

City of Fairview

BOARD OF COMMISSIONERS

September 2, 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. Commissioner Arney led the prayer and pledge to the flag.

2. Approval of the Agenda –

- A. Deck stated that Item L. under Old Business needed to be deleted since it is a duplication of an item under City Manager Items.
- B. Arney advised that the annexation of the Shiver property needed to be deferred and Shiver sent a certified letter asking him if he still owns the property. Johnson stated that Cantrell will address this issue when it comes up on the agenda.
- C. Arney then made a motion to approve the agenda with the deletion of Item L. Hall seconded the motion. All were in favor.

3. Citizen Comments -

- A. Dawn Nepp who lives on Kingston Lane stated that she felt the Board needed to delete the Shiver annexation because he has sold all or at least some of the property being requested for annexation. She also stated that the Public Hearing sign was put on the wrong property.

4. Awards and Recognitions - None

5. Public Announcements –

- A. Mayor Johnson announced that Nature Fest will be held on September 11th at Bowie Nature Park.
- B. Mayor Johnson also announced that the Grand Opening Committee will meet on Saturday at 3:00 p.m. at city hall.

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on August 19, 2004. Mangrum made a motion to approve the minutes as presented. Arney seconded the motion. All were in favor.

7. Old Business –

- A. Presented for Second and Final Reading was Bill #2004-23: Rezoning of the Tressie Sullivan Heirs property on Fernvale Road, Map 42-F, Group A, Parcel 6.00, 4.76 acres from an RS-40 zone to an R-20 zone – Mayor Johnson read the caption. Mangrum made a motion to pass Bill #2004-23 on second and final reading. Hall seconded the motion. All were in favor
- B. Presented for Second and Final Reading was Bill #2004-24: Rezoning of the Marylea Jordan property at 7411 Wiley Circle, Map 42-H, Parcel 2.00 from an RS-40 zone to an R-20 zone – Mayor Johnson read the caption. Mangrum made a motion to pass Bill #2004-24 on second and final reading. Hall seconded the motion. All were in favor.
- C. Presented for Adoption was Resolution #17-2004: Plan of Services for the annexation of the Donmoyer Property on Cox Pike. Mayor Johnson read the caption. Mangrum made a motion to adopt the Resolution. Arney seconded the motion. All were in favor.
- D. Presented for Second and Final Reading was Bill #2004-25: Annexation of the Donmoyer property on Cox Pike, Map 43, Parcel 21.04, 1.06 acres - Mayor Johnson read the caption. Mangrum made a motion to pass Bill #2004-25 on second and final reading. Arney seconded the motion. All were in favor.
- E. Presented for Adoption was Resolution #18-2004: Plan of Services for the annexation of the Elliott Property on Cumberland Drive. Mayor Johnson read the caption. Mangrum made a motion to adopt the Resolution. Arney seconded the motion. All were in favor.
- F. Presented for Second and Final Reading was Bill #2004-26: Annexation of the Elliott property on Cumberland Drive, Map 47, Parcel 62.00, 2.95 acres - Mayor Johnson read the caption. Mangrum made a motion to approve Bill #2004-26 on second and final reading. Hall seconded the motion. All were in favor.
- G. Presented for adoption was Resolution #19-2004: Plan of Services for the annexation of the Smith Property on King Road. Mayor Johnson read the caption. Mangrum made a motion to adopt the Resolution. Arney seconded the motion. All were in favor.
- H. Presented for Second and Final Reading was Bill #2004-27: Annexation of the Smith property on King Road, Map 69, Parcel 47.01, 15.52 acres - Mayor Johnson read the caption. Mangrum made a motion to approve Bill #2004-27 on second and final reading. Arney seconded the motion. All were in favor.
- I. Presented for adoption was Resolution #20-2004: Plan of Services for the annexation of the Shiver Property on Kingston Road. Johnson asked Cantrell to explain why they were deferring the Shiver annexation instead of deleting it. He advised that he was informed by telephone that the property has been sold. He felt that they need to send a letter to Shiver asking him to explain the situation before proceeding with any action. Mangrum made a motion to defer adopting the Resolution and the Ordinance on the annexation. Hall seconded the motion. All were in favor.
- J. Presented for second and final reading was Bill #2004-28: Annexation of the Shiver property on Kingston Road, Map 18, Parcels 55.01, 55.03, and 55.05, 49.3 acres – Deferred.

