

BOARD OF COMMISSIONERS**September 20, 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, Mangrum

Absent: Johnson

Others Present: Forehand, Cantrell

1. Mayor Brison called the meeting to order at 7:00 p.m.

- A. The Prayer and Pledge to the Flag were led by State Representative Glen Casada.

2. Approval of the Agenda –

- A. Commissioner Hall asked that “Take action on a potential Constitutional Challenge to our city sign ordinance” be added to the Agenda under New Business as Item D. Arney made a motion to approve the Agenda with the added item. Hall 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. Dianne Ellis reported that Nature Fest was a success. She thanked the sponsors, the City of Fairview and the staff.

4. Awards and/or Recognitions –

- A. Presentation by the Honorable Glen Casada, State Representative - Mayor Brison announced that in attendance along with State Representative Glen Casada were State Senator Jack Johnson and our other State Representative Phillip Johnson. State Representative Glen Casada stated he was present to recognize Morgan Smith who will represent Tennessee in the 2007 Special Olympics in China this October. He brought her a State Flag that has flown over the Capital to take with her to China. Senator Jack Johnson presented her with a proclamation adopted by the State General Assembly.
- B. City Mgr. Forehand reported that the Assistant Administrator from Germantown has written a letter thanking Officer William Burgess for helping him change a flat tire that occurred in Fairview. Forehand also recognized all the officers for assisting motorists on our roads.

5. Public Announcements – None

6. Approval of the Minutes –

- A. Presented for approval were the minutes of the Public Hearing and the Board of Commissioners Meeting held on September 6, 2007. Mangrum made a motion to approve the minutes as presented. Hall seconded the motion. All were in favor.

7. Old Business –

- A. Appointments to Committees, Commissions, and/or Boards:
- (1) Appointment to the Fairview Industrial Development Board to replace J.T. King – No applicants
 - (2) Appointments to the Historic Zoning Commission:
 - Planning Commission Member – Allen Bissell
 - Historic Preservation Commission Member – Neil Rice
 - Five Citizen Members – City Mgr. Forehand advised that she has also received applications from Craig Cropper and Janet Cropper.

Hall made a motion to appoint these four applicants to the Historic Zoning Commission. Arney seconded the motion. All were in favor.

- B. Presented for First Reading was Bill #2007-30: An Ordinance to change the zoning of property located on Hwy. 96 North, Map 18, Parcel 29.01 from RS-40 to CG (Commercial General). Mangrum read the caption and made a motion to approve Bill #2007-30 on first reading. Arney seconded the motion. All were in favor.
- C. Presented for adoption was Resolution #13-07 to set the date of October 18, 2007 for a Public Hearing on the rezoning of Map 18, Parcel 29.01 from RS-40 to CG – Continental Development and Construction Company, owner. Mangrum read the caption of Resolution #13-07 and made a motion to adopt it. Hall seconded the motion. All were in favor.
- D. Presented for First Reading was Bill #2007-31: An Ordinance to change the zoning of property located at 7107 Aggie Hamilton Road, 7318 Old Nashville Road and 7320 Old Nashville Road, Map 42, Parcels 117.02, 118.01 and 119.02 from RS-40 to RS-15. Mangrum read the caption and made a motion to approve Bill #2007-31 on first reading. Arney seconded the motion. All were in favor.
- E. Presented for adoption was Resolution #14-07 to set the date of October 18, 2007 for a Public Hearing on the rezoning of Map 42, Parcels 117.02, 118.01 and 119.02 from RS-40 to RS-15 – Donnie and Timothy R. Mangrum, owners. Mangrum read the caption of Resolution #14-07 and made a motion to adopt it. Arney seconded the motion. All were in favor.
- F. Presented for approval was an Interlocal Agreement with Williamson County for the joint participation in the funding of future school facilities by use of receipts received from the adequate school facilities tax. City Mgr. Forehand stated that the City Attorney has reviewed the agreement. She also advised that on Page 2, under Item 4 – City Responsibilities, Paragraph (D) states that the City has to designate someone to be in charge of administering the terms of this Agreement and shall serve as the point of contact for the City. Her recommendation was the city

manager. Forehand also advised that in Paragraph (E) the City's other responsibility is to adopt a Capital Improvements Plan which we have already done and it will be attached to the document. Arney made a motion to approve the Agreement with Williamson County and accept the recommendation of City Mgr. Forehand. Mangrum seconded the motion. All were in favor.

