

# City of Fairview

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## Municipal Planning Commission

**Regular Meeting**  
**January 08, 2013**  
**7:00 p.m.**

**Mike Smith, Chairman**  
**Robert Benson, Vice-Chairman**  
**Lisa Anderson, 1<sup>st</sup> Secretary**  
**Matthew Beata, 2<sup>nd</sup> Secretary**  
**Beverly Totty, Mayor,**  
**Toney Sutton, Commissioner**  
**Michael Mitchell**  
**Marsha Hock-Elliott**  
**Todd Behan**

**Present:** Smith, Benson, Anderson, Beata, Totty, Sutton, Mitchell. Hock-Elliott, Behan

**Absent:**

**Others Present:** City Manager Andrew Hyatt, City Attorney Larry Cantrell, City Engineer Will Owens, Planning/Codes Director Donn Lovvorn, Codes Clerk Sharon Hall

### **1. VICE CHAIRMAN MIKE SMITH CALLED THE MEETING TO ORDER AT 7:00 P.M.**

1.1 Lovvorn led the prayer and the pledge.

### **2. APPROVAL OF THE AGENDA-**

2.1 Totty made a motion for approval. Smith stated we have one addition to the agenda that Lovvorn has given us this 2012 annual work program and 2012 annual performance report this will be 8.5. Sutton asked are you going to defer 8.2. Lovvorn stated 8.3. Totty made a motion for the addition to the agenda. Anderson Seconded. All were in favor.

### **3. CITIZENS COMMENTS - (Limited to the first five to sign in and a**

**limit of three minutes each.)** Fred Reinfelder a resident of Polston Place Subdivision, if you recall a couple months ago we had a conditional request for the selling of firearms. The permit wasn't granted and they were very please but it wasn't because the permit wasn't granted it was because the person withdrew.

#### **4. APPROVAL OF THE MINUTES-**

##### **4.1 NOVEMBER 13, 2012 - REGULAR MEETING**

Sutton made a motion for approval. Anderson Seconded. All were in favor.

##### **4.2 DECEMBER 11, 2012 – REGULAR MEETING**

Benson made a motion for approval. Anderson Seconded. All were in favor.

#### **5. RECOMMENDATION -2012-10- None**

#### **6. BONDS**

##### **6.1 STABLE ACRES SUBDIVISION – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$65,000.00. PLANNING COMMISSION SET THE BOND ON DECEMBER 12, 2008. BOND EXPIRES JANUARY 24, 2013.**

Lovvorn stated the developer has received his certified letter stating this would be on the agenda to discuss that it would follow the normal procedures if not in place by January 24, 2012 that this Board would authorize the calling of the bond. Lovvorn stated he is requesting the calling of the bond if not in place by January 24, 2012. Sutton made a motion for approval. Anderson Seconded. All were in favor.

#### **7. OLD BUSINESS –**

##### **7.1 DISCUSS AND OR ACTION ON AN ORDINANCE TO AMEND THE FAIRVIEW MUNICIPAL ZONING ORDINANCE RELATIVE TO HOME BASED BUSINESSES.**

Discussion was held. Benson made a motion that the Planning Commissioners have a workshop to discuss this ordinance in detail for article five for residential uses that way our new Planning Commission members will be part of it from the ground work up what they are doing. Anderson Seconded. All were in favor. Lovvorn stated February's meeting will be on the 12<sup>th</sup>. Smith stated in his experience we need hour and half. Cantrell stated he would suggest to Lovvorn when he sends out the agenda that he includes article three and article five of the zoning ordinance so everyone will have that to review before they get to the

workshop so everyone will be prepared. Smith stated you Board members could prepare for that before the workshop. Totty stated all of you probably know someone that has an in home business; she encourages them to talk to them and talk to the public to get as much information as possible because you may be sharing something that is a very strong consideration and if they don't take the next thirty days to say we want to ask people questions. Totty stated we may even ask the citizens for their comments. Anderson stated is this the month that we have a town hall meeting. Totty stated yes at the end of this month. Anderson stated she encourages citizens that want to talk about this to come out to the town hall meeting to talk about this. Totty stated they will discuss promotion for that.

