

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

MAY 6, 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

**Staff Present:** Collins, Johnson, Potter, Humphreys, Ross, Sullivan, Paisley

**1. Roll Call – by Johnson**

	Present	Absent
Commissioner Anderson	x	___
Commissioner Butler	x	___
Commissioner Dawson	x	___
Commissioner Lucas	x	___
Mayor Rainey	x	___

**2. Call to Order by Mayor Rainey at 7:00 p.m.**

**3. Prayer and Pledge led by Commissioner Lucas**

**4. Approval of the Agenda and Executive Session Announcements**

Motion: Lucas

Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**5. Public Hearing – N/A**

**6. Citizen Comments**

- A. Kandi Groves, 7441 Old Franklin Road, is so proud of the students here for recognition. Last time this property came before the Board for a vote it was deferred. The community made some valid points and she believes the developer has addressed and met all of the requests. The Groves family fully supports the new plan and asks that the property be rezoned accordingly. This property has been in the family for well over 60 years. We saw Cox Run come in and didn't throw a fit, were a good neighbor. This was family property before Bowie Park even existed. Groves asks the Board to think about the future of Fairview noting we need growth for programs like we are seeing tonight. Fairview has been the step-child of Williamson County for too long and we want to soar. It is what our children and grand-children deserve. Everything that has been said against the development was from the neighbors point of view, please listen to the developer and carefully consider all the changes that have been made.
- B. Gary McElhiney, 7440 Master Shane Road, lives in the northwest corner of Cox Run subdivision where the new development would be near Waynes Lane and will attempt to paint a picture illustrating flooding issues. He has a 5' drain pipe under his property in front of his house that connects drainage from Cox Run to runoff. This pipe is busted 16 feet back from the culvert end so

water pours out into his yard. This is a big concern because with big rains it is always full of water. With the new subdivision, the drain would back feed that pipe and his front and side yard would be completely under water. He requests someone come out and take a look at before they vote. He has made a few phone calls to the city and is waiting on a response. His concern is not about the subdivision but of the water as this is a large amount of water. Looking back from the corner of his property there is a 14 foot elevation change area that stays full of at least three feet of water even with no rain.

- C. Elizabeth Murphy, 1129 Glendale Ln, Nashville, counsel for Elmer Mobley, has worked with elected officials, state, local and federal and their attorneys and knows you have a hard job. She has done a lot of stormwater cases, lot of litigation and consulting. She wasn't going to take this case but she visited Mr. McElhiney's property and walked down to the headwall, turned on her camera flashlight, walked in to the five foot pipe, and gasped out loud. I thought oh my goodness, saw the Hickman Branch, walked out through the drainage lane which cuts diagonally through and up towards your new development, walked back down and saw the storm inlet (which will be taking drainage water from the new development. That also goes into that 5' pipe that is breaking apart. He told me he contacted the city and I'm not sure what all transpired but apparently there is no plan to fix it yet. Then I went to the subdivision regulations and looked at the zoning regulations and put together a .pdf that has been submitted to all of you. The bottom line is this, as I looked through your documentation, I could see that it was a zoning change as well as a master development plan, you're doing both, they're interconnected, tied together. The density change will affect how much impervious surface and the amount of impervious surface (concrete) determines how much more additional runoff you have from a field because it used to soak into the grass and now it doesn't anymore when you build things. For the city to protect itself, it has really great rules, but the master plan has to have (by your rules Article 17)), preliminary stormwater calculations for 25 and 100-year. If those are out there I have not seen them. None of my clients have seen it. When I looked at the plan for the packet that you received and looked closely it looks like little hashmarks and I thought they were the stormwater inlets just crosswalk identifiers. So from what I can see, unless there is something behind the curtain here, there is no plan from the engineers showing how the increase in stormwater gets into any of those ponds that they are drawing on the map. Under the regulations, as I read them, you cannot approve an incomplete plan, that makes it incomplete and this is premature. Now, can they still develop out there at some point? Once they satisfy your regulations, once they satisfy all of the items listed in the .pdf (I highlighted them and made sure you could find the articles they tack to), then you'll know for these people what is going to happen to the extra 80,000 gallons of water coming down.
- D. Eileen Brogan, 7106 Brush Creek Road, South, President of Friends of Bowie Nature Park, comparing the previous plan with the newest one some things are better and some are worse. The new plan doesn't have backyards against Bowie and the buffer has increased yet there is one more house, rooftop, impervious surface requiring stormwater mitigation along the border. There is one detention pond on the eastern end. Two lots appear to be located on top of two intermittent streams which seems to be asking for trouble. Brogan hopes the BOC will consider not rezoning the property as water entering the park is a big concern and she cares very much about the park and all that rainwater coming down into it.
- E. Tim Rocco, 7315 Cox Run Court, states at the April 13 Planning Commission meeting, he was encouraged to see changes to the zoning ordinance, including removal of a POD, establishing density calculations and discussion of a buffer around Bowie Park. The commission voted unanimously to recommend changes to the zoning ordinance and a reasonable discussion advanced concerning the park buffer. Asked for staff input, the city manager then campaigned for 30 minutes to adopt a 25' landscape buffer and ended with this unsettling advice, "sometimes you're stuck with what is the best bad decision I can make and you're going to have to stomach the best bad decision you can make and move on. It has been my experience that if you are stuck making the best bad decision, you've undoubtedly painted yourself into a corner. This usually is the result of poor analysis insufficient planning and generally careless oversight. Decision making is difficult and requires gathering information and data, analyzing those inputs and, when appropriate, tapping outside resources to benefit from their expertise and perspective. Many people go out of their way not to make decisions. Knowledge helps to empower those who choose to advance decision making in their lives, but is it enough? How do you navigate out of making the best bad decision? Perhaps adding wisdom to the equation. And while you can be knowledgeable with another person's knowledge, you cannot be wise with another person's wisdom. Wisdom has an embodied moral element and is not so much learned but earned. I ask you to consider your votes tonight on the Groves property, not to vote for the best bad decision, but instead employ the wisdom you have earned and make a wise choice.

