

**CITY OF FAIRVIEW
 BOARD OF COMMISSIONERS
 REGULAR MEETING MINUTES
 JUNE 6, 2024, 7:00PM, CITY HALL**

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

Staff Present: Tom Daugherty, Rachel Jones, Bree Bailey, Patrick Carter, Ethan Greer, Keith Paisley, Richard Ross, Scott Hughes, Curtis Broadbent, Ben Knox, Will Owen, Tiffany Frye

1. **Call to Order @ 7:01 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	
Commissioner McDonald	X	

3. **Prayer and Pledge** – Vice Mayor Butler
4. **Mayor Comments** – Mayor Anderson thanked Officer Frye for attending the meeting and Sergeant Hill for working the metal detector. Mayor Anderson welcomed everyone to the meeting and reminded everyone to speak into the microphones.
5. **Approval of the Agenda**

Mayor Anderson added item 11. G. (Resolution 28-24) and removed item 11. E. (Ordinance 2024-11).

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			
Commissioner McDonald	X			
MOTION PASSED 5-0				

6. **Citizen Comments** - None
7. **Public Announcements, Awards, Recognitions**
 - A. **City Events** – Community Relations Coordinator, Richard Ross
8. **Staff Comments and Monthly Reports**
 - A. **City Manager Comments** - City Manager, Tom Daugherty

9. Consent Agenda

A. Minutes from May 16, 2024, Board of Commissioners Regular Meeting.

Motion to approve: Commissioner Johnson

Second: Commissioner McDonald

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

10. Old Business

A. Budget FY 2025

1. **Public Hearing** – No Speakers
2. **Second and Final Reading, Ordinance 2024-08, An Ordinance of the City of Fairview, Tennessee, adopting the Annual Budget and Tax Rate for the Fiscal year beginning July 1, 2024, and ending June 30, 2025. (City Manager)**

Motion to approve: Commissioner Johnson

Second: Commissioner Hall

Discussion: Mr. Daughety stated there have been no changes since the first reading and there is no change in the property tax rate.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

B. Resolution 23-24, A Resolution of the Board of Commissioners of the City of Fairview, Tennessee, authorizing the Mayor to execute a Right-of-Way Easement to Middle Tennessee Electric. (City Planner)

Motion to approve: Commissioner Johnson

Second: Commissioner McDonald

Representative: Tony Cavender

Discussion: Mr. Greer stated that Middle Tennessee Electric has requested this easement through a City of Fairview owned parcel at the corner of Elrod Rd and Northwest Hwy. Mr. Greer stated this will bring electricity to several developments along the Northwest corridor and allow them to move forward with construction.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

11. New Business

- A. Resolution 25-24, A Resolution accepting the bid proposal for Mowing & Trimming Services and authorizing the City Manager to execute related documents and contracts for services. (City Manager)**

Motion to approve: Commissioner McDonald

Second: Commissioner Johnson

Discussion: Mr. Daugherty stated three companies bid on this project and the bid was awarded to Greenway Landscaping due to them being a local company, having adequate employees, and having several commercial accounts. Mr. Daugherty stated the other two companies are out of town and have very little or no commercial accounts and a low number of employees.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

- B. Resolution 26-24, A Resolution awarding the bid to the lowest responsive and responsible bidder, Jimmy Mangrum Construction, for the installation of concrete at Historical Village. (City Manager)**

Motion to approve: Commissioner Johnson

Second: Commissioner Hall

Discussion: Mr. Daugherty stated two companies bid on this project and both bids were very comparable with Jimmy Mangrum Construction being the lowest bid.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

- C. **Ordinance 2024-09, An Ordinance to amend the Zoning Ordinance of the City of Fairview, Tennessee, by Rezoning 2.59 (+/-) acres of property located at 7113 Hill Hughes Road, consisting of Williamson County Tax Map 022, Parcel 071.01, from RS-40 (Single Family Residential) to R-20 (One and Two Family Residential), Property Owner: Annette Belyea. (City Planner)**