## **8. NEW BUSINESS**

### **8.1 ELECTION OF OFFICERS FOR 2013**

Smith turned meeting over to Cantrell. Cantrell stated he will accept the floor for the election of the Chairman of the Commission, then he or she can have the floor for the remainder of the officer elections for the other Commissions, the floor is now open. Anderson made motion to elect Mike Smith for Chairman by acclamation. Cantrell stated the floor recognizes Mike Smith for election for the Chairman by acclamation. Beata Seconded. Cantrell stated has a motion and a Seconded to elect Mike Smith for Chairman by acclamation all that in favor let it be known by saying I. All were in favor. No one was opposed. Cantrell stated Mr. Smith congratulations. Cantrell stated he yields the floor to Mr. Smith. Smith stated at this time we need to make nominations for the vice chairman for the Planning Commission. Anderson stated she makes a motion to nominate Mr. Bob Benson for Vice Chairman. Smith asks are there any more nominations. Sutton Seconded. Smith asks are there any other nominations. All were in favor. Smith stated next up we have first Secretary. Benson made a motion that Lisa Anderson be nominated for First Secretary. Smith asks are there anymore nominations. Sutton Seconded. All were in favor. Smith stated next we have Second Secretary nominations. Anderson made a motion that Matt Beata be nominated for Seconded Secretary. Benson Seconded. All were in favor.

### **8.2 PRELIMINARY PLAT FOR PHASE 1 OF Highbury Point Subdivision. RM-8 MIXED USE PUD ZONING. MAP 18, P/O PARCEL. 38, 23 LOTS, 10.85 ACRES. BIVENS STEVENHAGEN JOINT VENTURE OWNER.**

John Dewall with Dewall Associates, Civil Engineer present to answer questions. Dewall stated there are two issues that they would need variances for this preliminary that they discussed at the staff review meeting. Dewall stated one of them is the 612 curb which was the requirement of the City of Fairview when we began the project and

started our design for Phase I. Dewall stated the secondary is technical issue involving sag vertical curbs. Lovvorn stated this plan was approved under our previously subdivision regulations and wouldn't meet the new standard for the cul-vac's. Dewall stated they would be glad to modify to the new changes to upgrade to the new radius for cul-vac's per your new standards. Anderson stated she would like to point out that there are three phases, preliminary, conceptual and final, this is the preliminary phase, so this is the very beginning and we'll be voting on this through the three phases. Anderson stated with that being said made a motion for approval. Benson stated he would like to amend the motion with the 6-12 curbs that were approved in 2005 and with the upgrade with the cul-vac radius. Dewall stated and with the sag curbs with the subdivision regulations. Benson stated yes. Sutton made a Second on the motion. Anderson made a Second on the amendment. Smith read Engineers report which will become part of these minutes Exhibit A. All were in favor.

### 8.3 DISCUSS AND OR ACTION REGARDING THE PROPOSED LAND USE PLAN FOR THE CITY OF FAIRVIEW TENNESSEE.

Anderson stated she thinks that 8.3 and 8.4 should be deferred and have a workshop because of the three new members that haven't had the opportunity to get the information that they need to vote on this properly. Sutton stated Donn is going to get some additional information and get the previous information out to the new members. Smith asked do you want to include 8.4 in the motion or do you want that separate. Totty stated it's just for housekeeping, should be only 8.3. Sutton Seconded. All were in favor. Smith stated we can meet hour and half before March's meeting.

### 8.4 DISCUSS AND OR ACTION ON CHANGES TO THE BY-LAWS OF THE PLANNING COMMISSION RELATIVE TO THE ORDER OF THE AGENDA.

Smith stated from what he understands the order of the agenda would be the deletion of the City Managers comments. Lovvorn states yes sir. Smith states the City Manager attends numerous Boards his comments are widely read and viewed; it's up to the Board if you want to approve or disapprove this item being deleted from the agenda. Totty stated is this the only item being addressed in changing the By-Laws. Lovvorn stated yes ma'am. Totty asked was that a request or where did that come up at. Lovvorn stated he had gotten an email from City Manager Hyatt asking us to take his comments off. Lovvorn stated he felt that this was his meeting, that he would address his comments to the Board of Commissioners at the Board of Commissioners meetings. Totty stated of course comments can be made at any time from anyone that is deemed part of the meeting or necessary, she was just curious. Lovvorn stated he thought Mr. Hall had just ask for that to be added and since Mr. Hall

wasn't on the Board anymore, he was just going to ask for that to be removed, he didn't know there had to be an amendment to the By-Laws to change it. Totty made a motion for approval. Benson Seconded. All were in favor.