## **7. Public Announcements, Awards, Recognitions**

- A. Arbor Day Proclamation – DEFERRED UNTIL MAY 20
- B. Fairview High School Mechatronics Graduates Recognition – Vice Mayor Anderson advises this is the first graduating class who began with the Mechatronics program in the eighth grade. Fairview is excited this project exists in our community and as a parent I can't tell you how hard they have worked in these college courses. Principal of Fairview High, Dr. Kurt Jones, adds we have 14 students obtaining technical certificates and 5 who will receive an Associate's Degree in Engineering Systems Technology from Columbia State Community College. This group has completed 1418 dual enrolment hours and has an average ACT score of 22.9 which surpasses the state average. Next year we will have 18 candidates for an Associates Degree. We have striven to remove barriers by providing trajectory changing opportunities to leave high school and go straight into the work force, move forward from a technical certificate or jump into a four year degree with an associates degree. The director for the program at Columbia State remarks that five years ago they didn't project the success of the program to this level but it wouldn't have happened without the cooperation of everyone involved. He hopes the students put what they have learned into practice and they make everyone proud. Former Fairview Mayor Patti Carroll was involved when the program began and she congratulates the students, thanks Representative Sam Whitson for pushing for initial project funding. Anderson adds the students will receive congratulatory certificates at the high school academic awards ceremony.
- C. Dr. Kurt Jones, Fairview High School Principal on Fairview Athletic Committee Charter Membership Meeting – Dr. Jones explains three years ago Dr. Looney asked which school he would choose if he could have his pick of all the schools in the county. Jones wanted Fairview because it reminds him of his hometown in Oklahoma where he saw how important the school was to the community. He wanted to be where the school building is the heart of the community. Jones has visions for athletics and facilities but he can't bring those visions to life on his own. He invites alumni, community members and parents to a Fairview Athletic Booster Club meeting on Sunday, May 16 at 5:00 p.m. in the FHS performing arts center (FPAC). Jones is recruiting for membership and to fill board positions for this organization designed to support all Fairview High sports beyond what each individual team covers themselves. Students are excelling in academics, our sports are excelling, this past year Wrestling won our first ever state title in any sport along with two individual state titles. The football field is getting new turf this year and Jones is excited about the future of Fairview sports with the help of Fairview Athletic Booster Club.

