

**BOARD OF COMMISSIONERS****September 6, 2007**

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, Arney, Hall, Johnson, Mangrum

Absent:

Also Present: Forehand and Cantrell

**1. Mayor Brison called the meeting to order at 7:04 p.m.**

A. The Prayer and Pledge to the Flag were led by Jerry Carey.

**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)**

- A. Edward Phillips was present because Horn Tavern Spring has been fenced off from the public. He felt that it was agreed if the City stopped using the spring that it would be for public use. He asked the Board to have the fence taken down and give people access to at least the creek.
- B. Carl Walker of 7965 Pinewood Road advised that he has lived in Fairview all his life and seen a great many changes. He also advised that Fairview is very fortunate to be centrally located from North to South and East to West. He remembers when Hwy. 100 was not here and travelers would stop at Horn Tavern Springs. It is a historic spot. The Fairview Historic Commission is being very active and has applied for a grant to restore the old Triangle School. He stated that some people feel it is too far to go to near by cities to shop. He said that the Kroger people are saying that if you can't come to us, we will come to you.
- C. Barbara McGuire of 7202 Sutton Place advised that she is vice-chairman of the Fairview Historic Preservation Commission and she wanted to publicly thank Dr. Neil Rice for all his work and ideas. One of his ideas was to name the rooms at Triangle Schools after the alumni donors who make the largest contributions. The first room to be named was the Carl Walker Room. Mr. Walker has been a teacher, principal, coach and a generous donor. She thanked Gerry Stark for her hard work in getting the FHPC its 501C3 so that donors can write their donations off their taxes.
- D. Lauren Anderson of 840 Hwy. 96 North advised she is a sophomore at Fairview High School. She wanted to thank the principal for all of his hard work in making the new trimester program at the high school a success.

- E. Lisa Anderson of 840 Hwy. 96 North advised that we all love the Bowie Nature Park and as a member of the Land Conservation Easement Committee she hopes that they can work with the Board to come to a solution for the growth that is coming, to preserve the Park, and that the people concerned will get the right information. She is excited about the prospect of new retail which would keep our dollars here and provides jobs for our children.

#### **4. Awards and/or Recognitions –**

- A. City Mgr. Forehand stated that she would like to recognize Firefighters Jesse Woodard, David Adcox, Andy Hackford, and Jason Lankford. They recently repaired the City's Brush Truck in house and saved the City several hundred dollars.

#### **5. Public Announcements –**

- A. Dianne Ellis announced that Saturday from 10:00 a.m. to 5:00 p.m. is Nature Fest in Bowie Nature Park.
- B. Forehand announced that she emailed Dr. Sandra Dudley at the WADC and asked her three questions. One question was: does the WADC have any plans for water restrictions; Second question: she asked for an update on the Sewer Line Project; and third: what progress are they making on getting the moratorium lifted. Dr. Dudley advised that they have more than an ample supply of water: the Sewer Project is on schedule and they know of no complications; and they are making all the progress possible in getting the moratorium lifted.
- C. Forehand also announced that the City has received the matching TML Risk Management Partners Safety Grant in the amount of \$1500 which was applied for in June of this year. The grant will be used to purchase bunker gear for the fire department.

#### **6. Approval of the Minutes –**

- A. Presented for approval were the minutes of the Board of Commissioners Meeting held on August 16, 2007. Mangrum made a motion to approve the minutes as corrected. Johnson seconded the motion. All were in favor.

#### **7. Old Business –**

- A. Presented for Second and Final Reading was Bill #2007-24: Annexation of Map 19, Parcel 1.05 on County Line Road; Bear Creek Properties – Owner. Johnson read the caption and made a motion to approve Bill #2007-24 on second and final reading. Mangrum seconded the motion. All were in favor.
- B. Presented for Second and Final Reading was Bill #2007-26: The rezoning of property on the North side of Fairview Blvd. between the Tractor Supply Co. and Oak Leaf Furniture and on the South side of Fairview Blvd. between the Health Saver Pharmacy and the Edward Glaser property from RS-40 to CG (Commercial General). Johnson read the caption and recused from voting. Hall made a motion to pass Bill \$2007-26 on second and final reading. Arney seconded the motion. All were in favor except Johnson who did not vote.

