

**BOARD OF COMMISSIONERS****September 4, 2008**

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

Present: Brison, Johnson, Arney, Hall, Mangrum

Absent:

Others Present: Forehand, Cantrell, Lovvorn

**1. Mayor Brison called the meeting to order at 7:10 p.m.**

A. The Prayer and Pledge to the Flag were led by Donn Lovvorn.

**2. Approval of the Agenda –**

A. Mangrum 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) - None**

**4. Awards and/or 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 August 21, 2008. Mangrum made a motion to approve the minutes as presented. Hall seconded the motion. All were in favor.

**7. Old Business –**

A. Presented for Second and Final Reading was Bill #2008-27: Rezoning of property located at 1391 Highway 96 North, Map 18, Parcel 22.02, from RS-40 to CG – Jimmy and Barbara Hudgins, Owners. Johnson read the caption and made a motion to approve Bill #2008-27 on second and final reading. Mangrum seconded the motion. All were in favor.

B. Presented for Second and Final Reading was Bill #2008-28: Rezoning property located at 7100 Sleepy Hollow Road, Map 69, Parcel 56.00 from RS-40 to CG (Commercial General) – Hazel E. Hutcherson, Owner. Johnson read the caption and made a motion to approve Bill #2008-28 on second and final reading. Mangrum seconded the motion. All were in favor.

C. Presented for First Reading was Bill #2008-31: Rezoning of property located on Hwy.100, Map 42, Parcel 168.01 from AR-15 to PUD (Town Center Overlay District Main Street Mixed Use) – PUD – TCOD/MSMU – City of Fairview, Owner. Johnson read the caption and made a motion to approve Bill #2008-31 on first reading. Mangrum seconded the motion. All were in favor.

- D. Presented for adoption was Resolution No. 34-08 to set the date of October 2, 2008 for a Public Hearing on the Rezoning of Map 42, Parcel 168.01. Johnson read the caption and made a motion to adopt Resolution No. 34-08. Mangrum seconded the motion. All were in favor.
- E. Presented for First Reading was Bill #2008-32: Rezoning of property located on Hwy. 100, Map 42, Parcel 169.00 from RS-40 to PUD (Town Center Overlay District Main Street Mixed Use) – PUD – TCOD/MSMU – Kenneth and Helen Brison, Owners. Mayor Brison stated that he would recuse himself from discussion and voting on this issue. Vice-Mayor Johnson read the caption and made a motion to pass Bill #2008-32 on first reading. Mangrum seconded the motion. Vice-Mayor Johnson asked for the vote. For: Johnson, Mangrum, Arney and Hall. Abstain: Brison. Motion carried.
- F. Presented for adoption was Resolution No. 35-08 to set the date of October 2, 2008 for a Public Hearing on the Rezoning of Map 42, Parcel 169.00. Vice-Mayor Johnson read the caption and made a motion to adopt Resolution No. 35-08. Mangrum seconded the motion. Vice-Mayor Johnson asked for the vote. For: Johnson, Mangrum, Arney and Hall. Abstain: Brison. Motion carried.
- G. Presented for First Reading was Bill #2008-33: Rezoning of property located on Hwy. 100, Map 42, Parcel 169.01 from CG to PUD (Town Center Overlay District Main Street Mixed Use) – PUD – TCOD/MSMU – Elizabeth Binkley, Owner. Johnson read the caption and made a motion to pass Bill #2008-33 on first reading. Mangrum seconded the motion. All were in favor.
- H. Presented for adoption was Resolution No. 36-08 to set the date of October 2, 2008 for a Public Hearing on the Rezoning of Map 42, Parcel 169.01. Johnson read the caption and made a motion to adopt Resolution No. 36-08. Mangrum seconded the motion. All were in favor.
- I. Presented for First Reading was Bill #2008-34: Rezoning of property located on Hwy. 100, Map 42, Parcel 169.02 from RS-40 to PUD (Town Center Overlay District Main Street Mixed Use) – PUD – TCOD/MSMU – Charles and Jimmie Mangrum, Owners. Johnson read the caption and made a motion to pass Bill #2008-34 on first reading. Mangrum seconded the motion. All were in favor.
- J. Presented for adoption was Resolution No. 37-08 to set the date of October 2, 2008 for a Public Hearing on the Rezoning of Map 42, Parcel 169.02. Johnson read the caption and made a motion to adopt Resolution No. 37-08. Mangrum seconded the motion. All were in favor.
- K. Presented for First Reading was Bill #2008-35: Rezoning of property located on Hwy. 100, Map 42, Parcel 170.00 from CG to PUD (Town Center Overlay District Main Street Mixed Use) – PUD – TCOD/MSMU – Dianna Hughes and Jerry Lampley, Owners. Johnson read the caption and made a motion to pass Bill #2008-35 on first reading. Mangrum seconded the motion. All were in favor.
- L. Presented for adoption was Resolution No. 38-08 to set the date of October 2, 2008 for a Public Hearing on the Rezoning of Map 42, Parcel 170.00. Johnson read the caption and made a motion adopt Resolution No. 38-08. Mangrum seconded the motion. There was a question about the acreage in the property. Cantrell stated that he would check and correct it before the second and final reading. Vote on motion. All were in favor.