## **8. Staff Comments and Reports**

- A. Finance Report by Scott Collins – When I started one of the priorities was to turn around our financial position so we made a few decisions based on earned wisdom and the application of that. Those educated decisions were used to turn our position and the financial report works in concert with the budget discussion from earlier tonight. We will elaborate in this in greater detail at the Focus on Fairview events. Three things contained in tonight's finance report; 1) March report of revenues for each department by line item, 2) March report of expenditures for each department by line item, and 3) all of the city's checking account balances as of April 30 and compared to April 30, 2020 balances. Although unaudited, the city's net change in cash position year over year is a positive \$939,084. As we go forward, there will be some expenditures for the remainder of the year but our audit should reflect approximately \$700,000 net change in position from last fiscal year. Collins challenges any other municipality in our region to make the wise decisions Fairview has made over the last couple of years to put their finances into the shape we are in today. We have been making proactive, wise decisions based on opportunity rather than potentially unwise, reactive decisions as in the past. Commissioner Dawson notes Fairview has never had, in its history, that much in reserves and thanks Collins for his plan to prepare for financial security moving forward. There has been a phenomenal amount of work done to put us into the position we are in today.
- B. Planning Report – Planning Director, Micah Sullivan shares building permit numbers from the last month as compared to last year. In 2021, 65 single family permits have been issued to date and in 2020, 48 were issued for the same time period. For the month of April 2021 we issued 17 permits while we issued 11 in April of 2020. Several developments are currently in the infrastructure stage so these numbers will be on the rise soon.
- C. Public Works Report by City Manager Scott Collins: Chipping service resumed in April. We have four zones, serviced on the first four Tuesdays of each month during season. We expect more volume when we change over from leaf pick up to chipping service but this time we ran a couple of days over due to the heavy volume totaling 83 loads of chipped material. This is an unbelievable amount of work for three guys.

- D. City Manager Report: Scott Collins reminds everyone of the upcoming Focus on Fairview events at being held on Saturday, May 15 at 8:30 a.m. and Tuesday, May 25 at 6:00 p.m. at City Hall. At this event Collins shares information regarding city operations to include current financials with an outline of cash balances in detail, use of restricted and unrestricted funds, future financial plans including items outside of the budget presentation tonight, objectives and is a great opportunity for the community to learn about what goes on day to day in the city. The event will last no more than a couple of hours and light refreshments will be provided.

**9. Consent Agenda (Any Item May Be Removed for Individual Consideration)**

- A. Minutes from the April 15, 2021, Board of Commissioners Meeting

Motion: Lucas

Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**10. Old Business**

- A. SECOND AND FINAL READING OF ORDINANCE 2020-29, AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF FAIRVIEW, BY REZONING 124.43 ACRES OF PROPERTY, CONSISTING OF MAP 043, PARCEL 006.00 AND MAP 043, PARCEL 026.00, LOCATED AT WAYNE'S LANE AND MANGRUM LANE, FROM RS-40, SINGLE FAMILY LOW-DENSITY RESIDENTIAL TO AN R-20 SINGLE FAMILY MEDIUM-DENISTY RESIDENTIAL PLANNED OVERLAY DEVELOPMENT AND APPROVING A MASTER DEVELOPMENT PLAN, OWNERS: CORY GROVES AND JOHNNY GROVES – City attorney Tim Potter received the letter from Elizabeth Murphy and they spoke after advising he would review the concerns. Potter reviewed the contents with staff and because the developer is requesting a POD, a master development plan must be submitted along with other items in Section 17. The only applicable one not included is #1 the preliminary stormwater calculations for 25 and 100-year flows. He then spoke with the developers engineer and is of the opinion that the calculations exist and may have been submitted to the city. As for the remainder of the letter, he doesn't believe number one is applicable, number three is done, numbers four and five refer to concept plans and number 6 traffic study has been approved by a licensed engineer. As City Manager Collins has pointed out, if approved, this item still has to go back to the Planning Commission if approved so any missing or incomplete items can be flushed out further but I have the obligation to state I have not seen item number one. Project engineer, Jay Easter, notes they submitted a complete set of engineering drawings prior to the first Planning Commission meeting and addressed the required stormwater sizing based on the calculations. He will gladly resend the entire package but stamped plans were turned in, staff reviewed and correspondence occurred between engineers. Potter notes master development plans are referred to in both Article 10 and Article 17 and it can be a bit confusing. Some of these items are not applicable but I understand that staff recently added POD. Butler questioned where stormwater from the development would dump into. Jay Easter, project engineer, noted it will be held in ponds which were shown on the original submittal and through the revisions have been relocated. The property will be graded to drain toward the street and because of the natural ridgeline that separates this property from Cox Run there is very little watershed into that area. The outfall at Mr. McElhiney's property is the beginning of a FEMA flood zone which encompasses approximately 1/3 of his property so we don't have the ability to mitigate. The road becomes your storm drain system as water gets onto the roadway it is captured and delivered to a detention pond. There is now a 50' landscape buffer in some areas and depth was added on some lots with one additional lot added overall by removing a cul-de-sac. Vice Mayor Anderson added this homebuilder was recently highlighted for retaining water at a development in Nolensville. Anderson appreciates the developer listening to the board and neighboring residents and amending the plans to fit our community. There is only one true stream on the property with some other wet weather conveyances and these will become a TDEC concern in the next phase for this project. Commissioner Dawson states this subdivision is the concept of what we wanted.

