22 acres from RS-40 to a C-G zone and being the Randall and Deana Inman property located on King Road. Johnson read the caption. Mangrum made a motion to pass Bill #2004-20 on second and final reading. Arney seconded the motion. All were in favor.
- D. Presented for second and final reading was Bill #2004-21: Rezoning of Map 47, p/o Parcel 66.04, containing 0/732 acres from an RS40 zone to an R-20 zone and being the Mark Donegan property on Cumberland Drive. Johnson read the caption. Hall made a motion to pass Bill #2004-21 on second and final reading. Mangrum seconded the motion. All were in favor.
- E. Land Acquisition for the Wastewater Treatment Plant Expansion Project – Brison stated that he had this put on the agenda for discussion purposes only. The goal for finalizing the land acquisition was the end of July. He presented a proposal from one of the adjoining land owner at the sewer plant. He stated that the Board needs to make a decision on whether they want to buy the land or lease it. He further advised that over a 20 year period it would cost \$1,250,000 to lease the land. Brison stated that the Committee needs to know if the Board wants to try to negotiate a lower price on the lease. Cantrell stated that the Board needs to decide if they want to negotiate the price of the lease or purchase other land as this owner does not want to sell. Cantrell also stated that there should be a clause in the lease to end it. Mangrum stated that they may want to look at connecting to Harpeth Valley again if they bring their lines to the intersection of Hwy. 100 and Hwy 96 South. Cantrell stated that is the reason for having an escape clause in the lease. Mangrum suggested that the Board Members read the contract submitted and make recommendations for changes to Deck so that Cantrell can revise the agreement and the Committee present it to the land owners. It was decided to set Tuesday, August 10th as the deadline for getting recommendations to Deck.
- F. Wastewater Treatment Plant Expansion – Deck reminded the Board that March was the target date for making a decision on the expansion of the wastewater plant. He asked the Board to allow him to go ahead and send the project to bid. He explained some of the problems the plant is having to cope with. Hall made a motion to send the project to bid. Arney seconded the motion. All were in favor.
- G. Pay for Planning Commission Members – Cantrell passed out a memorandum to the Board Members. In it he answered the following questions (1) Can Members of the Planning Commission receive pay (2) Can Board Members also receive pay for serving on the Planning Commission (3) Can Board Members also receive pay in excess of the amount they are authorized by Charter to be paid and (4) Are these type of pay subject to payroll taxes. Cantrell advised that the Fairview Municipal Codes states that all members of the Planning Commission shall serve without compensation. The Tennessee Code says that the Chief Legislative Board can determine if the Planning Commissioner Members receive pay. Cantrell recommended that they amend the Fairview Municipal Code. Cantrell also advised that any pay the Board Members receive for serving on the Planning Commission is maximum of not counted against them in the amount of compensation they can receive which is a \$450 a month. Cantrell further advised that if they pay the Planning

- Commission members they should be counted as employees according the Tennessee Code Annotated. Cantrell suggested that they amend the Fairview Municipal Code to read that the pay for the Planning Commission Members would be set by resolution of the Board of Commissioners. Cantrell was asked to prepare the ordinance for the next meeting.
- H. Plan of Services for new annexation requests – Arney explained that the Planning Commission would like to know if utilities are available before they make a recommendation to annex property. Cantrell stated that a plan of services has to be adopted by the Board of Commissioners before the second and final reading of an annexation.
 - I. Cost of appraising the Bowie Odds and Ends – Eva Harris was present and stated that she tried to contact two appraisers. But she was only able to talk with one. The appraiser that he would go through the items for \$50. Further discussion was held on whether the Board wanted to sale the items. Harris stated there are a number of large items and a place to store them was discussed. Harris stated that they are presently in the Parks Maintenance Building. Harris stated that she did not feel a lot of the paper items should be kept. It was decided to defer action until the Board Members have an opportunity to look at the items.

