

**CITY OF FAIRVIEW
BOARD OF COMMISSIONERS**

FEBRUARY 7, 2019

7:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Call to Order**
- 3. Prayer and Pledge**
- 4. Approval of Agenda and Executive Session Announcements**
- 5. Public Hearing(s)**
 - A. Item 10A
 - B. Item 10B
 - C. Item 10C
- 6. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each)**
- 7. Public Announcements, Awards and Recognitions**
- 8. Staff Comments and Monthly Reports**
 - A. Police Department
 - B. Fire Department
 - C. Public Works
- 9. Consent Agenda (Any Item May be Removed for Individual Consideration)**
 - A. Minutes from the January 3, 2019 Board of Commissioners Meeting
 - B. Minutes from the January 17, 2019 Board of Commissioners Workshop
- 10. Old Business**
 - A. Ordinance 2018-24, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 22, Parcel 130.02, Consisting of 2 Acres, Located on Sweetbriar Road, From a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District, owner: James P. Caldwell, Jr.
 - B. Ordinance 2018-25, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 22, Parcel 145.01, Consisting of 1 Acre, Located at 7605 Herlie Lane, From a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District, owners: Mark and Linda Williams
 - C. Ordinance 2018-26, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 043, Parcel 23.00, Consisting of 111 Acres, Located on Cox Pike, From a RS-40 (Low-Density Residential) Zoning District to a R-20 PUD (Medium-Density Residential Planned Unit Development) Zoning District with 141 Proposed Lots, applicant: Tony Cavender
- 11. New Business**
 - A. Ordinance 2019-02, An Ordinance to Revise the Fund Balance Policy for the City of Fairview (repeal Ordinance 852 and Resolution 17-14)
 - B. Ordinance 2019-03, An Ordinance Amending the City's Reserve Fund Requirement
 - C. Ordinance 2019-04, An Ordinance Amending the City of Fairview Municipal Code and Authorizing the City of Fairview's Codes Official as a Special Police Officer with Summons Authority

- D. Ordinance 2019-05, An Ordinance to Amend Section 14-104.3 of the City of Fairview's Zoning Ordinance, Board of Zoning Appeals, Membership
- E. Resolution 03-19, A Resolution of the City of Fairview Board of Commissioners Authorizing the City Manager to Execute Motorola Lease Purchase Documents Relating to the City's Public Safety Radio System
- F. Pyro Shows Contract

12. Communications from the Mayor and Commissioners

- A. Commissioner
- B. Commissioner
- C. Commissioner
- D. Vice Mayor
- E. Mayor

13. Adjourn to Executive Session

14. Adjournment

10A

ORDINANCE #2018-24

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 22, PARCEL 130.03 (FORMERLY PART OF 130.02), CONSISTING OF 2 ACRES, LOCATED ON SWEETBRIAR ROAD, FROM A RS-40 (LOW-DENSITY RESIDENTIAL) ZONING DISTRICT TO A R-20 (MEDIUM-DENSITY RESIDENTIAL) ZONING DISTRICT.

WHEREAS, a request has been made by James P. Caldwell, Jr., to rezone property located within the City of Fairview; and

WHEREAS, the City of Fairview Planning Commission, on November 20, 2018, made a favorable recommendation to the Board of Commissioners that this request be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW BOARD OF COMMISSIONERS THAT:

SECTION 1. That the Zoning Ordinance be and is hereby amended by making certain changes to the Official Zoning Map for the City of Fairview, by changing the property identified as Tax Map 022, Parcel 130.02 from a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District. This property consists of approximately 2 acres and is owned by James P. Caldwell, Jr., who has submitted an application for the rezoning of this parcel, which is attached to and made a part of this ordinance as though copied herein.

SECTION 2. BE IT FURTHER ORDAINED, that the Codes and Planning Department is hereby authorized and directed, upon approval of this Ordinance, to cause the change to be made on the Official Zoning Map, as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the City of Fairview requiring it.