#### **8.5 DISCUSS AND OR ACTION OR APPROVAL OR ACCEPTANCE FOR THE 2013 ANNUAL WORK PROGRAM AND 2013 ANNUAL PERFORMANCE REPORT**

Lovvorn discussed the 2012 Annual Work Program and the 2012 Annual Performance Report. These will become part of the minutes. Exhibit B. Lovvorn stated so if you want the workshop meetings that we have in studying the zoning ordinance then you need to make a motion that your continued education classes will be on the workshop meetings in studying the zoning ordinance or the subdivision regulations or whatever we're going to do. Lovvorn stated or Will and I could have a one hour class prior to the Planning Commission meetings for four consecutive months, then we would present certificates to the members at that time. Lovvorn stated State Law requires that all members file their certificates with the Chairman of the Planning Commission and this has to be done on annual basics, so the Planning Commission need to step forward and get their continued education, it could become a case where the Planning Commission's decisions would be void if we don't get our continued education. Lovvorn stated by State Law he has to have eight ours, which he probably has twenty or thirty hours every year. Lovvorn stated just last year the legislature passed his education has to be approved by this Board. Lovvorn stated so every time he goes to a class, either going to have to have them approve it before he goes or after. Totty stated that she would like to make a motion that's it be added when they have workshops that is not listed that they get continuing education hours. Benson made a motion for approval. Anderson Seconded. Totty amended the motion that it includes workshops that are brought to the Planning Commission as part of the continuing education. Sutton Seconded. All were in favor of the motion. All were in favor of the Amended motion.

### **9. REPORTS FOR DISCUSSION AND INFORMATION**

**9.1 PLANNING/ZONING/CODES DEPARTMENT** – Lovvorn gave an update on Mapco and Wal-Mart. Benson stated how are the out parcels at Publix's coming along, have they leased anymore, do you know. Lovvorn stated he talked to the leasing agent he's got a lot of people looking at them, but they don't have any contracts on them that he knows of. Lovvorn stated there were some restaurant people, medical center looking at the strip also a medical center. Lovvorn stated also a frozen yogurt shop that had looked and had actually called into our office and find out what they had to do to

submit plans to do the build outs. Lovvorn stated that has been several months ago and we haven't heard back from them.

**9.2 CITY ENGINEER** –Owen stated thank you Chairman Smith and congratulations on your nomination. Owen stated for you three new members he is the City's acting engineer. Owen stated if he and Donn get to rolling on terms, processes or anything of the is unclear, please don't hesitate to stop and ask.

**9.3 CITY ATTORNEY –**

Cantrell stated for the benefit of the new members he is the City Attorney would like to welcome the Planning Commission and also make a comment, you are sitting on one of the more important Boards of this City. Cantrell the reason he says this Board is so important is because so many things in this City that happens start right here. Cantrell stated the main difference between this Board and the Board of Commissioners is, the Board of Commissioners is a legislative Board, they pass the ordinances, pass the laws. Cantrell stated the staff enforce those, if it gets to a place they can't, the people that's involved won't do what their supposed to do, then they bring them to City court. Cantrell stated there are a couple of things that you have the final say on, you are legislative Board for the Land Use Map, subdivision regulations, you vote on those, they become the subdivision regulations of this City. Cantrell stated but most of the stuff that you will see, you have the first information, you're the first Board that's going to act on a lot of the plans. Cantrell stated he was not aware that Commissioner Hall was going to resign last week and he didn't get a chance to say so the public could hear it, he agrees with retired Planning Commissioner Johnson that the City of Fairview owes a great deal to Wayne Hall. Cantrell stated Commissioner Hall has either been on the Commission or on the Planning Commission for the entire time he has been here and he found the man to always be conscientious of his job and he always did a good job. Cantrell stated he did want to clarify his comment to the new Chairman Mike Smith tonight was not at anyway a slap at Commissioner Hall saying now you got elected are you going to resign because Commissioner Hall served this City well, he deserved to go out on his own terms.

**9.4 CITY MANAGER** –nothing

**10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.**

Smith stated if you please bear with me the three new members please introduce yourselves first for him because he was gone last month and we will try to get the names right for the next meeting.



Todd Behan prefers to go by Micah if that's okay with everyone so Micah Behan. Behan stated they were given so much information and he has almost got through the zoning. Behan stated the town center intrigued him, he doesn't know at what point in time do they ask questions about this, this is something he would like to discuss and about moving forward. Smith stated he thinks Donn has a wealth of knowledge about things that are in place and that they are moving forward on. Smith stated he thinks it would be good if they could sit down with Donn when their schedules would allow.