8. New Business -

A. Recommendations from the July 13, 2004 Planning Commission Meeting:

- (1) Annexation request from Eric and Shauna Donmoyer for Map 43, Parcel 21.04, 1.06 acres on Cox Pike – Mangrum made a motion to have an ordinance prepared for the annexation of the Donmoyer property. Arney seconded the motion. All were in favor.
- (2) Annexation request from Earl Elliott for Map 47, Parcel 62.00, 2.95 acres at 7356 Cumberland Drive – Hall made a motion to have an ordinance prepared for the annexation of the Elliott property. Mangrum seconded the motion. All were in favor.
- (3) Annexation request from Donald Smith for Map 69, Parcel 47.01, 15.52 acres on King Road – Mangrum made a motion to have an ordinance prepared for the annexation of the Smith property. Hall seconded the motion. All were in favor.
- (4) Rezoning request from the Tressie Sullivan Heirs for Map 42-F, Group A, Parcel 6.00, 4.76 acres on Fernvale Road from RS-40 to R-20 – Mangrum made a motion to have an ordinance prepared to rezone the property. Hall seconded the motion. All were in favor.
- (5) Rezoning request from Marylea Jordan for Map 42H, parcel 2.00 located at 7411 Wiley Circle from RS-40 to R-20 – Hall made a motion to have an ordinance prepared to rezone the property. Mangrum seconded the motion. All were in favor.
- (6) City consider running a sewer line up Tiger Trail to the Benny Sullivan property - Deck reported that Mr. Sullivan is building a house and needs the sewer. He asked the Board to accept the sewer line along Tiger Trail but not the grinder tank at the elementary school as it is not the type the City uses and to approve extending the sewer line to the Sullivan property. Arney made a motion to extend the sewer line. Hall seconded the motion. All were in favor.

(7) Left off the Agenda – Sent to the Board without a recommendation from the Planning Commission was the annexation of the Kelly Shiver property which joins the Evergreen Industrial Park, Map 18, Parcels 55.01, 55.03, and 55.05 containing 49.3 acres. Mangrum made a motion to proceed with the annexation of the property. Arney seconded the motion. Discussion was held on the property and the deed restrictions on it. Cantrell stated that covenant restrictions are between the owner and the buyer not the City. There was concern about the size of the sewer line running through the Industrial Park to the property. Shiver stated that he has checked with Howard Bridges and he advised the 3 inch line would be fine. Vote on motion. All were in favor.

B. Discuss and/or take action on the Chamber of Commerce using the office of the City Commissioners in the new city hall – Johnson asked Dianne Ellis, president of the Chamber of Commerce, to explain why they need to move. Ellis stated that the owner of the building where they are located now wants to start collecting rent from the Chamber of Commerce and they cannot afford to pay rent. They would like to use space in the new city hall for their office. Johnson stated that he felt the Board needed more time to consider the request and that it will be on a future agenda.

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

- A. Update on the new city hall – Deck stated that he met with a consultant from the bonding company, a representative from Yates Construction, Commissioner Arney, and the city attorney today and did a walk through of the building. There were some compromises and a list of items that need to be fixed was agreed upon. (see attached list) Deck asked the Board to approve the list of items to be completed and set the moving dates of August 16th and 17th. Arney made a motion to set the moving date on August 16th and 17th and to accept the compromises discussed at the meeting today. Hall seconded the motion. All were in favor.
- B. Adopt an Ordinance amending the Fairview Municipal Code to add First Bank to the City's list of financial institutions and move the city's account – Johnson read the caption of Bill #2004-22 amending the Fairview Municipal Code. Deck explained that there is a new bank in the city and he would like to add it to list of the city's official depositories. Arney made a motion to pass Bill #2004-22 on first reading. Mangrum seconded the motion. Brison stated that he will abstain from voting because he is the selling agent for the new bank property. Vote on motion: *For*: Arney, Mangrum, Hall, Johnson *Abstain*: Brison.

10. Communications from the Mayor and Commissioners –

- A. Arney thanked the Board and Deck for allowing them to have this meeting at the new city hall so the sound people can adjust their instruments. Arney reported that the Economic Development Committee of Williamson County will have once again have their September meeting in Fairview. Arney asked if the Planning Commission Commission Meeting will be held in the new city hall next week. Deck stated that it would. Arney also stated that they need to get with the Grand Opening Committee and set a date for the grand opening.

- B. Hall thanked the citizens who came out to the meeting tonight. He thanked the city employees for their patience in getting to move to the new city hall.
- C. Brison expressed his sympathy to the city employees who have recently lost relatives and asked that they be notified in the future.
- D. Mangrum stated that he was proud of the new building and thanked everyone for coming.
- E. Johnson thanked everyone for being at the meeting and stated that he hoped the sound would be working better for the next meeting.

11. The meeting adjourned at 8:55 p.m.

Mayor

City Recorder