

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS WORK SESSION MINUTES

May 20, 2021

Debby Rainey, Mayor
Lisa Anderson, Vice Mayor
Brandon Butler, Commissioner
Rod Dawson, Commissioner
Scott Lucas, Commissioner
Scott Collins, City Manager
Tim Potter, City Attorney
Brandy Johnson, City Recorder

Present: Anderson, Butler, Dawson, Lucas, Rainey

Staff Present: Collins, Potter, Johnson, Ross, Paisley, Hughes, Blackburn

(1) **Call to order** by City Manager Collins at 5:02 p.m.

(2) **Items of Discussion –**

- City Insurance Carrier Discussion by Commissioner Anderson – Anderson requested this item be discussed because she has been asking for things from the city's insurance carrier, months have gone by and they have refused. She is concerned if they are doing this with her that they are likely doing it to others. Anderson asked how long the city has been with them and Collins states it was way before his time but not sure of how long. When asked what they have not given her, Anderson replies they won't change a 1099 that has been issued incorrectly. Mayor Rainey questions if they all receive a 1099. Anderson states that she had a lawsuit against the city and as part of the settlement, a 1099 was issued, incorrectly. Anderson claims she has documentation from court records on where it was supposed to go and because of the issue has been unable to file her taxes and that her son's FASFA is in jeopardy. Rainey asks city attorney Tim Potter if compensatory settlements are taxable and Potter replies, yes. Anderson continues that she paid taxes to the city and received a W-2 for her portion but everything else was sent to her and she has been asking for months for it to be corrected and they refuse. She is unable to file taxes, her son's FASFA is in jeopardy and she claims to have the documents proving this on her phone. Attorney Potter states that Anderson has a lawyer and that is who she needs to call so he can straighten this out. Anderson retorts that the insurance company is hired by the city. Rainey asks whether we have any other complaints on the insurance carrier and Potter is not aware of any other. City Manager Collins injects that he spoke with an insurance representative on Friday who asserted their actions are correct in this matter and they have sought outside counsel to ensure. Continuing, Collins stated that if Anderson is claiming that PEP failed to do what it agreed to do, or fail to uphold the terms of the settlement, then we need to claim breach of settlement. The city of Fairview is the defendant here with Lisa Anderson as the plaintiff and we cannot take any action. Anderson clarifies that she is using her situation as an example of someone not doing their job correctly. Potter states in this case he is in a different position and can't give advice to Anderson as her lawsuit was negotiated and settled by mediation but if her lawyer is adverse to the city that is another issue. Anderson states she is not happy with them doing it incorrectly while Potter replies this is not the correct form. Anderson asks who is in charge of selecting the insurance company and Collins states it is up to the Board. Anderson

states she will have it added to the next agenda and that her part in the situation can be removed but it is still our right to change companies if the BOC desires. Rainey asks again about previous complaints and Collins replies not to his knowledge but the company pre-dates him by many years.

- BOC/Planning Commission Joint Work Sessions for Proposed Developments by Commissioner Butler – Butler requests a joint work session review by both the Planning Commission and Board of Commissioners for larger developments coming to the city. He envisions both groups viewing drawings and hearing directly from the applicant the plans, theory, and intent as well as have an opportunity to ask questions prior to the submittal before the Planning Commission. A lot of neighboring communities do this review. It provides for reviewing the comprehensive plan, zoning standards and allows the developer a chance to make some changes prior to submittal and could shorten the overall process. Butler notes it wouldn't be for every development but those that meet certain criteria (what exactly is to be determined), such as changes requested to the comprehensive plan or town center overlay items. Collins suggests the developments that require a traffic study that will impact infrastructure or have the potential for public/private partnerships should be considered for these work sessions. He continues by recommending a standing 5:30 or 6:00 work session prior to each Planning Commission meeting where these would be held noting the timing of holding these sessions prior to submittals would also allow more opportunity for site visits at various times of the day or night. Collins notes this can be started in June and items reviewed would not be on that night's agenda for decisions allowing extra time for the developer to answer questions and make any necessary changes before the formal submittal.
- Car Wash MSMU Rezoning Request to CG by Commissioner Lucas - Lucas notes the developer reached out and requested reopening the discussion so they could provide adequate information regarding the project and clear up any questions or concerns. Brian Peterson, project applicant thanks the board for the opportunity to clear up concerns previously expressed. Peterson explains the first objection seemed to be if his proposed project fell through then the new zoning would allow for a myriad of uses. Peterson explains that Publix has a very long and thorough list of restricted items noting they had to obtain a waiver from Publix who also has total design element control. He also states while he understands the concern, they have never backed out of a project. The second main concern he heard was the point of access to the property. The parcel is currently platted with easements from Hardee's to the highway. He spent a couple hours on site today with the Hardee's general manager watching traffic. They currently have several similar models with traffic entering and exiting through another site. There will never be a situation of traffic protruding into Hardee's lot. We can accommodate about 40 vehicles by stacking into two lanes. There will be a gate at the exit (which will function similar to a stop sign) requiring vehicles to stop before exiting through Hardee's so there are no obstructions to the visibility. The only concern from Hardee's was the delivery time for their food truck is currently Thursdays at 11:30 am and it would block the access path. The general manager was happy to accommodate by positioning their delivery truck in a different location. As for hours of operation, 60% of Hardee's business is AM breakfast and the car wash hours of operation run from 8 am to 6 pm, extending to 8 pm during longer daylight hours and they are basically closed for rainy weather. Tennessee typically has 220 days of sunshine per year. Mayor Rainey voiced concerns over Fairview's plans for a food truck court and a potential additional entrance to Bowie nearby and questioned noise levels. The carwash function is contained so the only noise would be from vacuums. There are two rows of vacuums on the plans but for the most part we operate only one row and the compressor is the loudest component on site. Neighboring current uses include a convenience store, grocery store, gas station, fast food and a bank, which are all in similar locations so is the question of the look or feel of the design or of the use? If it is the look or feel, Peterson is confident with his design. The building design rendering was shared with the board. Butler noted he is still struggling with the overlay zone that exists knowing it was put in place for the reason of desiring this area for mobility of citizens.