First Reading:

January 3, 2019

Public Hearing Held:

Second Reading:

Approved by the Board of Commissioners:

John Blade, Mayor

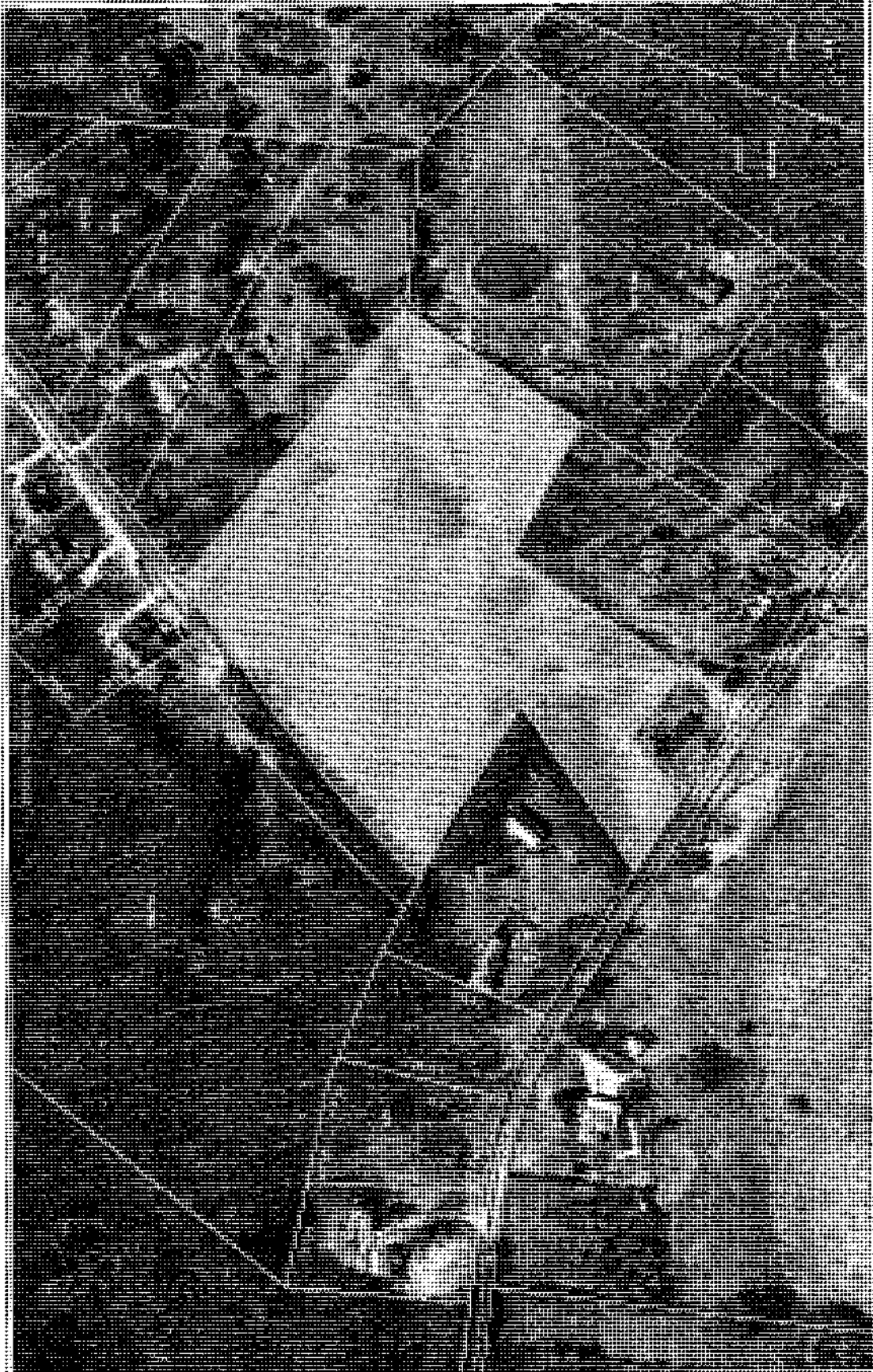
ATTEST:

Brandy Johnson, City Recorder

APPROVED AS TO FORM:

City Attorney

Published in the Fairview Observer on _____



Scale: 1 inch = 1 mile
 1:62,500

Topographic Map of the United States
 10000

| | |
|--|-----------------|
| | Mountain Peak |
| | Mountain Range |
| | Hill |
| | Valley |
| | Stream |
| | River |
| | Road |
| | Railway |
| | Building |
| | Forest |
| | Lake |
| | Reservoir |
| | Swamp |
| | Wetland |
| | Beach |
| | Cliff |
| | Cave |
| | Tunnel |
| | Bridge |
| | Dam |
| | Power Line |
| | Telephone Line |
| | Fence |
| | Boundary |
| | Spot Height |
| | Benchmark |
| | Spot Elevation |
| | Spot Depression |
| | Spot Contour |
| | Spot Index |
| | Spot Name |
| | Spot Number |
| | Spot Letter |
| | Spot Symbol |

10B

ORDINANCE #2018-25

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 22, PARCEL 145.01, CONSISTING OF 1 ACRE, LOCATED AT 7605 HERLIE LANE, FROM A RS-40 (LOW-DENSITY RESIDENTIAL) ZONING DISTRICT TO A R-20 (MEDIUM-DENSITY RESIDENTIAL) ZONING DISTRICT.

WHEREAS, a request has been made by Mark Williams to rezone property located within the City of Fairview; and

WHEREAS, the City of Fairview Planning Commission, on November 20, 2018, made a favorable recommendation to the Board of Commissioners that this request be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW BOARD OF COMMISSIONERS THAT:

SECTION 1. That the Zoning Ordinance be and is hereby amended by making certain changes to the Official Zoning Map for the City of Fairview, by changing the property identified as Tax Map 022, Parcel 145.01 from a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District. This property consists of approximately 1 acre and is owned by Mark and Linda Williams, who have submitted an application for the rezoning of this parcel, which is attached to and made a part of this ordinance as though copied herein.

SECTION 2. BE IT FURTHER ORDAINED, that the Codes and Planning Department is hereby authorized and directed, upon approval of this Ordinance, to cause the change to be made on the Official Zoning Map, as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the City of Fairview requiring it.

First Reading: January 3, 2019

Public Hearing Held: _____

Second Reading: _____

Approved by the Board of Commissioners:

John Blade, Mayor

ATTEST:

Brandy Johnson, City Recorder

APPROVED AS TO FORM:

City Attorney

Published in the Fairview Observer on _____

STATEMENT OF SUBDIVISION MANAGEMENT NOTES

1. THE SUBDIVISION IS TO BE DIVIDED INTO 22 PARCELS AS SHOWN ON THE ATTACHED MAP.
2. THE LOTS ARE TO BE 100 FEET WIDE BY 100 FEET DEEP.
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22. THE LOTS ARE TO BE 100 FEET WIDE BY 100 FEET DEEP.

CERTIFICATE OF DIVISION AND DIVISION

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS HAVE BEEN DIVIDED INTO 22 PARCELS AS SHOWN ON THE ATTACHED MAP. THE DIVISION IS COMPLETE AND THE PARCELS ARE READY FOR CONSTRUCTION.

DATE: 12/12/89
 BY: Gary E. McDonald
 COUNTY CLERK

CERTIFICATE OF APPROVAL OF STREETS

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS HAVE BEEN DIVIDED INTO 22 PARCELS AS SHOWN ON THE ATTACHED MAP. THE DIVISION IS COMPLETE AND THE PARCELS ARE READY FOR CONSTRUCTION.

DATE: 12/12/89
 BY: Gary E. McDonald
 COUNTY CLERK

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS HAVE BEEN DIVIDED INTO 22 PARCELS AS SHOWN ON THE ATTACHED MAP. THE DIVISION IS COMPLETE AND THE PARCELS ARE READY FOR CONSTRUCTION.

DATE: 12/12/89
 BY: Gary E. McDonald
 COUNTY CLERK

CERTIFICATE OF APPROVAL OF SEWER SYSTEM

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS HAVE BEEN DIVIDED INTO 22 PARCELS AS SHOWN ON THE ATTACHED MAP. THE DIVISION IS COMPLETE AND THE PARCELS ARE READY FOR CONSTRUCTION.