Motion: Anderson  
 Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	___	x	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**B. ORDINANCE 2021-08, REZONING OF PARCELS ON CROW CUT ROAD**

- (1) PUBLIC HEARING ON ITEM B2 – no comments
- (2) SECOND AND FINAL READING OF ORDINANCE 2021-08, AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF FAIRVIEW BY REZONING 48.05 ACRES OF PROPERTY, LOCATED AT 7425 CROW CUT ROAD, WILLIAMSON COUNTY TAX MAP 046, PARCELS 016.00 AND 016.04, CURRENT ZONING: RS-40, PROPOSED ZONING: R-20, PROPERTY OWNER: BRANDON ROBERTSON – representative for Brandon Robertson was present and they appreciate consideration to bring this property to the same zoning as an adjacent parcel for RS-20 zoning on all three. Overall density for these would end up at 1.1 units per acre based on stormwater requirements and the topography of the land as well as open space. Commissioner Butler noted he rode the property boundary with an adjacent property owner and requested some type of landscape buffer where the proposed property meets her farm to help keep owners in the proposed development from attempting to feed her horses. Representative will see what can be done to provide that.

Motion: Lucas  
 Second: Dawson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

**11. New Business**

- A. INITIAL BEER PERMIT FOR 2 THOMPSONS, LLC D/B/A THOMPSON’S KITCHEN, 1880 FAIRVIEW BOULEVARD, OWNERS: RODNEY THOMPSON AND GEMMA THOMPSON, ON-PREMISES PERMIT

Motion: Lucas  
 Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- B. RESOLUTION 06-21, A RESOLUTION OF THE CITY OF FAIRVIEW, TENNESSEE, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WILLIAMSON COUNTY AND EXECUTE ALL DOCUMENTS RELATED TO PROPOSED SITE IMPROVEMENTS AND WILLIAMSON COUNTY EMERGENCY SERVICE REQUIREMENTS FOR FIRE STATION 32

Motion: Dawson  
 Second: Lucas

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- C. TREEHOUSE PLAYGROUND AT BOWIE NATURE PARK FUNDRAISING AND ADVERTISING – Commissioner Butler states the Friends of Bowie Nature Park are trying to reach out for playground donors and are asking if it is ok to promote perks with specific amounts donated. They would like to incorporate the names of the donors into signage on the playground and a couple of design ideas such as a tree sign with names of donors on the leaves or some kind of brick and stone sign. Mayor Rainey notes she is working on the language for the brochure and requests waiting until that is complete. Collins states the development of a brochure isn't an issue but sees two issues; 1) what is the city comfortable committing to, and 2) confirmation of a partnership between the Friends of Bowie Nature Park and the city. Rainey offers concerns that the city has already pass a resolution on naming the playground and the question of can we add other naming rights within the footprint of the existing approval. Collins adds the approval was for formal advertising with a logo/name approval but the BOC has no authority on how to apply sponsors names to the project. Commissioner Lucas adds he is ok with naming rights as long as it is appropriate because it is a children's playground. Rainey doesn't want to make promises that can't be kept while Butler argues they received this information a month ago yet is ok with adding verbiage for BOC approval on naming rights. Collins offers that if this flyer is owned and produced by the Friends of Bowie Nature Park then the BOC has no authority. If we are voting to approve financial contents – sponsorship/naming rights/financial donations with the assurity of the city then that is a commitment of funds and the BOC has purview. Potter adds as the city's lawyer, if a group the city has partnered with holds an event, they should also provide insurance naming the city as additional insured. Collins adds he will draw up a resolution based on the vote and this is why we have a permitting process in place for fundraisers. We can't trademark the name Bowie Park but we can issue permits informing the public of a partnership.

