

City of Fairview

BOARD OF COMMISSIONERS**October 6, 2005**

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

Present: Brison, Arney, Hall, Johnson, Mangrum

- 1. Mayor Brison called the meeting to order at 7:02 p.m.**
 - A. Prayer and Pledge to the Flag were led by Commissioner Johnson.
- 2. Approval of the Agenda –**
 - A. Added to the Agenda:
 - (1) Under Old Business as Item D. – Smith Seckman Reid – Wastewater Treatment Plant
 - (2) Under New Business as Item D. – Certificate of Occupancy for the Horizon Travel Plaza on Hwy. 96.

Mangrum made a motion to approve the agenda with the additions. Hall seconded the motion. All were in favor.
- 3. Citizen Comments – (Limited to the first five citizens to sign in and limit of five minutes each)**
 - A. Calvin Kennedy asked the Board to consider tearing down the old water plant building on Horn Tavern Road. He feels it needs cleaning up and not think about a marker right now.
- 4. Awards and/or Recognitions – None**
- 5. Public Announcements –**
 - A. Vice-Mayor Arney stated that there will be a Veteran Day Program at the Fairview High School on November 4th at 9:00 a.m.
- 6. Approval of the Minutes –**
 - A. Presented for approval were the minutes of the Board of Commissioners Meeting held on September 15, 2005. Mangrum made a motion to approve the minutes as presented. Hall seconded the motion. All were in favor.
 - B. Presented for approval were the minutes of the Beer Board Meeting held on September 15, 2005. Johnson made a motion to approve the minutes as presented. Mangrum seconded the motion. All were in favor.

7. Old Business –

- A. Presented for Second and Final Reading was Bill #2005-8: Rezoning Map18, Parcel 38.00 located on Highway 96 North being the Highbury Pointe Development from a RS-40 to a Mixed PUD. Mangrum read the caption and made a motion to pass Bill #2005-8 on second and final reading. Arney seconded the motion. Mangrum asked why the acreage in the Mixed PUD does not equal the total number of acres. A representative of the development stated that there is 1.1 acres of right of way through the Commercial section and should be added to the commercial acres. Corrections were made in the caption on the acreage of each section of the PUD. *Vote on the motion: All were in favor.*
- B. Adoption of Resolution 12-05: TVA Transmission line right-of-way – Deck advised that he has had no contact from TVA and asked that it once again be deferred. Arney made a motion to defer. Mangrum seconded. All were in favor.
- C. Cost of tearing down the old water plant on Horn Tavern Road and putting a historical marker at the spring located there – Deck stated that he had also in his notes that Commissioner Johnson wanted the cost of replacing the roof on the spring building. Deck reported that the estimated cost of the roof is \$2200 to \$2300 plus labor. Deck also asked the Board if they want a metal roof or shingles. The discussion then led to the demolition of the old water plant building, the tank and the underground chemical tank. Deck stated that he felt it can be done in house if the work is done on Saturday. Deck also reminded the Board that this property belongs to the Water/Sewer assets. The CPA for the City is going to try to decipher if it is still on the inventory list so that it can be pulled out of the total assets. The Water Authority has already agreed to take it out of the Water/Sewer inventory if we can identify it. Johnson made a motion to proceed with the demolition of the building when the ownership is determined and to do it in house. Mangrum seconded the motion. All were in favor.
- D. Smith Seckman Reid – Wastewater Treatment Plant – Deck gave the Board a copy of a letter from SSR dated about two and one-half years ago concerning the original plan to expand the plant. Since the State wants us to do something about the Nitrification process now, we have asked the State to allow us to separate this from the original expansion project approved by them. The State has agreed to let us do this. SSR stated that they will do the bidding process. The estimated cost of the construction on the Nitrification project is \$30,000 to \$35,000. Mangrum made a motion to give the project to SSR with the condition that they bring bid amounts to the Board for approval. Arney seconded the motion. All were in favor. Deck advised that he will check with SSR to see if they are going to charge a fee for their services.

