

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

September 4, 2014

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

Present: Totty, Johnson, Bissell, Carroll, Sutton

Others Present: Hall, Cantrell, Humber, Johnson, Harris, Cooper, Paisley

Not Present: Daugherty, Johnson (arrives late)

1. Call to order by Mayor Totty at 7:09 p.m.

A. Prayer led by City Manager Hall and Pledge led by Mayor Totty

2. Approval of the Agenda – Commissioner Sutton makes a motion for approval with Commissioner Bissell seconding. Mayor Totty notes she needs to delete 8C due to no meeting held, Commissioner Sutton asks to defer item 8A until the Vice Mayor arrives if we get to that point, Commissioner Bissell notes that Attorney Cantrell requested an addition of Discuss and/or Take Action on the Interlocal Agreement between Williamson County and the City of Fairview, 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). –

- Jon Cherry, President of the Fairview Chamber of Commerce talks about their exciting event Nature Fest, Saturday, September 13th from 10 am to 4 pm, this year is the 30th annual event with the theme of Best of Nature Fest. He notes they will be bringing back some of the favorite parts of the event from the past: pony rides, hayrides, live music on two stages with music, animal show, falconer, History Village is being moved to the middle of the action between Treehouse Playground and the Nature Center, lots and lots of food, free Predators tickets, mascots, contests for photography, canning & baked goods, 5K race to honor Donna Bledsoe begins at 8 with registration starting at 7, 105 vendor booths, National Guard climbing wall. He invites everyone to attend and promises a great event for all.

4. Awards and/or Recognitions – Mayor Totty notes the Be Nice campaign that began here in Fairview is now launching around the world. Videos were shared from Westwood and Fairview Elementary, Fairview Middle and High School of students sharing what it means to be nice. Mayor Totty notes she attended the mayor's meeting yesterday at the Franklin Theatre and shares the Be Nice Fairview plaque received. Mayor Totty reads the Be Nice proclamation, thanks Dr. Juli Oyer for being a leader in our community and presents her with the proclamation. Dr. Oyer shares differences in the school with the Be Nice campaign noting that students have a clear opportunity for kindness and a way to stand up to someone who is not being so kind. Commissioner Sutton asks Oyer to share the story he heard at the Literacy Council. Oyer states that Fairview's students, of their own volition, cleaned up the stadium at Cheatham County (the location of the first FHS football game of the season).

5. **Public Announcements** – City Manager Hall notes the emissions testing every Monday and Tuesday from 7:30 am until noon and there will be a rabies clinic this Saturday, September 6 from 1 to 3 pm at City Hall.

6. **Approval of the Minutes** –

- A. Approval of the Minutes from the August 21, 2014, Board of Commissioners Meeting – Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. All were in favor.

7. **Old Business** –

- A. Second and Final Reading of Bill #2014-20, Ordinance No. 842, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 7062 City Center Way, Owned by Karen Dirkse (Lassan), As Shown on, the Fairview Geological Listing of Assessment Roll Map 42, Parcel 173.00, 1.0 Acres, From RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use) – Mayor Totty read the caption and Jon Cherry was present to represent the property owner. Commissioner Sutton makes a motion for approval with Commissioner Bissell seconding. Commissioner Sutton asks Codes Director Humber to comment on Mr. Rowe's comments from the Public Hearing. Humber states that the zoning is correct and proper procedure has been followed.

Vice Mayor Johnson entered the meeting at 7:35 p.m.

Commissioner Carroll asks if the property has a contract and Jon Cherry states he is negotiating. Carroll states concern with rezoning a property where they do not know the use. Cherry notes it is in the medical category but he can't state exactly who. Mayor Totty asks Codes Director Humber multiple times if he is sure the zoning is proper to which he replies yes every time. Vice Mayor Johnson asks Attorney Cantrell if zoning can be held up. Cantrell states it can but it shouldn't because the plan will have to be approved and if it was a PUD it would come back to the Board for approval. All were in favor.

- B. Second and Final Reading of Bill #2014-21, Ordinance No. 843, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 7061 City Center Way, Owned by John A. Harrison, as Shown on, the Fairview Geological Listing of Assessment Roll Map 42, Parcel 172, 0.575 Acres, From RS-40 to TCOD/MSMU (Town Center Overlay District/Main Street Mixed Use) – Mayor Totty read the caption and notes that Mr. Harrison is present to represent the property. Commissioner Sutton made a motion for approval with Commissioner Carroll seconding. Sutton asks if everything is correct and Codes Director Humber replies yes. Commissioner Carroll asks if there is a contract and the answer was yes. All were in favor.

