

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS MEETING MINUTES

August 6, 2015

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson

Others Present: Hall, Cantrell, Daugherty, Johnson, Paisley, Harris, Hughes

1. Call to order by Mayor Carroll at 7:01 p.m.

A. Prayer and Pledge by Commissioner Johnson

2. Approval of the Agenda – Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.

3. Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each). –

A. Jean Bruce of Horn Tavern Court – spoke about the proposed Horn Tavern annexation stating she doesn't see the benefit of increased density and low income housing. She doesn't see the need for additional low income housing in our city with a population of 8,000. Bruce agreed we need a better scale of housing to attract people to our community. She voiced concern over Fairview residents applying for the housing. Her concern is that her property abuts the development and she has lived there for 12 years. Bruce concludes that she wants to see Fairview grow but wants us to be proud and is not sure this is what we want to be known for.

4. Awards and/or Recognitions –

A. Recognition of State Tournament All-Star Baseball Teams

5. Public Announcements –

A. City Manager Hall reminded everyone of emissions testing every Monday and Tuesday from 7:30 a.m. until noon and that school starts back tomorrow so be extra careful on the roads.

6. Staff Comments –

A. Wayne Hall, Interim Codes Director – Hardee's has passed the Tree Board and will be moving forward and seeking grading permits very soon. Building permits for the year now total 58 with 6 just this week – that's a good sign of things to come.

B. Tom Daugherty, Finance Director – It's been a busy month for finance starting with the debt restructure and bond sale. We received an A rating and got a little better rate than estimated. The closing will be the third week in August and money should change hands on August 25. The auditors have been here this week and looks like we came in under budget for last year and we are definitely in a much better position this year than last. The auditors were impressed that we made their recommended changes and they have a few internal control suggestions on checks and balances but doubt there will be any major findings at all. City Manager Hall states Daugherty didn't promote himself but the auditors were very impressed with him. Mayor Carroll asked if a Finance Review Committee meeting was scheduled anytime soon and Daugherty replies we need a board member added and to decide how the seat will be set up and requested that be on the next agenda. Daugherty reviews July 3 total revenues and expenses stating the total output for the city was \$58

so we were real close to fully funding the event and our goal of not using taxpayer money to fund events.

- C. Keith Paisley, Parks & Public Works Director – Thanked the Friends of Bowie Park who received a grant from MTEMC and used the funds to purchase a new water fountain, handicap swing, piling caps and a sign. Paisley stated the Street Department is working to repair some road damage especially on Crow Cut.

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 July 16, 2015 Public Hearing
- B. Approval of the Minutes from the July 16, 2015 Board of Commissioners Meeting

Vice Mayor Sutton made a motion for approval with Commissioner Crutcher seconding. All were in favor.

9. Old Business

- A. Discuss and/or Take Action on Second Reading of Bill #2015-23, Ordinance No. 888, An Ordinance to Annex Certain Property, Located on Horn Tavern Road, Map 022, Parcels 064.00 and 065.00, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee, Belonging to Priscilla Lampley. All the Proposed Property for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary – Vice Mayor Sutton read the caption and Beckett Moore of Habitat was present representing the property owner. Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. In reply to earlier citizen comments Moore states in his opinion it is a shame the prejudice and misconception that exist relating to affordable housing. Moore continued that a lot of the folks are from Fairview and not transplanted in. Moore states the density proposed is at least RS-15 (15,000 square foot lots) and there are a lot of homes currently in Fairview with 10,000 square foot lots. Commissioner Crutcher asked how many homes are in the existing Habitat subdivision in Fairview and Moore replies 18. Crutcher asked how many of those residents are from Fairview and Moore replied he would have to check but thinks at least one third. Crutcher asked if the crime rates for that development are consistent with other similar developments in the area and Moore replies crime rates are consistent and foreclosure rates are actually lower because of the process required to get into the home noting the statistics are all available online. Commissioner Johnson asks if there are restrictions on how long the owner must keep the home before selling and Moore answers it's complicated because they have to pay the equity back but they are allowed to sell and it typically takes 5 years to payback the equity. Johnson asked how many Habitat subdivisions are in Brentwood and Moore replies that Brentwood does not have any Habitat homes due to their zoning requirement of at least one acre per lot. Commissioner Bissell asks where else in Williamson County have you built similar 18 home subdivisions and Moore replies Spring Hill, Columbia and Franklin. Bissell makes a motion to defer the vote until we know how many are sold to existing Fairview residents seconded by Vice Mayor Sutton. Bissell states we put a lot of effort to upgrade services and the appearance of the city and it has been his personal experience that the Habitat subdivision has not been kept at the same level of other local subdivisions. Bissell expresses his concern over additional Habitat homes within the same area. Moore questions if there was not a plan for Habitat homes would you feel the same and Bissell states yes, if he had the same issues with another developer or builder. Moore states this annexation and the zoning are two separate issues. Crutcher states the discussion needs to be on the front end and his question on annexation (quoted from the statute) is whether it is necessary for the present and future needs of the city and I don't think it benefits. Mayor Carroll states we have to look at the annexation issue and take away the Habitat factor as we have other provisions to limit development. Carroll continues we had a public hearing and this is the second reading so there has been opportunity for citizens to speak. Crutcher asks City Attorney Cantrell to verify what the Board is asking is within their scope. Cantrell replies yes as a Board you vote based on the best interest and can't be forced to annex property. The time to question is now because once annexed and a developer brings plans that meet all requirements you can't not approve it. Moore asks if the questions asked of him are a requirement for annexation wouldn't that set a precedent? Bissell withdraws his motion. Johnson asks if the property owner wishes for the property to be annexed even if Habitat does not purchase? Moore confirms he spoke with the property owner and she does want it annexed. Johnson