- K. Presented for First Reading of Bill #2004-29: Amending the Fairview Municipal Code to allow for compensation to be paid to the members of the Fairview Planning Commission. Mayor Johnson read the caption. Mangrum made a motion to approve Bill #2004-29 on first reading. Arney seconded the motion. All were in favor.

8. New Business -

- A. Recommendations from the Planning Commission Meeting held on August 10, 2004:
- (1) Annexation request for Map 22, Parcel 143.01 located on Horn Tavern Road and containing .75 acres – Midland Properties Partnership – owners. Arney made a motion to proceed with the annexation of this property. Hall seconded the motion. All were in favor.
- B. Allow Gregory Wiser to rent the court room at the old city hall for a church service on Sunday mornings – Mayor Johnson advised that the Fairview Family Worship Center approached him about renting the building. Mr. Wiser stated that they have purchased ten acres on Fairview Blvd and hope to build a new church within the next year. The Pastor explained that they plan to sell their old building (formerly Fairview Nazarene Church) on Cumberland Drive. Johnson asked him how long they plan to rent the building. He stated that it could be indefinitely but hopefully they can sell their building and begin construction on the new building. Cantrell stated that there are liability issues that need to be investigated. Also they need a notice on how long they will have to vacate the building in case the City sells their building. All utilities need to be put in the name of the renter. Mangrum asked if the Church would have to present a site plan to the Planning Commission before renting the building. Cantrell stated that they would and that they would also have to make the building handicap accessible. Arney stated that he felt they should accommodate the church if they can but the church will have to fix things up if needed. Brison suggested that Mr. Wiser and the Pastor go and look at the building to see if it meets their needs. It was decided that they would meet with Deck next week to visit the building.
- C. Appoint Michael Smith to replace Horace Spoon on the Fairview Industrial Board. Mr. Spoon has moved out of the City. Johnson asked Smith if he wished to speak to the Board. Smith advised that he has lived in Fairview for seventeen years and wants to help the Community. Arney made a motion to appoint Smith to the Fairview Industrial Board to fill the unexpired term of Spoon. Brison seconded the motion. All were in favor.

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

- A. Report on Lease of Land for the Spray Fields – Deck asked Brison to report for the Property Committee. Brison stated that the Lease Agreement has been updated and forwarded to the Family. Brison also stated that he has not heard from the Family but will stay in contact with them. Arney asked if there were any other options. Cantrell advised that they can condemn the property. Deck stated that it has been discussed exchanging some of the land in front of the sewer plant for the land they want to lease. However after reviewing the plat with Mr. Chapdelaine it has been determined that there is no property in front of the sewer plant owned by the City.

- B. Report on the City Hall – Deck stated that there have been no problems with the air conditioning system. However there are still a few items that have not been completed. The audio visual system still has problems. There is poor quality with Channel 19 but the company is working on it. Deck also stated that morning sunshine is a problem for the computer screens. He is looking at blinds or maybe tinting the windows. The costs range from \$90 per window to \$140 per window and there are twenty windows. He advised that he welcomed comments from the Board Members. He also stated that he needed input from the Board Members on the greenery for the Meeting Room. Deck further advised that the Fire Marshall's visit produced only one problem that they may have to meet to discuss.
- C. Deck stated that he spoke with Ann Beard of the Election Commission and she was suppose to come and look at the building on Tuesday; but called on Monday and stated that she had a conflict and could not come Tuesday. He has not heard from her since.
- D. Deck reminded the Board that this is the month for the next Town Meeting which is held on the fifth Thursday. He wanted to know if they wanted to have the meeting. It was decided to have Deck advertise the Town Meeting for September 30th at 7:00 p.m. and see if there is any interest in it this time.
- E. Deck reported that Comcast has notified the City that there will be a rate increase soon.
- F. Deck asked the Board their feelings on dropping the property coverage on the old city hall building but keep the liability. Cantrell stated that if no one is there an insurance does not usually want to keep property coverage on a building anyway.
- G. Deck reported that Howard Bridges is in the hospital and has had heart surgery twice since Sunday.

10. Communications from the Mayor and Commissioners –

- A. Brison congratulated Commissioner Hall on his World Championship Horse.
- B. Mangrum stated that they need to discuss charging a fee to competitive providers who want to use the City's right-of-ways.

11. The meeting adjourned at 8:08 p.m.

Mayor

City Recorder