

City of Fairview

BOARD OF COMMISSIONERS**October 2, 2003**

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: Johnson, Mangrum, Brison, Arney, Hall

Others Present: Deck, Cantrell

Absent: None

1. The meeting was called to order by Mayor Johnson at 7:06 p.m.

A. Mayor Johnson led the Prayer and Pledge to the Flag.

2. Approval of the Agenda -

A. The Agenda was approved as presented.

3. Citizen Comments-

A. Tim Mangrum of 7326 Fernvale Road advised that he has met with some of the residents of Northwest Hwy. concerning the development of the Polston property. He further advised that Mr. Polston is asking for his property to be annexed as a R-20 Zone so that his property can be developed the same as other properties near him.

4. Awards and Recognitions - None**5. Public Announcements -**

A. Deck reminded the Board that this is the month for the Town Meeting on the fifth Thursday.

B. Arney announced that the Fairview High School would be playing Harpeth this Friday night.

6. Approval of Minutes -

A. Presented for approval were the minutes of the Board of Commissioners Meeting held on September 18, 2003. Mangrum made a motion to approve the minutes as presented. Hall seconded the motion. All were in favor.

7. Old Business -

A. Sale of Lots 3B, 4 and 5 in the Industrial Park to Northcutt Custom Homes - Deck reported that the closing date of the contract with Northcutt has expired. Mr. Northcutt is still interested in the lots and is asking that they extend his contract to December. Mangrum made a motion to extend the contract. Hall seconded the motion. Brison advised that they passed some rules that they would advertise city property that is for sale and unless the old contract has an automatic approval then they need to follow the rules they adopted.

Johnson asked Cantrell for his opinion. Cantrell stated that unless the old contract had an extension clause then they should follow the rules. Deck stated that the contract does not have an automatic continuation clause. Mr. Northcutt was present and explained why he let the contract expire and what he plans to do with the property. Brison stated that they still need to follow the rules they adopted. It was discussed that an ad could be put in next week's paper and accept bids until noon on October 16th. Mangrum withdrew his motion. Hall withdrew his second. Mangrum then made a motion to advertise for bids on the property. Hall seconded the motion. All were in favor.

- B. Annexation of the Albert Polston Property on Northwest Hwy -
 - (1) Johnson read the caption of Bill #2003-5 annexing the Polston property as an R-20 Zone. Mangrum stated that the annexation and zoning should have been on the agenda as two different items because they came out of the Planning Commission as two separate items. He also stated that Mr. Polston does not want his property annexed without it being zoned R-20. Mangrum suggested that they vote on the annexation at this meeting and then rezone the property at the next meeting. After further discussion Mangrum made a motion to pass Bill #2003-5 on first reading to annex the Polston property excluding annexing it as a R-20 Zone. Hall seconded the motion. All were in favor.
 - (2) Presented for adoption was Resolution #6-2003 Calling for a Public Hearing to be held on October 16th on the Annexation of the Polston Property. Mangrum made a motion to adopt Resolution #6-2003. Hall seconded the motion. All were in favor.
 - (3) Presented for adoption was Resolution #7-2003 Adopting a Plan of Services for the annexation of the Polston property. Mangrum made a motion to adopt Resolution #7-2003. Arney seconded the motion. All were in favor.
- C. Presented for second and final reading was Bill #2003-21: Rezoning of the Roger Gulley property off of Cardinal Lane and Horn Tavern Road to a RM-8 Classification. Mangrum made a motion to pass Bill #2003-21 on second and final reading. Arney seconded the motion. All were in favor.
- D. Second Reading Bill #2003-18- Sign Ordinance: The Board had referred the Sign Ordinance to the Administrative Ad Hoc Committee but it was decided it should have been the Public Safety Ad Hoc Committee. Mangrum made a motion to defer action on Bill #2003-18 until the Public Safety Committee can meet. Hall seconded the motion. All were in favor.
- E. Hunting Camp Road - Water Line Relocation: Deck reminded the Board about the agreement with County on relocating the water lines. The agreement was that the City would relocate the water lines so that the road can be widened. The County was suppose to provide the rock and open and close the trench. The County now says they cannot provide the rock. The cost of the rock will be between \$3,500 and \$4,000. Mangrum made a