states he has no problem with anyone wanting to be part of the city and we have the option of deed restrictions. Johnson asks Moore if the city could put a deed restriction on the development so that the houses only go to Fairview residents. Moore replies he would have to check legally but it's a possibility and not a bad one. Carroll reminds everyone that if the annexation passes it comes in as RS-40 and if zoning changes are requested the citizens will have other opportunities to voice their opinions or concerns. FOR: Carroll, AGAINST: Bissell, Crutcher, Sutton, ABSTAIN: Johnson. Motion failed.

- B. Discuss and/or Take Action on Resolution No. 17-15, A Resolution Adopting a Plan of Services for the Annexation of Property Belonging to Priscilla Lampley and to Incorporate the Same Within the Corporate Boundaries of the City of Fairview, Tennessee. The Property is located on Horn Tavern Road, and is Shown on City of Fairview, Tennessee Geological Listing of Assessment Roll Map 022, Parcels 064.00 and 065.00 – no action needed after vote on item A
- C. Discuss and/or Take Action on Filling Expiring Seats – Carroll
 - (1) Planning Commission (1 seat) – application(s) from: Mitch Dowdy, Jake Blik – Bissell made a motion to accept the application from Mitch Dowdy with Vice Mayor Sutton seconding. All were in favor.
 - (2) Industrial Development Board (1 seat) – application(s) from: John Hall, Scott Tucker – Commissioner Crutcher made a motion to accept the application from John Hall. Bissell made a motion to accept the application from Scott Tucker. Vote for Hall: Carroll, Crutcher. Vote for Tucker: Bissell, Crutcher, Johnson, Sutton. Tucker accepted.
 - (3) Beer Board (1 seat) – application(s) from: Richard Biggs, Jr. – Commissioner Bissell nominated Richard Biggs and all were in favor.
 - (4) Board of Zoning Appeals (1 seat) – application(s) from : Jake Blik – Johnson nominated Jake Blik and all were in favor.
 - (5) Board of Adjustments & Appeals (3 seats) – application(s) from: James Beata, Lacy Chivers, Wayne Lowman – Johnson nominated Beata, Chivers and Lowman and all were in favor.
 - (6) Tree Board (2 seats) – application(s) from: Jane Woodall, Jack Cannon, Ron Rowe, Brandon Butler – Carroll nominated Jane Woodall, Crutcher nominated Jack Cannon, Johnson nominated Brandon Butler and Bissell nominated Ron Rowe. Vote for Woodall: all; for Cannon: Crutcher, Carroll; for Butler: Crutcher, Bissell, Johnson, Sutton; for Rowe: Crutcher, Carroll. Woodall and Butler received the most votes and received the appointments.
 - (7) Park Board (1 seat) – confirmation of recommendation from Friends of Bowie Park: nomination Richard Edmondson – Bissell made a motion to accept the nomination of the Friends seconded by Sutton. All were in favor.
- D. Discuss and/or Take Action on Bill #2015-11, Ordinance No. 876, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs." Chapter 4, "Tree Planting and Protection," Section 13-404, "Duties of the Tree Commission," Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendation(s) of the Tree Commission." – Sutton stated he wants to defer this item indefinitely as he is looking at other recommendations from the Codes Department – no action