8. **New Business** –

- A. Discuss and/or Take Action on Recommendations from BOC Grant Workshop – Vice Mayor Johnson states we had a really good workshop here with representatives from TDOT and MPO. He notes we should look at the GAN as a safety net as we are looking at \$465,314 the Federal government allocated to the state for this project with our match of \$94,118. There is \$30,000 left to be allocated and we have requested this be allocated as well. Paving will be on Cumberland Drive from Highway 100 to Chester Road and Cox Pike from Northwest Highway to Dice Lampley. Johnson states he spoke with County Commissioner Ricky Jones and Eddie Hood, the County Highway Superintendent and they have set a meeting to look at other sections needing paving such as extending Cox Pike project to Pinecrest entrance, sections of Henry Drive, Dice Lampley and New Hope Road. He mentions our agreement with the County where they charge us cost for the roadwork. He returns to the GAN discussion noting there is a \$1,200 origination fee and the interest rate is 3.25% but the interest will only accrue when that amount is borrowed. He notes the state has assured us of refunds within 30

days if the requests are properly submitted. He states we can include terms in the bid documents to help control the payment schedule, set a not to exceed amount for the note and receive our refund from the state before we have to pay another bill. Mayor Totty asks for other comments. Commissioner Carroll thanks Mayor Totty for putting the workshop together for clarity noting she felt good about the meeting. Carroll continues that her biggest concern was in taking the loan but after John Blade explained it she feels better and the benefit to the city would be great. She believes the Vice Mayor is correct with the potential and although she hates to do it this way (loan) it is a great opportunity and gets us moving in the right direction. Commissioner Sutton states he felt it was a great workshop and John Blade and First Bank are willing to assist the City in any way they can including assisting with the turnaround time on the billing process. Sutton notes he is excited and asks when the last time was the City paved a road? City Manager Hall states the only paving that has been done in the last four years was on King Road last fall. Sutton continues that it was good to see cooperation between us, the State and MPO and they are all anxious to help us and guide us through the process. Hall continues the City has been working on this grant since 2011 and he recommends going forward with it. He notes that approximately 70% of the City's population accesses these two roads which makes it a big safety factor. He states he will obtain a separate estimate for the restriping of Cox Pike from Highway 100 to the new section and the key is to get a safer road. Codes Director Humber concurs it was a great meeting and the State and MPO are taking the attitude of get it done and they will help in any way they can. They also made suggestions for future grants for road improvements. Attorney Cantrell states he thinks it was a good meeting with lots of good information from those in charge of getting things done. He states this opportunity would provide the city with \$500,000 for the road with us paying \$100,000. He states that is a good deal even if you have to borrow to do it. Mayor Totty states she appreciates the cooperation and getting the right people to the table. It was asked for the GAN resolution to be placed on the next BOC agenda. Vice Mayor Johnson continues discussing the Safe Routes to School and Multi-Modal Grants noting they are in Right of Way acquisition phases. He notes the Roadscapes Grant is for beautification of a ¾ mile stretch at the four lanes and cloverleaf and the Board has been in discussion on whether the City may use Tree Bank funds to pay for our portion of this project. Commissioner Bissell asks what the recommendation was and Totty states there was no recommendation so there will be no action.

- B. Discuss and/or Take Action On Bill #2014-04, Ordinance No. 844, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection" Section 13-409 "Community Tree Plan." – Vice Mayor Johnson read the caption and Attorney Cantrell explains this would split the Tree Bank account into 2 funds – one for trees and plants and the other to include flexibility for fencing and other hardscapes. He notes that transfers could occur from the existing account to begin the second until funds begin to come in. He continues that if funds were transferred they would be refunded to the original account as funds come in. In the future all funds received would be split 50/50 between the two accounts. Mayor Totty asks about Appendix D as referenced in the Ordinance and Cantrell answers that hasn't been created yet but is mentioned so the Board has the ability to form a plan which would be labeled as Appendix D and attached to the Ordinance. Totty questions if the fees are not addressed how do we know what to assess. Codes Director Humber states the fee information is in the Design Review Manual. Commissioner Bissell states the goal was to compromise not split into two camps and over-complicate. He makes a motion to defer indefinitely until the Board wants to revisit as there is not a pressing need for change at this time. Commissioner Carroll seconds. Vice Mayor Johnson states that Debby Rainey, chairman of the Tree Board, urged us not to change the ordinance without a lot of study but noted she was not totally opposed to changes but would like the Tree Board to be part of the discussion. He continues that the arborist disagreed with Attorney Cantrell's definition of landscaping and believes it was the full intent of the committee for the tree bank funds to be used for hardscapes. All were in favor.