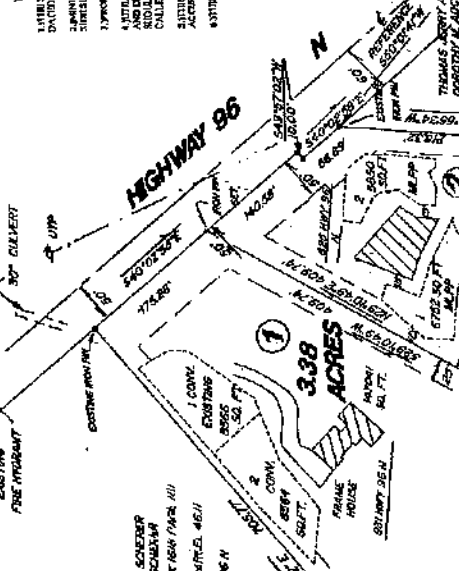
DATE: 12/12/89
 BY: Gary E. McDonald
 COUNTY CLERK

CERTIFICATE OF APPROVAL OF UTILITIES

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS HAVE BEEN DIVIDED INTO 22 PARCELS AS SHOWN ON THE ATTACHED MAP. THE DIVISION IS COMPLETE AND THE PARCELS ARE READY FOR CONSTRUCTION.

DATE: 12/12/89
 BY: Gary E. McDonald
 COUNTY CLERK

1. NO EXISTING UTILITIES ARE SHOWN ON THIS MAP.
2. THE LOTS ARE TO BE 100 FEET WIDE BY 100 FEET DEEP.
3. THE LOTS ARE TO BE 100 FEET WIDE BY 100 FEET DEEP.
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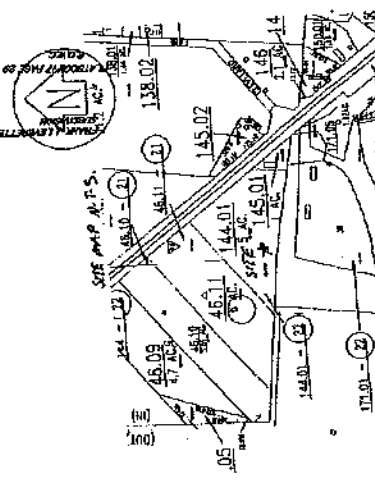


STATE

HIGHWAY 95

EXISTING FIRE HYDRANT

EXISTING 10\"/>



STATE

HIGHWAY 95

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EXISTING 10\"/>

STATE

HIGHWAY 95

EXISTING FIRE HYDRANT

EXISTING 10\"/>

GARY E. McDONALD SUBDIVISION

DEEDBOOK 178 PAGE 668

1st CIVIL DISTRICT WILLIAMSON COUNTY

FAIRVIEW, TENNESSEE

PROPERTY MAP 22 PARCEL 14A.01

DATE DECEMBER 07, 1996 SCALE 1" = 100'

WILLIAMSON COUNTY, TENNESSEE

CLERK

GARY E. McDONALD

12/12/89

WILLIAMSON COUNTY, TENNESSEE

CLERK

GARY E. McDONALD

12/12/89

100

ORDINANCE #2018-26

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 043, PARCEL 23.00, CONSISTING OF 111 ACRES, LOCATED ON COX PIKE, FROM A RS-40 (LOW-DENSITY RESIDENTIAL) ZONING DISTRICT TO A R-20 PUD (MEDIUM-DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT) ZONING DISTRICT (141 PROPOSED LOTS).

WHEREAS, a request has been made by Tony Cavender to rezone property located within the City of Fairview; and

WHEREAS, the City of Fairview Planning Commission, on November 20, 2018, made a favorable recommendation to the Board of Commissioners that this request be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW BOARD OF COMMISSIONERS THAT:

SECTION 1. That the Zoning Ordinance be and is hereby amended by making certain changes to the Official Zoning Map for the City of Fairview, by changing the property identified as Tax Map 043, Parcel 23.00 from a RS-40 (Low-Density Residential) Zoning District to a R-20 PUD (Medium-Density Residential Planned Unit Development) Zoning District. This property consists of approximately 111 acres and is proposed to have 141 lots. Tony Cavender has submitted an application for the rezoning of this parcel, which is attached to and made a part of this ordinance as though copied herein.

SECTION 2. BE IT FURTHER ORDAINED, that the Codes and Planning Department is hereby authorized and directed, upon approval of this Ordinance, to cause the change to be made on the Official Zoning Map, as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this Ordinance.

