

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 16, 2023, 7:00PM, CITY HALL

Lisa Anderson, Mayor
 Brandon Butler, Vice Mayor
 Wayne Hall, Commissioner
 Stuart L. Johnson, Commissioner
 Tom Daugherty, City Manager
 Patrick Carter, City Attorney
 Rachel Jones, City Recorder

Staff Present: Tom Daugherty, Rachel Jones, Keith Paisley, Patrick Carter, Ethan Greer, Keith Reed, Scott Hughes, Bree Bailey, Jamey Meadows

1. **Call to Order @ 7:00 P.M.** – Mayor Anderson
2. **Roll Call** - City Recorder, Rachel Jones

	PRESENT	ABSENT
Mayor Anderson	X	
Vice Mayor Butler	X	
Commissioner Hall	X	
Commissioner Johnson	X	

3. **Prayer and Pledge** – Vice Mayor Butler
4. **Mayor Comments** – Mayor Anderson thanked Mr. Hill for running the metal detector and thanked the city police officers for attending the meeting. She also welcomed everyone to the meeting.
5. **Approval of the Agenda**

Mayor Anderson amended the agenda to add recognition of Matthew Coleman as item 7.B. and recognition of the Fairview Titans Cheerleaders as item 7.C. Mayor Anderson also added the Site Development Agreement for Otter Creek, Phase 3, as item 11.E.

Motion to approve amendment: Commissioner Johnson
 Second: Commissioner Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
MOTION PASSED 4-0				

Motion to approve agenda as amended: Commissioner Hall
 Second: Commissioner Johnson

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
MOTION PASSED 4-0				

6. Citizen Comments

- A. Chris Butler – 1034 Brayden Drive

7. Public Announcements, Awards, Recognitions

- A. **City Events** - City Manager, Tom Daugherty
 B. **Recognition, Matthew Coleman** – FHS Golf Regional Winner
 C. **Recognition, Fairview Titans Cheerleaders** – Cheer Competition Achievements

8. Staff Comments and Monthly Reports

- A. **Community Services Report** – City Planner, Ethan Greer
 B. **Police Department Report** – Detective, Keith Reed
 C. **Fire Department Report** – Fire Chief, Scott Hughes
 D. **Finance Report** – City Manager, Tom Daugherty
 E. **City Manager Report** – City Manager, Tom Daugherty

9. Consent Agenda

- A. **Minutes from November 2, 2023, Board of Commissioners Regular Meeting.**

Motion to approve: Vice Mayor Butler
 Second: Commissioner Johnson

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall				
Commissioner Johnson	X			
MOTION PASSED 3-0				

10. Old Business

- A. **Annexation – 7114 Elrod Road**

- 1) **Public Hearing** – No Speakers
 2) **Resolution 68-23, A Resolution to annex certain territory upon written consent of the owners and to incorporate the same within the boundaries of the City of Fairview, Tennessee with RS-40 Single Family Residential Zoning, Map 021, Parcel 022.08, 7114 Elrod Road, 6.21 Acres, Owners: Tammy J. Hyler and Jeffrey Pape.**

Motion to approve: Mayor Anderson
 Second: Commissioner Hall
 Representative: Megan Greer - Collins Legal, PLC

Discussion: Mayor Anderson stated this property is contiguous on two sides to city properties and the driveway connects to a city street. She also stated the owners have no plans to develop this property and are asking for annexation solely to have voter rights and be eligible to run in city elections and that is why she voted for approval. City Planner, Ethan Greer, stated staff recommendation to the Planning Commission was in favor of annexing this property. Mr. Greer also stated the part of Elrod Rd which accesses this parcel is a city-maintained street. Vice Mayor Butler asked one question for discussion stating that the city has a subdivision regulation that says in any instance where a permanent easement is used to provide access to a lot or track of land having been or being separated by deed or plan from other property such easement shall be at least 50 feet or a permanent easement is proposed to provide access to more than one lot or tract of land an access way shall be constructed within the easement which will meet or exceed the standards for design construction of public ways. Vice Mayor Butler stated this doesn't have a 50-foot easement and it doesn't have the improved road and he brings this up for conversation and feedback because about a year or two ago the Planning Commission had a property come try to do something similar with the 50-foot access easement and they had to come to the Planning Commission three different times and had a very difficult time trying to obtain access. Vice Mayor Butler asked from a staff or legal standpoint is it proper to annex a non-conforming lot that doesn't meet the subdivision regulations and does this set a bad standard or precedent. City Attorney, Patrick Carter, stated it is eligible for annexation, however, Vice Mayor Butler's point would be a rational reason to deny annexation if he chose to vote no. Mr. Carter stated if the annexation passes it would become "grandfathered" non-conforming lot. Mr. Carter reminded the board of their duty as a judicial body and stated when you make your decision it should be based on a rational basis and cannot be arbitrary or capricious, if you are planning on voting no you should state your rational reason. Mr. Carter stated what you look at on an annexation is the 2040 plan, the cost to the city, and you look at if the property were annexed whether it creates a burden on the city. Vice Mayor Butler asked Mr. Carter if he had ever seen a non-conforming annexation or if the community ever asks for it to be updated to conform. Mr. Carter replied he don't have any feedback and that he has seen annexation requests from landowners that have been permitted and prior non-conforming use and he has also seen it as a reason why commissioners or councilman may vote against the annexation. Ms. Greer stated it is her understanding that because this is an annexation application and not a subdivision application the 50-foot easement does not apply in this instance. Vice Mayor Butler stated he understands but what he struggles with is that if a current citizen of Fairview tried to design something like this they would be turned down. Commissioner Johnson asked Mr. Greer to speak to Vice Mayor Butler's point and how staff would present something like this to the Planning Commission if a current citizen wanted to divide their property and had a 25-foot easement. Mr. Greer stated the applicant would have to abide by the city's approved documents. He also stated if the owners of this property wanted to divide it they would have to bring it up to city standards. Ms. Greer stated her clients understand that if they were to choose to subdivide in the future that it would trigger additional standards that they would have to meet. Mr. Carter added that he would try to divorce the owner from this discussion because the boards job is to look at a much broader scope because this property will not always be owned by the same people and so the board needs to look at the situation in a broader