- C. Discuss and/or Take Action on Park Board Recommendations – DELETED
- D. Discuss and/or Take Action on Tree Board Recommendations – Mayor Totty states the recommendation from the Tree Board and makes a motion for selected orchard trees be purchased using the tree bank fund and donated to the Community Garden as part of the 2015 Arbor Day observance with Commissioner Carroll seconding. Commissioner Bissell asks about this being on Williamson County property. Vice Mayor Johnson states it was discussed at the Tree Board meeting they would be planted in the City's right of way along King Road. City Manager Hall states he met with Jack Cannon and they stepped off the right of way and believe the space is enough. Cantrell states if it is your street and right of way then tree bank funds could be used for the trees. Johnson asks for arborist Mike Berkley to make a site visit and come back with the number of trees recommended and what species. Commissioner Sutton states he doesn't want to leave the motion open ended and amends the motion to go forward with no more than 20 trees. Commissioner Carroll seconds and all were in favor.
- E. Discuss and/or Take Action on Planning Commission Recommendation on Rezoning Application for Property Located on Highway 96 North, Map 22, Parcel 150.00, 2.34 Acres, From RS-40 to CG, Big Little Investments, LLC, Owners – Attorney Cantrell notes he is asking for direction from the Board on preparing the documents. Commissioner Sutton makes a motion for approval with Vice Mayor Johnson seconding. Johnson notes he spoke with Kelly Shiver, one of the owners, today and neither he nor his partner are able to be present at the next meeting but his engineer will be. Cantrell states as long as someone is present to represent the property. All were in favor.
- F. Discuss and/or Take Action on the Interlocal Agreement between Williamson County and the City of Fairview – Attorney Cantrell notes this is the formal agreement with the County for what the Board has already agreed to do with the Library addition. Commissioner Sutton makes a motion for approval with Commissioner Bissell seconding. Mayor Totty asks if it states the cost will be split 50/50. Bissell states he believes it was a not to exceed number because we wanted a cap and not be stuck. Totty asks if the County prepared this and have they seen it? Cantrell states the County prepared it and their Finance Committee reviewed and approved and it goes before the County Commission next week. Bissell amends the motion to include Fairview is funding 50% of the project up to \$90,025 in item 3 with Mayor Totty seconding. All were in favor of the amendment to the motion and all were in favor of acceptance of the agreement.

9. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states we had a TOSHA inspection last week and we just received the report that states we had no violations. He continues that we have collected \$14,768.85 in delinquent property taxes and have a remaining outstanding balance of \$22,191.00. He states he is pleased with the outcome of the Grant Workshop noting it helps when we get to see the people involved to promote our community and they even asked us about future projects they might help with.
- B. Staff Comments –
 - Chief Harris presented the Police Report for the month of July noting they had 709 calls, 19 accidents, 3 injury accidents, 1 double fatality, 9 drug arrests (5 marijuana, 2 heroine and the 2 meth on Sunday). He commended the Fire Department for their assistance in both the meth lab and fatality accident noting they were a tremendous help.
 - Chief Cooper presented the Fire Report for the month of July noting they had 66 calls (which is about average) and notes the credit for the meth lab goes to good old fashioned police work.
 - Parks Director Paisley announces Bowie Jubilee on Saturday, September 6th from 11 until noon with Lane Johnson and the Jingo Jammers playing with a pickin party to follow until 2 pm. Pea Shellin' and Storytelling with Jerry Cary on September 8th and 15th from 6:00 – 8:30 pm.
 - Codes Director Humber presents the July Codes Report noting they issued 11 permits totaling \$1.2 million in value for 5 houses, completed

48 inspections, issued 7 Certificates of Occupancy, 5 violations and 1 failure to comply. Humber notes they are ahead of projected collections for this point in the year. Commissioner Sutton requests to compare figures in future reports to those last year.

C. City Attorney Comments - No comments

10. Communications from the Mayor and Commissioners –

- A. Commissioner Bissell had no comments
- B. Commissioner Carroll thanks Dr. Oyer and the Fairview kids for the idea on Be Nice, she refers people to her Facebook page with the video postings and notes she is proud of our kids noting it's not just a slogan but a way of life. She states the Mayor did a great job representing Fairview and it shows what we can do when we work together like we saw in the Grant Workshop which is a step in the right direction.
- C. Commissioner Sutton states he wants to reiterate what both Chiefs said noting the meth busts were not Fairview citizens. He continues that the officer who discovered the vehicle under the tarp and realized there was a BOLO on the vehicle did a great job and notes all involved did great work.
- D. Vice Mayor Johnson commends both Chiefs for a great job noting he was out of town but heard it on national news. He apologized for his tardiness and states he was attending the Clarksville home builders association.
- E. Mayor Totty thanks everyone for their attendance this evening and states Be Nice, Fairview

11. Commissioner Sutton made a motion for adjournment with Commissioner Bissell seconding. All were in favor and meeting was adjourned at 8:34 p.m.

Brandy Johnson
City Recorder