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First Reading: _____

Public Hearing Held: _____

Second Reading: _____

Approved by the Board of Commissioners:

John Blade, Mayor

ATTEST:

Brandy Johnson, City Recorder

APPROVED AS TO FORM:

City Attorney

Published in the Fairview Observer on _____

Richard Estes

Richard Planned

Alan Development

SFC, Inc.
888 Middle TN Blvd
Murfreesboro, TN 37129
Contact: Jimmie Reed P.E., RLS

Richard Estes, LLC
P.O. Box 754
Fairview, TN 37062
Contact: Penny Coverdale

Richard E. ...

INTRODUCTION

Introduction

EXISTING CONDITIONS

Right-of-Way, Utilities, Topography & Physical Features

PROPOSED DEVELOPMENT

Master Plan

Proposed Site

Proposed Homes

Proposed Driveway

APPENDICES

Appendices

1

2

3

4

5

6

Richland Estates

INTRODUCTION

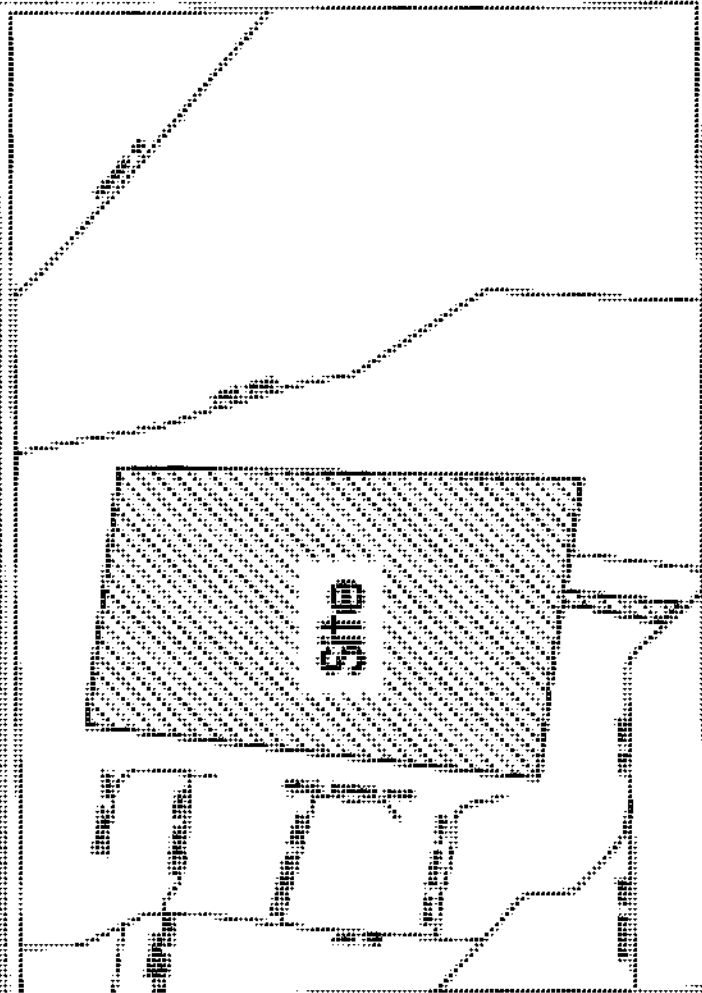
Richland Estates LLC is requesting necessary zoning changes for the Richland Estates Subdivision, located on the east side of the city of Fayetteville, Arkansas. The subdivision is located on the east side of the city of Fayetteville, Arkansas. The subdivision is located on the east side of the city of Fayetteville, Arkansas. The subdivision is located on the east side of the city of Fayetteville, Arkansas.

The project is a residential subdivision consisting of 100 lots. The subdivision is located on the east side of the city of Fayetteville, Arkansas. The subdivision is located on the east side of the city of Fayetteville, Arkansas.

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Site Location Map
City Limit

The project is a residential subdivision consisting of 100 lots. The subdivision is located on the east side of the city of Fayetteville, Arkansas. The subdivision is located on the east side of the city of Fayetteville, Arkansas.