Motion to approve: Commissioner Johnson
Second: Commissioner McDonald

Representative: Annette Belyea

Discussion: Mr. Greer stated Ms. Belyea has submitted a rezoning request to go from RS-40 to R-20. Mr. Greer stated the property consists of 2.59 acres. Mr. Greer stated Ms. Belyea is looking to subdivide her property to build an additional home. Mr. Greer stated this rezoning did a positive recommendation from the Planning Commission.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

- D. **Ordinance 2024-10, An Ordinance to amend Title 4, Chapter 2, Personnel Rules and Regulations and to adopt the Fairview Policy Manual for the City of Fairview, TN. (City Manager)**

Motion to approve: Commissioner Johnson
Second: Commissioner McDonald

Discussion: Mr. Daugherty stated this is a project the city has been working on for over a year. Mr. Daugherty stated this policy will address several issues including providing automatic updates when laws are changed and providing electronic training for employees.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

- E. **Ordinance 2024-11, An Ordinance to amend the Zoning Ordinance of the City of Fairview, Tennessee, by Rezoning 57.9 (+/-) acres of property located at 7281 Northwest Highway, consisting of Williamson County Tax Map 021, Parcels 62.00 and 63.00, from RS-40 (Single Family Residential) to R-20 (One and Two Family Residential), Property Owner: Northwest Cove, LLC. (City Planner)**

REMOVED FROM AGENDA

F. Resolution 27-24, A Resolution of the Board of Commissioners of the City of Fairview, Tennessee, authorizing the Mayor to execute the Northwest Highway Development Agreement. (City Planner)

Motion to approve as amended: Commissioner McDonald

Second: Vice Mayor Butler

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson		X		
Vice Mayor Butler	X			
Commissioner Hall		X		
Commissioner Johnson		X		
Commissioner McDonald	X			
MOTION FAILED 2-3				

Representatives: Sean Henry, Matt Dowdle

Discussion (Summarized): Mr. Greer explained this agreement was revised since the last meeting to show the developer increasing their contribution for the Northwest Hwy project from 2.5 million to 2.75 million. Mr. Greer stated the contract language is very similar to the previous contract but with one noted change being the language stating “2.75 million dollars or the cost of the project if less”. Mr. Henry addressed the board giving a brief summary on the history of the Bellehaven project (attached). Mr. Henry stated his client would not have a problem striking out the portion saying “or the actual amount of the project if less” because they do not expect it to be less. Mr. Henry stated his client is comfortable with the 2.75 million dollar figure which is more than what the traffic impact study assigns to the Bellehaven site. Mr. Henry distributed a letter to the board from Mr. Dowdle showing how the contribution amount was figured (attached). Commissioner Johnson asked if any part of Elrod Rd was part of the traffic study that was completed. Mr. Dowdle replied Elrod Rd was analyzed for connection and to see if any improvements were needed and the study showed no improvements are needed. Mr. Dowdle went over the percentages projected for each road analyzed in the traffic impact study. Mayor Anderson and Commissioner Johnson both stated they feel like a lot of traffic from this development will utilize back roads to get to town rather than taking Hwy 96.

Commissioner Johnson made an amendment to the motion for the city to have a traffic study done in whatever the timetable Mr. Carter says is available then compare and reconvene and move forward at that time. (No Second)

Mr. Henry stated he understands the concerns, but this is a POD and the time to vet further or challenge the correctness was at the Planning Commission level and the Planning Commission approved it. Mr. Henry stated certainly the city can obtain their own traffic impact study however his client is ready to move forward with the project and they had rather build their portion of Northwest Hwy and get going rather than have to wait around on a traffic impact study that may or may not differ by much. Commissioner Johnson stated he understands the developer being anxious but in speaking of the Planning Commission the difference is the BOC answers to the taxpayers and the Planning Commission is just appointed to a position. Mr. Carter addressed