10. New Business

- A. Discuss and/or Take Action on Bill #2015-28, Ordinance No. 893, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Ordinance Table 6-102A (Cont'd, Item O, Restaurant, Fast Food), Article VI-7, "Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts." – Vice Mayor Sutton read the caption. Attorney Cantrell states this allows fast food restaurants within the City Center Overlay. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Carroll states this was discovered during the planning process and is to clean up our zoning requirements. Crutcher asks if it was left out for a reason or by mistake. Cantrell states he believes it was accidentally left off by the planner at the time. All were in favor.
- B. Discuss and/or Take Action on Resolution No. 25-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on an Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Ordinance Table 6-102A (Cont'd, Item O, Restaurant, Fast Food), Article VI-7, "Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts." – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. All were in favor.
- C. Discuss and/or Take Action on Bill #2015-27, Ordinance No. 892, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 – Vice Mayor Sutton read the caption. Commissioner Bissell states this is an amendment to cover the paving. Daugherty notes we

have to re-appropriate the State Street Aid funds to cover the bill which was not received in the last budget year. All were in favor.

- D. Discuss and/or Take Action on Forestry Grant for Fire Department – Lieutenant Scott Hughes announces the Fire Department has received a Forestry Grant that will match half the cost of 2 sets of equipment noting they budget for 4 sets. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Mayor Carroll confirms this amount is already in the Fire Department budget. All were in favor.
- E. Discuss and/or Take Action on Status of Park System Master Plan – Crutcher defers to Park Board Chairman Ron Rowe who relays a 6 month update on the long term master plan. Rowe states they are forming sub-committees to explore the logistics on some of their ideas stating he can't give a date for completion yet but hopes it will be ready within the next year. Rowe also requests the Board consider instituting an impact fee to benefit the parks referencing the one in place in Franklin. No vote.
- F. Discuss and/or Take Action on Hiring of Essential Personnel – Vice Mayor Sutton requested clarification on the hiring freeze and that City Manager Hall have the authority to hire as long as he stays within the budgeted amount. Commissioner Johnson requests clarification that this is replacing and not creating new positions and Sutton confirms. Vice Mayor Sutton makes a motion for the City Manager to hire within the budgeted amount with Commissioner Johnson seconding. Commissioner Crutcher states he thought part of the approval of the budget was to have a certain number of positions open throughout the year to cushion and I would feel more comfortable if the issue was brought to the Board's attention. Mayor Carroll questioned the need for a motion when there is a hiring freeze and he said he wouldn't hire. Commissioner Crutcher amends the motion to authorize subject to BOC approval with Commissioner Johnson seconding. Carroll states when we say hiring freeze the citizens expect a freeze. Johnson states we aren't talking about adding positions to the workforce only replacing employees. All were in favor of the amended motion.
- G. Discuss and/or Take Action on Purchasing Tablets – Vice Mayor Sutton notes this was for discussion but wants to defer it until later to wait on the complete figures to include Planning Commission and other boards that would be affected. Deferred.
- H. Discuss and/or Take Action on Open Meetings Act and Open Records Act – Commissioner Bissell made a motion to defer the item until December 2016 seconded by Vice Mayor Sutton. Commissioner Crutcher asked how long the discussion will take and Attorney Cantrell states approximately 15 minutes. Commissioner Johnson amends the motion to hold a workshop after the special meeting on August 27 to review with Commissioner Crutcher seconding. Vote on original motion: **FOR:** Bissell; **AGAINST:** Carroll, Crutcher, Johnson, Sutton. Motion failed. Vote on amended motion. **FOR:** Carroll, Crutcher, Johnson, Sutton; **AGAINST:** Bissell. Motion carries.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall noted a recent meeting with the Walden Group (developer for Brownlyn Farms) where he promoted the park. Hall was contacted by the Bradford Group (PR for Walden) about the possibility of assisting with the completion of Veterans Memorial Park. Hall notes they are ready to help in our community.
- B. City Attorney Comments – none

11. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell - none
- B. Commissioner Crutcher - none
- C. Commissioner Johnson – thanked the Mayor for voting yes on the annexation noting he did not vote because a family member owns the property noting the vote on the annexation had nothing to do with the subdivision
- D. Vice Mayor Sutton – stated there were too many questions tonight about what was discussed to move forward and thanked everyone for their hard work
- E. Mayor Carroll – thanked the baseball players and parents who came out tonight

12. Adjournment – Commissioner Johnson made a motion for adjournment with Vice Mayor Sutton seconding and meeting was adjourned at 8:44 p.m.

Brandy Johnson
City Recorder