- M. Discuss erosion problem with owners of property in front of city hall – Commissioner Mangrum advised that the property owners were not present. City Planner Donn Lovvorn advised that they were sent registered letters asking them to be present.
- N. Discuss and/or take action on the use of above ground Diesel and Gas Tanks – City Mgr. Forehand advised that she is still concerned about the four year contract. Ricky Campbell representing J.B. Weimar, Inc. was present to answer questions from the Board. He advised that they would like to put a 2,000 gallon gas tank and a 560 gallon diesel tank at the Public Works Dept. A discussion followed which included the 560 gallon diesel tank being sufficient. Mayor Brison asked Public Works Director Wade Hooper for his opinion on the tanks. Hooper suggested that maybe they should use the diesel tank for a period of time and if it works out then add the gasoline tank. Johnson made a motion to approve installing a 1,000 gallon diesel tank and a 2,000 gallon gas tank at the Public Works Dept. with the discretion of the Public Works Director when the gas tank should be installed. Arney seconded the motion. All were in favor.
- O. Accept Bid on Backhoe – City Mgr. Forehand advised that the backhoe was rebid with all bidders using the same specifications. (see copy of attached bids) She recommended that the bids not be accepted at this time and at the recommendation of Commissioner Arney they would like to have Diamond Equipment, Inc. (Case), Nortrax (John Deere) and Thompson Machinery (Caterpillar) bring their backhoes out so that they can be tested. Arney made a motion to not accept a bid at this time. Hall seconded the motion. All were in favor. Hall asked if the bids will hold until the testing is done. Forehand stated that they would.

## **8. New Business –**

- A. Additional Recommendations from the Planning Commission Meeting held on August 12, 2008:
  - (1) Rezoning Application for property located at 2185 Fairview Blvd. from RS-40 to CG (Commercial General), Map 42, Parcel 138.00 containing 3.5 acres more or less – Clemmie Buttrey, Owner. Arney made a motion to ask city attorney to prepare the necessary ordinance. Johnson seconded the motion. All were in favor.
  - (2) Rezoning Application for property located at 2135 Fairview Blvd. from RS-40 to CG (Commercial General), Map 42, p/o Parcel 126.00 and Map 42, p/o Parcel 125.00 containing 3.0 acres more or less – James Hebert Johnson and Joan Hebert, Owners. Johnson made a motion to ask city attorney to prepare the necessary ordinance. Mangrum seconded the motion. All were in favor.
  - (3) Amend the City of Fairview Zoning Ordinance by providing for the implementation of the newly adopted Subdivision Regulations. Johnson read the caption of Bill #2008-36 and made a motion to pass it on first reading and to set the date of October 2<sup>nd</sup> for a Public Hearing. Hall seconded the motion. All were in favor.
- B. Discuss and/or take action on a Master Plan for Bowie Nature Park – Commissioner Mangrum made a motion to defer Item B and Item C until the September 18<sup>th</sup> Board Meeting and to discuss Item C first. Johnson seconded the motion. All were in favor.

- C. Discuss and/or take action on final draft of Bowie Nature Park Conservation Easement – (Deferred until the September 18<sup>th</sup> Board Meeting)
- D. It was reported that the Conservation Easement Committee will meet to finalize the Easement on September 10<sup>th</sup> and the Board decided to have the signing of the documents October 2<sup>nd</sup> at 7:00 p.m. before the regular meeting of the Board of Commissioners.

**9. City Manager Items for Discussion -**

- A. Miscellaneous Updates – None
- B. City Attorney Comments – None

**10. Communications from the Mayor and Commissioners –**

- A. Vice-Mayor Johnson stated that he was able to be at this meeting because of the hurricane. His company's motel reservations were given to hurricane victims.
- B. Commissioner Arney asked that everyone remember the hurricane victims.

**11. The meeting adjourned at 8:00 p.m.**

Kathleen Daugherty, CMC  
City Recorder