Commissioner Johnsons motion of a traffic study and stated he suggested it at the last meeting because Commissioner Johnson was getting ready to act in an arbitrary and capricious manner and the city would most definitely end up losing that lawsuit. Mr. Carter stated legally Mr. Henry is right about the law and that he sent an attorney-client memo dated May 23, 2024, and made it very clear what the law is and what his legal opinion is. Mr. Carter clarified what Mr. Henry said stating he said the city has a right to get a traffic study but also has a duty to vote on this contribution tonight. Mr. Carter stated the contribution offer tonight is 2.75 million for Northwest Hwy and the question is does the city wish to accept that or not. Commissioner Johnson replied in his opinion he would say not tonight because the traffic study doesn't take into consideration Elrod Rd and their development dumps out on Elrod Rd. Mr. Carter replied the traffic study says the affect on Northwest Hwy is 1.4-1.7 million and the offer is 2.75 million. Mr. Carter said he has made it very clear what he feels the board needs to do as well as staff has made it clear their opinions and if the board continues in this direction they will be doing it against all of staff. Commissioner Johnson stated he was told the developer had an initial meeting with the city and offered 5 million and asked if Mr. Carter could clarify. Mr. Carter replied that was the developers first proposal and it came before the BOC and the BOC voted to change the entire project by changing the entrances and the current design has more expenditures due to having to build a bridge, so it was the action of the BOC that resulted in the reduced contribution. Mr. Dowdle explained that with the prior staff they was asked if the Hwy 96 connection was eliminated and dumped about 75% of the traffic onto Northwest Hwy that would have included a larger contribution. Mr. Dowdle stated as the recalls they never formally agreed to any number because nothing had been finalized. Vice Mayor Butler stated the prior discussions and improvements was part of a new POD submittal and the board denied it and there was discussion that night from the board that they would prefer to see the access point on Hwy 96 instead of Northwest Hwy. Mr. Henry explained that what is on the agenda tonight is 10% more than what DR Horton had previously agreed too. Mr. Henry stated the city can take that extra \$250,000 and pay for a traffic impact study and pay for any improvements that the study suggests needs to be made on Elrod Rd. Mr. Carter asked Mr. Henry if he would agree to broaden the agreement to say the city could use the funds at the city's discretion for the Northwest Hwy project and/or any improvements the city believes is necessary to Elrod Rd. Mr. Henry replied yes, and that he would like to work with Mr. Carter on the language. Commissioner Hall stated he would be willing to accept the 2.75 million if a traffic study is done and the developer agreed to make any improvements deemed necessary to Elrod Rd. Commissioner Johnson asked Mr. Henry if they are willing to go over and above the 2.75 million if the traffic study comes back and says improvements need to be made. Mr. Henry replied no sir. Mr. Carter gave an example of a recent supreme court case. Commissioner McDonald stated he respects everyone's opinion, and his perspective is the city has an opportunity to commit outside dollars to a project that will benefit Fairview and he is not convinced a traffic study is off by the percentage that will be large enough to offset the additional 1 million dollars they are offering and in his opinion he feels the city should take this offer. Vice Mayor Butler stated one of the conditions for Planning Commission approval was a phase traffic study and asked if that is still the intent. Mr. Owen stated he believes that condition would still exist with each completed phase of the development. Mr. Henry stated the way the development agreement reads is that the developers contribution today would satisfy the two conditions added by the Planning Commission relative to those items on pages 13 and 14. Mr. Henry stated it is their understanding that the traffic impact study updates were to determine whether or not a traffic light is now triggered at the intersection of Northwest Hwy and Hwy 96. Mr. Henry stated the way the agreement is structured is, so

the city don't have to worry when the traffic light is triggered because the contribution includes funds for the traffic light at the intersection. Mr. Owen clarified for the board the impact percentages on the roads based on the traffic impact study and explained the level of services. Vice Mayor Butler asked Mr. Daugherty if the city is financially prepared to absorb the rest of the project cost. Mr. Daugherty replied the city is very prepared. Vice Mayor Butler also asked Mr. Henry if they are comfortable adding force majeure language to the agreement. Mr. Henry replied absolutely.

Vice Mayor Butler made a motion to amend to include the language to allow payment in full at final plat and to allow proceeds of that to go towards design and engineering work for this project, to strike the "or actual amount" from the beginning part of the agreement, and to add force majeure language.