- motion to pay for the rock. Arney seconded the motion. All were in favor.
- F. Ordinance #547 - Excavations and Cuts: Deck presented proposed revisions to the ordinance (see attached) Arney made a motion to add the revisions to the ordinance. Hall seconded the motion. All were in favor. Cantrell is to prepare the ordinance with the revisions for the next meeting.
 - G. Amend Subdivision and Site Development Contract by adding Section 16-204: Service Line Encasement - Deck advised that this section from the Fairview Municipal Code needs to included the Site Development Contract. (see attached) Mangrum made a motion to include the section to the Site Development Contract. Arney seconded the motion. All were in favor.
 - H. Sale of Property - Report from Property Ad Hoc Committee: Mangrum stated that they met today to discuss the present city hall location as well as the lots around the new city hall. Mangrum advised that the Committee felt an appraisal is needed for this site as well as the lots at the new city hall site and a survey of the lots needs to done. Arney advised that he thought a survey had been done. Mangrum stated that the survey was of the entire city center. Deck stated they had a simulation cutting of the lots but they were never surveyed. Mangrum stated that they also need to decide on the size of the lots. Deck advised that if it is agreed he would proceed with the recommendation from the Property Committee. It was agreed.
 - I. Sales Tax Referendum - Arney stated that they need to defer the referendum to the Finance Ad Hoc Committee for a recommendation.

8. New Business -

- A. Mutual Aid Agreement with Harpeth Valley - Deck presented a copy of the emergency response plan from Harpeth Valley and recommended adoption of the Agreement. Arney made a motion to approve the Mutual Aid Agreement with Harpeth Valley. (see attached copy) Brison seconded the motion. All were in favor.
- B. Presented for first reading was Bill #2003-22: Amending Ordinance #546 to include fees for the use of the Nature Center. Arney made a motion to approve Bill #2003-22 on first reading. Mangrum seconded the motion. Johnson read the caption. All were in favor.
- C. Presented for first reading was Bill #2003-23: Adopting the International Building Code: Johnson read the caption. Hall made a motion to approve Bill #2003-23 on first reading. Arney seconded the motion. All were in favor.
- D. Presented for first reading was Bill #2003-24: Amending the Tree Ordinance. Johnson read the caption. Arney made a motion to adopt Bill #2003-24 on first reading. Mangrum seconded the motion. Brison stated that Section 13-415 was discussed at the Committee Meeting and it was felt that the fine should be \$50. Arney stated that they also discussed a fine for the

second and third offense. After further discussion Mangrum made a motion to amend the original motion by changing Section 13-415 to read that the fine for the first offense shall be \$50, the fine for the second offense shall be up to \$500 and the fine for the third offense shall be up to \$1,000. Arney seconded the motion. Vote on motion as amended: All were in favor. Vote on original motion to pass Bill #2003-24 on first reading: All were in favor.

- E. Presented for first reading was Bill #2003-25: Deannexation of Talley Hollow Road and Hunting Camp Road. Deck explained that because of the confusion over what part of these streets is inside the city limits of Fairview, the County has suggested that the City deannex the streets. Deck stated that the County is getting the exact distance of these streets that needs to be deannexed and it will be added to the ordinance. Arney made a motion to pass Bill #2003-25 on first reading. Mangrum seconded the motion. All were in favor.
- F. Presented for adoption was Resolution #17-2003 Calling for a public hearing on the deannexation of Talley Hollow and Hunting Camp Road to be held on October 16, 2003. Arney made a motion to adopt Resolution #17-2003. Mangrum seconded the motion. All were in favor.

9. City Manager Items for Discussion and/or Action -

- A. Report on the City Hall - Deck passed out the 23-page response from MPACT on the city hall project. Deck stated that he talked with Darrell Crawford today and suggested a meeting with MPACT and his attorney, the City Attorney, the architect (LRK) and the Bond Company. Deck also reported that he has received a letter from LRK stating that they will stop work until further notice as they have exceeded their contractual obligations to the City. Deck suggested that they turn this over to the City Attorney for his direction. Arney suggested that they set up a legal meeting with the attorney as soon as possible. Deck was asked to set up the meeting and let the Board Members know when it is.

10. Communications from the Mayor and Commissioners - None

11. The meeting adjourned at 8:20 p.m.

Mayor

City Recorder