- Zoning District Reclassification Discussion
 - Contract out a full revision of the design review manual (including zoning requirements) – At the Planning Commission meeting we discussed the length of time needed to complete this project as we are now at the cumbersome document stage. Drawing up the documents, comparing each paragraph to other sections as one often leads to another and another revision needed as well as editing to the design review manual, which we know is insufficient and significantly outdated. When looking to see what our neighboring communities have done, there are several groups out there that do this kind of work. We will present a cost but we believe it would be our best effort going forward to utilize an outside source for the completion of these documents. Collins will send out some samples but the format that has been used by the city of Franklin is user-friendly.
 - Commercial Zoning Classifications – The Planning Commission passed a resolution with the commercial zoning classifications which, as discussed, group like businesses so that rezoning by commercial use would limit what type of business could be placed within commercial zones. These zones are indicated as C1, C2, C3, C4 and C5. Please review these classifications and if they appear to work, we will bring an ordinance adopting the commercial zoning classifications. Note that all existing CG, commercial general, zoning would remain as such unless requested to be rezoned. Keep in mind when we receive applications for commercial rezoning in the future, if the proposed project fails after zoning change approval then only a similar type business could go in that location. Moving forward, with our proposed land use map meetings, consider what the Board of Commissioners would like to see in various areas of the city. You may want to consider overlay districts for specialized uses. We will look at the commercial zoning approvals in ordinance form at the next meeting. The intermediate extensive impact facilities would be those that have impact on certain times of the day or certain days of the week (a church). Higher impact would be those facilities with a more constant use to where we need to apply our traffic plan so it follows the use. In an effort to examine the impact of an area so these zones don't overlap. The ordinance requires two readings and can be amended between if needed.
 - On-site decentralized sewer and conventional sewer - At the March Planning Commission meeting, we had discussion on open space, and specifically, is it visual or usable space. For example, properties required to utilize on-site sewer have been able to qualify that space as open space previously, however it is really not usable space. Should this space be included in open space calculations or no? Future ownership of the step system goes to the Water Authority of Dickson County as well as all of the property required to house the system, including drip fields. WADC confirmed future ownership of this infrastructure via email with Collins.
 - Density by lot size or number of lots – When a developer brings a 10-acre parcel with two acres dedicated to on-site sewer we now have to decide if those two acres are considered since they won't be a part of the end parcel so there are really only 8 acres to develop. As a zoning density exercise, used for guidance purposes only, there is not a proposal for development on this property, Collins shows a random 42-acre parcel on Cumberland Drive with two separate zoning examples. In Example #1: the 42-acre parcel is zoned RS-20 with 81 homes on 37 acres on conventional sewer with no HOA. In Example #2: the 42-acre parcel is zoned RS-15 with 80 homes on 27.5 acres with on-site sewer and has a HOA. In these examples, we have different scenarios but the same number of lots, so

what is our definition of density? Is it the number of lots or the size of the lot? Example #2 is more dense but there are still 80 homes on the overall footprint. We have to know what we are defining when we go to apply density to our land use map. What is your idea of density? Rainey claims she wouldn't recognize lot size but does notice how dense the structures appear so she's leaning toward the visual aspect. Collins states the example may seem over-simplistic but when you apply the concept to the regulations it makes sense. Collins adds that "high" density could simply be multi-family zoning with single family as another discussion. Currently we have high, medium and low density in our regs based on square footage of lots. We have to ask ourselves how dense do we want an overall area to become, and as a general thought process, is this the lot size or the overall number of homes in an area? Lucas thinks the number of houses on usable space is what should be considered and Dawson asks how much usable space is on the lot? Collins shares that visual density can be where it sits on the lot because you won't be able to just drive by and determine the density. In the 42-acre example, with 10 acres for on-site sewer, the developer has to carve out that amount for calculations because they won't ultimately own that portion and the remainder is what is considered. Dawson notes this is why we have developers asking for smaller lot sizes and Collins concurs noting that we currently have low, medium and high density designations which is conflicting overall. Residential zoning work will be presented four weeks from tonight. Density and lot size are not the same thing. We have developers ask staff what zoning they think will be approved and, unfortunately, we just can't give an answer. Butler typically leans toward visual density but it can be based on the scenario. Commissioner Dawson is more for the lot size and talking through amenities as well as what is the need to rezone. Collins notes that moving forward we will use the overall density of the developed footprint as our guide. Butler notes we will need to take out floodplain, streams as well and Collins agrees but for simple calculations to allow for staff to assist applicants with the process we will look at whether conventional or on-site sewer is to be used. Land use map is not a zoning map but is the best guess of what the best use for that property is at the time of development. Dawson is excited about the various parts coming together to implement the 2040 plan. We have growth plans, infrastructure plans and overall goals that we want to get right. Collins promises to work really hard getting these done but it is inevitable that we will make some mistakes along the way.

(3) Conclusion – Collins thanks everyone for their attendance and attention noting it is a lot of information to take in. We will take a break until the meeting begins.

(4) Adjournment at 6:24 p.m.

City Recorder
Brandy Johnson