Second: Commissioner McDonald

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson		X		
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson			X	
Commissioner McDonald	X			
MOTION PASSED 3-2				

Commissioner Johnson asked who from the city met with the developer to see if they would add additional funds to their contribution and if the board authorized it. Mr. Carter stated he called the developer and told them it appeared the 2.5 million didn't appear to have the votes based on the last meeting and asked if they would consider increasing their offer. Mr. Carter stated the developers obligation is to pay for their impact and the traffic study that was done and accepted by the Planning Commission said the impact is between 1.4 and 1.7 million depending on the exact improvements and the developer has the ability to offer more than that which is what is being done.

Commissioner Hall made a motion to amend to accept the 2.5 million, take \$250,000 do a traffic study on Elrod Rd if there is any expense over \$250,000 he would like to see the developer step up to the plate and take care of it.

**Second: Commissioner Johnson
(later withdrawn, no vote taken)**

Mr. Owen suggested if the city wants to have an additional traffic study done to do the full evaluation instead of just specific intersections. Mayor Anderson clarified even if Mr. Halls motion gets approval the developer is not willing to contribute more than 2.75 million dollars. Mr. Henry stated that is correct. Mr. Johnson and Mr. Greer discussed right-of-way acquisition for the alignment of Northwest Hwy. Mr. Johnson asked Mr. Greer how he feels about the developer completing their portion of the improvements instead of making a contribution. Mr. Greer replied he would like for the whole project to be done as a whole, not by pieces. Mayor Anderson stated the Planning Commission agreed to approve this with a development agreement and asked how it will work if a development agreement is not signed. Mr. Carter replied if the development agreement isn't approved the developer would come back with a development agreement that allows them just to improve in front of their property and board would have to do one or the other. Mr. Greer read aloud Ms. Senyard's motion from the Planning Commission

meeting which said, “I propose we amend to require a development agreement that the Board of Commissioners must approve prior to any final plat being recorded regarding road improvements and the developers share thereof”. Mr. Henry stated the Planning Commissions recommendation condition of approval was in light of the fact the city is pursuing improvements to Northwest Hwy, that is why the condition was made and if there is another figure someone has in mind besides the 2.75 million that is listed in the agreement he would like to take that back to his client. Mayor Anderson stated in her opinion the original ask of improvements all the way to Hwy 96 at approximately 5 million is what should happen. Commissioner Johnson and Mr. Hall withdrew the motion and second for the amendment.

G. Resolution 28-24, A Resolution authorizing the Mayor to execute an agreement between Locality Media, Inc. DBA First Due and the City of Fairview, Tennessee. (Fire Chief)

Motion to approve: Commissioner Johnson

Second: Commissioner McDonald

Discussion: Chief Hughes explained this agreement is for a records management system to store data for the Fire Department.

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	X			
Vice Mayor Butler	X			
Commissioner Hall	X			
Commissioner Johnson	X			
Commissioner McDonald	X			
MOTION PASSED 5-0				

12. Roundtable: Mayor and Commissioners

Commissioner Hall – Commissioner Hall thanked all employees for doing great work .

Commissioner McDonald – Commissioner McDonald thanked everyone for their patience though the lengthy discussion and thanked the board members for engaging in good discussion .

Commissioner Johnson – Commissioner Johnson apologized to Mr. Carter for getting heated during the meeting and also apologized for his words directed toward Mr. Carter.

Vice Mayor Butler – Vice Mayor Butler stated Mr. Greer has selected a group to begin preparing the new zoning ordinance. Vice Mayor Butler thanked staff and the board members for great discussion.

Mayor Anderson – Mayor Anderson reminded everyone of the groundbreaking ceremony for the new Fairview City Center. She also welcomed new employee Emily McCartney to the city court staff. Mayor Anderson asked the board members to change the November 21st BOC meeting to November 14th due to the mayors conference. Mayor Anderson reminded everyone of the “Monthly Coffee” hosted by the Economic Development department and also reminded everyone to help keep Fairview beautiful by picking up trash and not throwing out.

13. Adjournment @ 10:11 P.M. – Commissioner Johnson



 Rachel Jones, City Recorder

<https://www.youtube.com/watch?v=BLGJtQ2uhsA>