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Richard E. Baker

SE

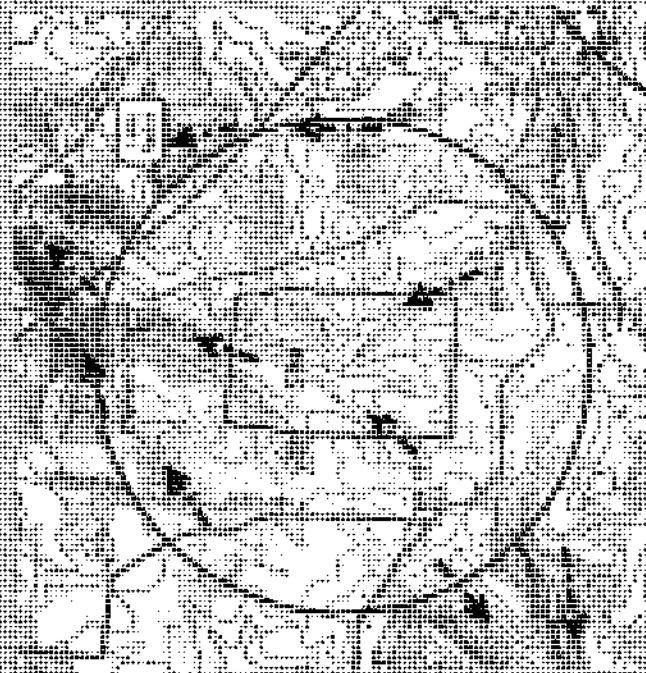
STATEMENT OF DESIGNER

This plan is prepared by the State Highway Department and is subject to the approval of the State Highway Department. The State Highway Department is not responsible for the design of the project. The State Highway Department is not responsible for the design of the project. The State Highway Department is not responsible for the design of the project.

EXISTING CONDITIONS

Right-of-Way, Utilities, Topography & Physical Features.

The property boundary has been ascertained by consulting the Plat and Local Map.



STATE HIGHWAY DEPARTMENT

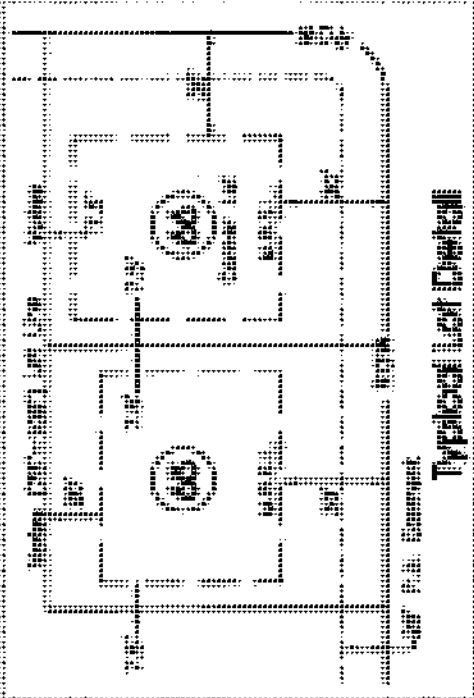
DESIGNER

Continental Homes

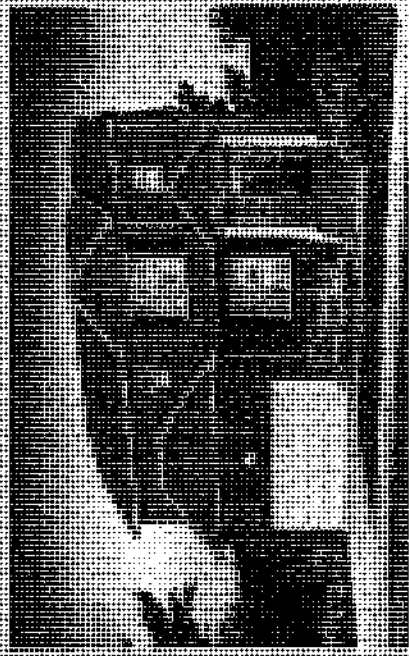
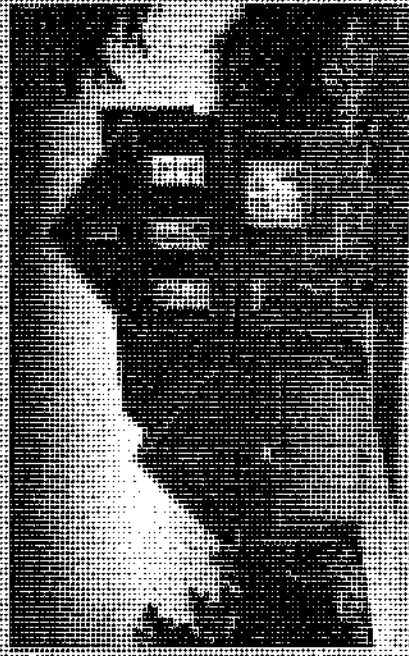
PROPOSED HOMES