- C. Appointments to Committees, Commissions, and/or Boards:
- (1) Appointment to the Fairview Industrial Development Board to replace J.T. King – There were no applicants.
  - (2) Appointments to the Sign Regulations Committee:
    - One Business or Retail Members – There was one applicant, Barry Sullivan. Johnson nominated Barry Sullivan. Mangrum seconded the nomination. Arney then made a motion that all nomination cease and appoint Barry Sullivan to the Sign Regulations Committee. Johnson seconded the motion. All were in favor.
- D. Presented for Second and Final Reading was Bill #2007-27: An Ordinance to Amend the City of Fairview Municipal Code, Title 16, Chapter 2, Section 16-205, Paragraph (4) “Construction Permit”. Johnson read the caption and made a motion to pass Bill #2007-27 on second and final reading. Mangrum seconded the motion. All were in favor.
- E. Presented for Second and Final Reading was Bill #2007-28: An Ordinance to Amend the Fairview Municipal Code, Title 16, Chapter 2, Section 16-202 “Utility District/Companies’ Surety”. Johnson read the caption and made a motion to pass Bill #2207-28 on second and final reading. Mangrum seconded the motion. All were in favor.
- F. Presented for Second and Final Reading was Bill #2007-29: Amending the Fairview Zoning Ordinance by adopting Design Criteria for the City of Fairview. Johnson read the caption and made a motion to pass Bill #2007-29 on second and final reading. Mangrum seconded the motion. All were in favor.

## 8. New Business –

- A. Recommendations from the Planning Commission Meeting held on August 14, 2007:
- (1) Rezoning application for property located on Hwy. 96 North from RS-40 to CG (Commercial General), Map 18, Parcel 29.01, 11.08 acres – Corinthian Custom Homes, Owner. (All members of the Planning Commission were in favor of the rezoning). Johnson made a motion to have the city attorney prepare the necessary ordinance. Hall seconded the motion. All were in favor.
  - (2) Rezoning application for property located on Old Nashville Road and Aggie Hamilton Lane from RS-40 to RS-15, 7.75 acres, Map 42, Parcels 118.01, 119.02, 117.02 – Donnie Mangrum, Owner. ) All members of the Planning Commission were in favor of the rezoning). Johnson made a motion to have the city attorney prepare the necessary ordinance. Hall seconded the motion. All were in favor.
  - (3) Take Action on the Commercial Design Review Ordinance. (All members of the Planning Commission were in favor) The Board approved the first reading of this ordinance on August 16<sup>th</sup> and the second reading tonight. No Further Action is needed.

- B. Land Conservation Easement – Eva Harris stated that she was asked to read a letter from John Stark. She advised that Mr. Stark has served this community for 32 years. He has been the fire chief, an elected commissioner, a two term mayor, city manager, also a member of two park boards and presently as a member of the Planning Commission. (see attached letter). Mike Smith read a letter from the Ad Hoc Conservation Easement Committee and prepared by Anne Knauff, Consulting Member. (see attached letter) Both of these letters asked the Board to put all (but six acres for a new library) of the Bowie Nature Park in a Land Conservation Easement for a term of 50 years. Mayor Brison asked for the wishes of the Board. Commissioner Hall stated that he would like to see them have a workshop with the Conservation Easement Committee (including Anne Knauff) before making a decision. Mayor Brison asked Hall if he wanted to make that a motion. Hall then made a motion to have a workshop with the Land Conservation Easement Committee. Johnson seconded the motion. City Mgr. Forehand was asked to get with Anne Knauff and see when she is available. All were in favor of the motion. After further discussion on a date for the workshop, Mangrum made a motion to have the workshop on Tuesday, September 25<sup>th</sup> at 7:00 p.m. if Ms. Knauff is available. Johnson seconded the motion. All were in favor.
- C. Approval to renew agreement with Black Box (Telephone System) - City Mgr. Forehand reported that the annual maintenance agreement in the amount of \$920 is due to be renewed. Arney made a motion to renew the maintenance agreement with Black Box. Hall seconded the motion. All were in favor.
- D. Discuss and/or take action on the fence at Horn Tavern Springs – City Mgr. Forehand reported that the 2002 water analysis of Horn Tavern Spring tested positive for e-coli. On August 29, 2007, the WADC state certified lab tested the water from the spring and it tested positive for coli form. This makes the water unsafe for drinking. (see complete notes to the Board attached). Forehand recommended that the City erect a chain link fence around the spring only leaving access to the creek. Also the sign “Warning, Contaminated Water – Not for Human Consumption” will remain at the spring. Johnson made a motion to put a fence around the spring only. Hall seconded the motion. Arney asked Cantrell if the sign is enough to protect the City. Cantrell stated that he felt that they also needed a physical barrier around the spring. Mangrum stated that he felt the sign was put there from a recommendation from TML Insurance and it should be sufficient. After further discussion, Mayor Brison asked for a vote on the motion. All were against the motion. Mangrum then made a motion to take down the existing the fence and put a temporary fence around the spring until they can get a ruling from TML Insurance on what the City needs to do. Arney seconded the motion. All were in favor.

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

- A. Miscellaneous Updates – Forehand reported that Dennis Johnson, employee of the Police Department, has resigned effective August 28, 2007.
- B. City Attorney Comments – None

**10. Communications from the Mayor and Commissioners – None**

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

Kathleen Daugherty, CMC  
City Recorder