Motion: Dawson to approve the language of the exhibit for donor benefits with the added verbiage  
 “naming rights with approval of the BOC”

Second: Butler

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

- D. ORDINANCE 2021-11, AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 7, CHAPTER 5, SECTION 7-503(b) AND TO CREATE SECTION 7-503(c) – DAWSON, Commissioner Dawson noted the current fireworks ordinance passed in 2017 with the intent to provide a means for non-profits to continue funding for the community. Prior to this the sale of fireworks was prohibited in Fairview. The proposed ordinance tightens the rules around non-profits because in the past, big box retailers have been allowed to partner with non-profits which defeats the purpose. Non-profits that are actually selling provide thousands of dollars to less fortunate citizens and the verbiage contained in the proposed ordinance tightens the rules specific to non-profits by requiring that they have an address and provide services here. Mayor Rainey questioned how the staff would verify the requirements noting a lot of non-profit groups do not have memberships as spelled out in the proposed ordinance. Commissioner Lucas speaks up that his preference has been made clear through the years that he believes we either sell or don't sell, period. He was present for the 2017 discussions and appreciates what then Vice Mayor Crutcher was attempting to do but he doesn't like singling out non-profits. Lucas questioned Graceworks, as they have no local address, or United Way, or Meals on Wheels. These groups may not have a desire to sell by to exclude them is bothersome. How would someone prove they are a member of a non-profit? Commissioner Butler stated they would have to be a member to pull a permit and obtain insurance. Dawson added a physical address could be a post office box. Rainey questioned the exclusion of not allowing volunteers at a fireworks tent who aren't a member of the group. For example, Graceworks doesn't have "members" they have volunteers, so are we trying to exclude volunteers? Attorney Potter clarifies that being a member could simply mean being affiliated with the organization. Rainey asked about changing the language in the ordinance to reflect that fact. Lucas argued that a post office box is not a physical address and Vice Mayor Anderson agrees except mailboxes at her shop have a physical address. Lucas asked how staff is supposed to "police" this ordinance when the Board cannot even agree on what the specifics mean. Rainey noted the 2017 ordinance states that non-profits can sell fireworks adding this proposed ordinance feels like it is muddying the waters and asks what is wrong with the existing ordinance. Dawson states the issue is

that non-profits can sub out their sales to big box retailers and they don't have to work the tent so the money leaves the city.

Motion: Butler  
Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Vice Mayor Anderson	x	___	___	___
Commissioner Butler	x	___	___	___
Commissioner Dawson	x	___	___	___
Commissioner Lucas	x	___	___	___
Mayor Rainey	x	___	___	___

## 12. Communications from the Mayor and Commissioners

- A. Vice Mayor Anderson is so proud of these students who committed to the process from eight grade through twelfth grade with all that it encompasses. You have no idea of the work entailed in this program. They are able to obtain their associates degree before they graduate from high school and at no costs because it is covered by state grants. They can choose to go directly into the workforce, continue college for an associates degree (if they earned a certificate) or continue for a bachelor's degree. This is the only program like it in Williamson County but other schools do have some different programs to offer. Mr. Sizemore, who teaches these students every day, could not be present tonight but he has had a big impact on them. The Groves property decision was hard but we have to make choices. The developer made a lot of changes to protect the park and community requests. I feel they met what we are looking for in a development. We appreciate all in the community who came out and got involved. Working together we can do our best
- B. Commissioner Butler is proud to announce that the Friends of Bowie Nature Park raised a little over \$30,000 in the last 30 hours. We need to continue the fundraising efforts to keep us on target. He looks forward to the Focus on Fairview opportunities and encourages everyone to come out and learn about the future of Fairview.
- C. Commissioner Dawson comments about how far the city has come financially and it seems that every board and staff member makes us better every year. One million in reserves is something to be proud of. We need strong, strategic growth for our amazingly beautiful, wonderful city in this great community. Our mechatronics program is the only one in the county and has our sister cities looking at us. It is such a special opportunity for kids and parents who are not already a part of our community but who want to be involved in this program and to show what our city is made of. I am excited about our future and the great things to come.
- D. Commissioner Lucas offers congratulations to all the high school students in mechatronics noting the program is a big deal and no matter where he goes in middle Tennessee people are talking about it. Congratulations to all the seniors graduating this year and congrats to the Friends of Bowie Nature Park on raising such a big amount of money. Fairview is one of the most giving communities and it really shows today. A big thank you to all the work behind the scenes that makes everything else happen and I give a lot of credit to the city manager. Thank you to city staff for their work on implementing the budget.
- E. Mayor Rainey seconds everything said praising Collins' stinginess so that when something unexpected happens we have the funds to address. The high school presentation was wonderful and thank you to Vice Mayor Anderson for organizing the recognition.

13. **Adjournment** –Commissioner Lucas made a motion for adjournment meeting was adjourned at 8:46 p.m.

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**Brandy Johnson**  
City Recorder