Mike Mitchell stated he is just glad to be here and hopes he can add something to the Board and hopes he can serve Fairview like it needs to be served.

Anderson stated she would like to say welcome to our three new members and like to say thank you for entrusting the secretarial duties for her once more for the next year. Anderson stated she didn't get to say anything either about Commissioner Hall, she was here but her comments were passed when he spoke and resigned. Anderson stated she has been on the commission around seven years; Commissioner Hall has been on several Boards here for over twenty years and he has been mentor to her to other people and he has always put our City first. Anderson stated she just really appreciates the example that he has given to all of us. Anderson stated keep your money in Fairview so our town grows and is beautiful, think before you shop and keep your money here.

Totty stated she would like to welcome the new members and would like to thank the other Commissioners members for their due diligence and thank you for having attention to Fairview. Totty stated would also like to invite the public or anyone that doesn't know that our Congressmen Ms. Marsha Blackburn will be in Fairview tomorrow at 7:30 at Hickory Homes, everyone is invited, it's an open breakfast, they will take money at the door and it is cosponsored by our Fairview Chamber of Commerce. Totty stated will be in the area asking questions and maybe sharing some of her insights on how she sees Tennessee moving forward, so if you can make it please be there, and congratulations Mike and Mr. Benson.

Sutton stated he made his statements last time to Commissioner Hall that he had given to this community and you as new members will realize that shortly, we just got through planning three more meetings that weren't planned for before tonight, and he's been doing this a long time. Sutton stated congratulations to the new executive Board. Sutton stated the Chairman is required to attend many Boards, the Tree Board

and several more that he has to attend that they don't have to. Sutton stated it is all about growth and the right kind of growth. Welcome to the new members, speak out don't be bashful, this is a great City.

Marsha Hock-Elliott stated thank you for your warm welcomes, it's a privilege to see you all again tonight. Hock-Elliott stated she would like to join Micah in reiterating that the deluge of information was a little bit overwhelming, she would also like to join, doesn't know if Mr. Mitchell, as well would be interested, maybe meeting with Donn together, listen to each other's questions, and maybe a summary of the important items that Donn would like to bring to our attention. Thank you very much.

Beata stated he would also like to welcome all the new members, his name is Matt Beata and he looks forward to meeting you all individually after the meeting. Beata stated he did not get to say thank you to Mr. Hall he has been a great mentor of his, he set the right example of how a gentleman should act up here so he appreciates that.

Benson stated he would also like to welcome the three new members to this Board and he thanks them all for the vote of confidence for the Vice Chair and like the rest of us he looks up to Mr. Hall, he keeps him straight. Benson stated he looks forward to working with them all next year.

Smith stated he would really like to thank everyone for placing their trust in him to Chair this Commission. Smith stated really some of the best things have already been said about Mr. Hall, he helped him from the day he started this in 2006. Smith stated to be able to get to where he is today and he appreciates that, he will try to improve his attendance so he won't be the low one on the attendance report next year. . Smith stated he would like Cantrell to explain the sunshine law and how it pertains to Planning Commissioners, if he wants to talk to Mr. Benson about the Wal-Mart is that okay, if he has four of the Planning Commission come to his house and the conversation turn to that, is that okay. Cantrell stated the one about four members come to your house, because what you get into is a very gray area. Cantrell stated the sunshine law was passed by the legislature to insure that the public business be done in the public when it turns to making decisions, when someone says I'll vote for this if you vote for that. Cantrell stated does it prohibit one board member discussing with another board member the issue, no. Cantrell stated what it does prohibit one member says we have reached a decision will you vote this way to another member; don't get to that type of conversation.

Smith stated the workshop next month is on February 12<sup>th</sup> on home based businesses be here at 5:30p.m., it's important try and make it, the



you will get the materials about a week before, try to review them. Smith stated it does affect our exiting citizens and he thinks that is one of most important things that they do, where there is building specifications or zoning regulations.

Wayne Hall stated he's been on a Board since 1994 and he appreciates everyone and if it hadn't been for a work change he would still be sitting up here. Hall stated schedules all mixed up and he couldn't do all the Boards, hopefully he will be able to stay on the Board of Zoning Appeals.

**11. ADJOURNMENT-** Benson made motion. Totty Seconded. Adjourned at 9:30p.m.

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Chairperson

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Secretary