- G. Approval of new date for the workshop with the Land Conservation Easement Committee – City Mgr. Forehand reported that some of the members could not make the September 25th date for the workshop. She asked that it be changed to Saturday, October 6, 2007 at 7:00 p.m. Arney made a motion to approve the new date. Hall seconded the motion. All were in favor.
- H. Report on Recommendation from TML Insurance concerning the Horn Tavern Spring – City Mgr. Forehand reported that after researching the minutes she found that the Spring was discussed in 2002. At that time it was decided to have the water tested. It showed that e-coli is present. At the recommendation of the city attorney a sign was posted. It was also discussed fencing the property at that time. Forehand reported that Chester Darden of TML Insurance looked at the spring and recommended that a grate be put over the spout of the spring and that the spring building be fenced. She advised that this has been done. He did not see a problem with the public using city property to access the creek.

8. New Business –

- A. Revision of Urban Growth Boundaries – City Planner Donn Lovvorn gave a presentation showing the present Urban Growth Boundaries. He advised that he has had some inquiries about annexation from individuals outside of our Urban Growth Boundaries. He showed how the planning staff would like to see the boundaries changed. He asked the Board if they wanted to consider making these changes and City Attorney Cantrell explained how this could be accomplished. After further discussion, Arney made a motion to defer action on trying to change the boundaries at this time. Hall seconded the motion. All were in favor.
- B. Discuss Plans presented to the Planning Commission and contract for sale of property to the Arthritis Trust of America – Commissioner Arney stated he had this put on the agenda so the Board can review the plans. He felt that there were plans agreed on at the time of the contract on the sale of the property. Lovvorn stated that there were some questions about the contract on the sale of the property at the Planning Commission Meeting; therefore, they did not vote on the plat. City Attorney Cantrell advised that he has reviewed the deed and there is no mention of any plans that were to be made a part of the sale. Joe Chapdelaine stated that he did not know of any agreement with the City on specific plans for the property. He did agree that the plans they were presenting now were not exactly the same as three years ago. Since the sewer moratorium has held them up, they have took another look at the

potential use of the property and they have consulted with developers. Commissioner Hall stated that they had already refused to allow the bank to make a center cut in the medium on City Center Blvd. and he did not feel they could let them do it now. Hall asked if they were asking the Board to allow them to move forward with the plat they presented to the Planning Commission. Chapdelaine stated that they were so that they can talk to the Water Authority about their intent. After further discussion, Hall then made a motion to move forward with the plans except for the street situation. Arney seconded the motion. All were in favor.

- C. Approve the rezoning of property located at the corner of City Center Blvd. and Fairview Blvd., Robert J. Coughlin Corp., owner (Arthritis Trust of America property), from CG (Commercial General) to TCOD/MSMU and being Map 42, Parcel 174.00 – Commissioner Mangrum stated that if they approve the rezoning it will include approving the plans. Lovvorn stated that they need to discuss the center cut in the medium on City Center Blvd. After discussion on the flow of traffic, Mangrum made a motion to approve the city attorney preparing the necessary paperwork for the rezoning and approve the plat presented to the Planning Commission, but take the center cut out of the plans for the property. Hall seconded the motion. All were in favor.
- D. Approve settlement on a potential Constitutional Challenge to our city sign ordinance – Commissioner Hall asked Barry Sullivan to speak on this subject. Mr. Sullivan is a resident and developer. He is also on the ad hoc committee to study the sign ordinance. Sullivan stated that he has a problem with a new interpretation of the sign ordinance by the Codes Department. He presented a map he would like approved for his directional signs until the sign committee can make its recommendations to the Board. (see attached copy of map) Cantrell stated that he has spoken with Sullivan's attorney and agrees there are certain portions of our sign ordinance that could create a problem. He also advised that the sign ordinance needs to be updated on an accelerated path and that is in the process. Cantrell also stated that if the Board agrees to allow Mr. Sullivan's signs, he needs to agree that this agreement will expire once the sign ordinance is revised and he will not claim these are ***prior** existing nonconforming signs. Mr. Sullivan agreed. Cantrell stated that anyone can also bring in a map of their signs and get it approved by the Board. Arney made a motion to accept Mr. Cantrell's recommendation to allow Sullivan to post his signs. Brison seconded the motion. *For:* Arney, Brison, Hall *Against:* Mangrum
Motion passed.

9. City Manager Items for Discussion -

A. Miscellaneous Updates –

- (1) Forehand reported that Firefighter Brandy Mangels has resigned effective September 24, 2007. She is going to work for the Franklin Fire Department. Her replacement is Terry Call and he will start to work on September 28, 2007.

B. City Attorney Comments – None

10. Communications from the Mayor and Commissioners –

- A. Mangrum asked if he could get the Urban Growth Boundary Map on power point with the annexation requests highlighted. Lovvorn advised that he could get him a copy.
- B. Brison advised that he has a letter from Commissioner Mary Mills of Williamson County regarding the Williamson County Health Council and they are sponsoring a walk across Williamson County on April 5, 2008. They are also suggesting that the first Saturday of each month be designated by the City as a special day to participate.

11. The meeting adjourned at 8:30 p.m.

***correction**

Kathleen Daugherty, CMC
City Recorder