sense and understand that someone may purchase the property that may have a different idea about it and Mr. Carter again reminded the board whatever they do to do it in a rational manner. Commissioner Johnson stated based off discussions he feels if the property is annexed it will be annexed as a problem and he sees that as a future problem for the city. Commissioner Johnson suggested maybe the property owners can get the extra 25 feet for the easement based on discussions from the Planning Commission meeting before being annexed. Mr. Carter stated again to be clear that if the property is annexed it would be a non-conforming annexation, which does not make it an illegal annexation. Mr. Greer stated this property is within the Urban Growth Boundary and complies with the 2040 plan. Commissioner Johnson stated he plans to vote no due to the fact it could present a future problem for the new property owner or current owners if they chose to develop the property due to the 25-foot easement not being in compliance.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson		X		
MOTION PASSED 3-1				

11. New Business

A. Resolution 69-23, A Resolution approving a Memorandum of Understanding between the City of Fairview Fire Department and Nashville Lumber Company, LLC. (Fire Chief)

Chief Hughes addressed the board explaining this memorandum of understanding will allow the fire department to have access to lumber in emergency situations.

Motion to approve: Commissioner Johnson
Second: Commissioner Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
MOTION PASSED 4-0				

B. Resolution 70-23, A Resolution of the City of Fairview Board of Commissioners to name a Consultant for Professional Design Services for Fairview Fire Station 32. (Fire Chief)

Chief Hughes addressed the board explaining this item was discussed in the work session prior to the meeting. Chief Hughes stated the internal committee

from the fire department reviewed the six applicants that submitted RFQ's and held two interviews. Chief Hughes stated the fire department committee would like to recommend the approval to engage Renaissance Group as the consultant for Design Services for this project.

Motion to approve: Commissioner Hall

Second: Vice Mayor Butler

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
MOTION PASSED 4-0				

C. Resolution 71-23, A Resolution of the City of Fairview, Tennessee, designating items and materials as surplus and authorizing their disposal. (Police Chief)

Detective Reed addressed the board explaining the police department currently has a surplus of seven Taser 7's and accessories they no longer use. Detective Reed stated Hickman County has expressed interest in purchasing them and the police department believes that is the safest and most effective manner of disposal.

Motion to approve: Commissioner Johnson

Second: Commissioner Hall

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
MOTION PASSED 4-0				

D. Discussion regarding the Perimeter Trail bridge at Bowie Park. (Vice Mayor Butler)

Vice Mayor Butler stated he had attended the Parks and Landscape meeting where discussions were had about the Perimeter Trail, and he wanted to bring this topic up for discussion to see what the future plans are. Mr. Paisley stated he has been talking with Mr. Daugherty about getting engineering for the project. Mr. Paisley stated he is looking to try to get this project included in the amended budget. Vice Mayor Butler asked if there are any alternative options such as building a smaller bridge to go across the smaller portion of the stream or using raised pavers to give a quicker fix. Mr. Paisley replied he would be afraid these options would get washed away with stormwater. Mr. Daugherty stated he understands the previous city planner had the bridge taken down due to it being unsafe and his understanding is

that the creek could rise up to four feet in that area. Mr. Daugherty stated the bridge needs to be built high enough to be out of the way of water and be engineered to withstand significant rainfall. Vice Mayor Butler stated the Friends of Bowie have reached out and offered their help and assistance. Mr. Daugherty stated he could make this a priority and get it in the amended budget. Mayor Anderson asked for clarity on the location of the bridge. Mr. Paisley replied the same area could be used if the bridge was longer and raised up, but it would be best to get it engineered. Mr. Daugherty added it he also thinks it needs to be engineered for liability purposes. Mayor Anderson suggested adding this item to the next agenda as a voting item to move forward with the engineering and design.

E. Site Development Agreement, Otter Creek – Phase 3

Motion to approve: Commissioner Johnson
 Second: Commissioner Hall
 Representative: Tony Cavender

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
MOTION PASSED 4-0				

12. Roundtable: Mayor and Commissioners

Commissioner Hall – Commissioner Hall thanked everyone for attending the meeting and wished Commissioner Johnson's son a Happy Birthday. He also thanked all city employees for everything they do for the community.

Commissioner Johnson – Commissioner Johnson wished his son a Happy Birthday.

Vice Mayor Butler – Vice Mayor Butler wished everyone a Happy Thanksgiving and reminded everyone of the town hall meeting on Nov. 30. He also thanked the board for recognizing the Fairview Titans cheerleaders, as he has two daughters on the teams.

Mayor Anderson – Mayor Anderson wished everyone a Happy Thanksgiving and also reminded everyone of the town hall meeting on Nov. 30. Mayor Anderson stated she appreciated Mr. Chris Butler coming to speak about the traffic problems and added the topic to the next agenda. Mayor Anderson also thanked Renaissance Group for coming out and presenting information and ideas about the future fire station. Mayor Anderson reminded everyone of how hard the city's Public Works staff works on a daily basis and urged citizens to come forward if they see anything suspicious regarding graffiti being painted on signs.

13. Adjournment @ 8:50 P.M. – Commissioner Johnson


 Rachel Jones, City Recorder