8. New Business –

- A. Recommendations from the Planning Commission Meeting held on September 13, 2005:
 - (1) Rezoning Application for the property located at 1540 Highway 96 North to be rezoned from RS-40 to C-G and to reimburse the \$200.00 Rezoning Application Fee. Arney stated that when this property was annexed it was commercial but the City annexed it as residential. The

owner of the property explained that the State told them they need a separate business license to sell used trucks on their property. When they applied for the license they were told they were zoned residential and could not get one. Therefore, they are requesting to be rezoned back to commercial. Cantrell advised that in the future they need to annex property into the City as it is presently being used. Johnson made a motion to approve the recommendation of the Planning Commission. Hall seconded the motion. All were in favor.

- (2) Amend the Zoning Ordinance of Fairview, Tennessee (Ord. #444) by providing an expanded definition for Construction/Development Signs – Arney explained that the Planning Commission felt the present zoning ordinance has no provisions for signs pertaining to future developments. Hall made a motion to approve the recommendation from the Planning Commission. Arney seconded the motion. A discussion followed on why some type of signs are allowed and others are not. Hall and Arney withdrew their motions. Hall made a motion to have Cantrell and the State Planner get together and discuss this ordinance before a recommendation is made. Arney seconded the motion. All were in favor.
- (3) Amend the Zoning Ordinance of Fairview, Tennessee (Ord. #444) by establishing provisions for keeping horses as a conditional accessory activity within certain residential districts – Hall reported that the Planning Commission discussed the issue and decided to recommend allowing horses on a lot that contains three acres or more if it is not in a development with smaller lots. Johnson made a motion to approve the recommendation from the Planning Commission. Arney seconded the motion. Mangrum asked who is going to enforce the lot maintenance requirement in the ordinance. Hall stated that they may need to check with Brentwood to see who enforces their ordinance. Cantrell advised he has already been working on revising the ordinance and it will go back to the Planning Commission for their approval. Vote on motion: All were in favor.

B. Discuss Sign Ordinance – Mayor Brison advised that this has already been discussed.

C. Appointments to Boards and Commissions:

- (1) Appoint Architect Member to the Board of Adjustments and Appeals to replace Randall Stiles.
- (2) Appoint a Park Commission Member from the Tree Commission to replace Lynne Bachleda.
- (3) Appoint a Tree Commission Member to replace Josh Pendergrass.

Mayor Brison advised that he had no recommendations for tonight.

D. Certificate of Occupancy for the Horizon Travel Plaza on Hwy. 96 North – Deck advised that they have never called for an engineer inspection. They called the Codes Department today to get their Certificate of Occupancy so that they can open. Kathy Haney could not issue the C.O. because they have not had an engineer's inspection. Danny Bledsoe, the city engineer, is out of town. Johnson

asked if another engineer could do the inspection if the Travel Plaza pays for it. Cantrell advised that the city engineer or one of his colleagues should do the inspection. After further discussion it was decided to ask Deck to have Kathy Haney contact Danny Bledsoe and ask him if he will send one of his colleagues to do the inspection since he is out of town.

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

A. Miscellaneous Updates.

- (1) Waive all city fees on the Home Program Projects – Deck reported that those in charge of the program have asked the City to waive all its fees or they will not be able to do the project under budget. Deck also reported that we have no control over the County's impact fees. Arney asked what the county does when they build the habitat houses. Deck stated that he will contact them and see what fees if any they waive for the habitat houses. Cantrell was asked if the City can legally waive the fees. Cantrell ***stated** that he would have to research the question. Mangrum stated that he would like to see more information before they make a decision. The Board agreed to wait for more information.
- (2) Deck also reported that Phil Jarosz has returned from his tour of duty in Mississippi. Deck advised that today Chief Terry Harris presented his letter of resignation to him. Deck further advised that he has not as yet accepted the letter. They have been in a series of discussions concerning the police department. Harris letter stated that he was resigning due to stress and other issues in managing the department. Deck advised that there ***are** some changes that need to be made in the department. Today Chief Harris has agreed to try to work through the issues and Deck will hold his resignation until they are further in the process.

- B. City Attorney Comments – Cantrell stated that he has been in contact with the attorney for the Water Authority of Dickson County. It seems the main issue right now is the bond issue and whether it can be transferred.

10. Communications from the Mayor and Commissioners – None

11. The meeting adjourned at 8:28 p.m.

*** corrections**

Mayor

City Recorder