PROPOSED HOMES WILL BE BUILT IN THE
EAST WALK DISTRICT, 1500-1600 N. 150th
AND 150th AVENUE, NE

- All homes will range from 1,200 to 1,500 sq. ft.
- All homes will have 2 car garages.
- The homes can be L, U, S, or factory built.
- All homes will be constructed of brick masonry (brick or stone) masonry, vinyl, stucco or cement board siding and steel roof decks.
- Most pricing will be fixed or first annual adjustment.
- Building 33 homes will comply with the requirements for zoning in the City and Fairview's Zoning Ordinance.
- All homes will have at least 1 bedroom.



The electrical and plumbing systems will vary across the development due to the different lot sizes. The electrical and plumbing systems will vary across the general appearance and functionality of the buildings.



REPRESENTATIVE BUILT ELEMENTS

Shelburne Homes

PROPOSED HOMES

CONSTRUCTION BEGINS
LOTS WILL BE OPEN FOR CONSTRUCTION
IN 2001 AND 2002

* All homes will range from 1,500 s.f. to 3,000 s.f.

* All homes will have 2-car garages.

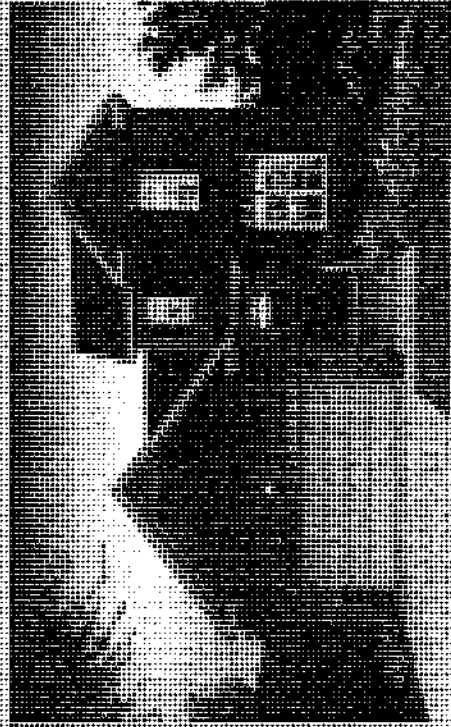
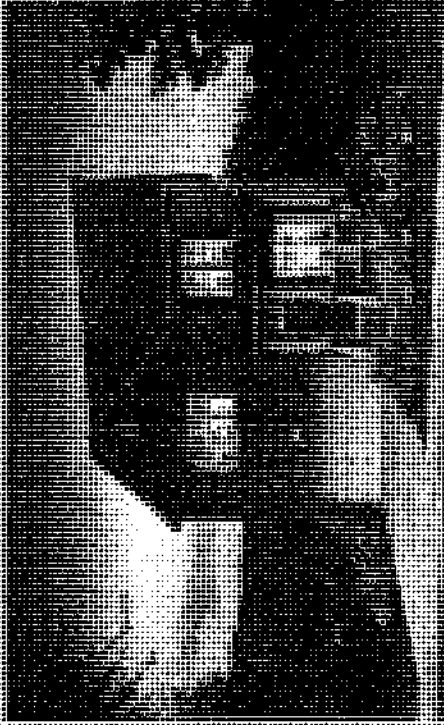
* The homes will be 1.5 to 2-level buildings.

* All homes will be constructed of brick, masonry, concrete block and/or brick. These homes will feature a wide range of finishes.

* Your choice will be made by color, wood, and carpet.

* Shelburne Homes will comply with the standards for access in the City of Shelburne's Access Guidelines.

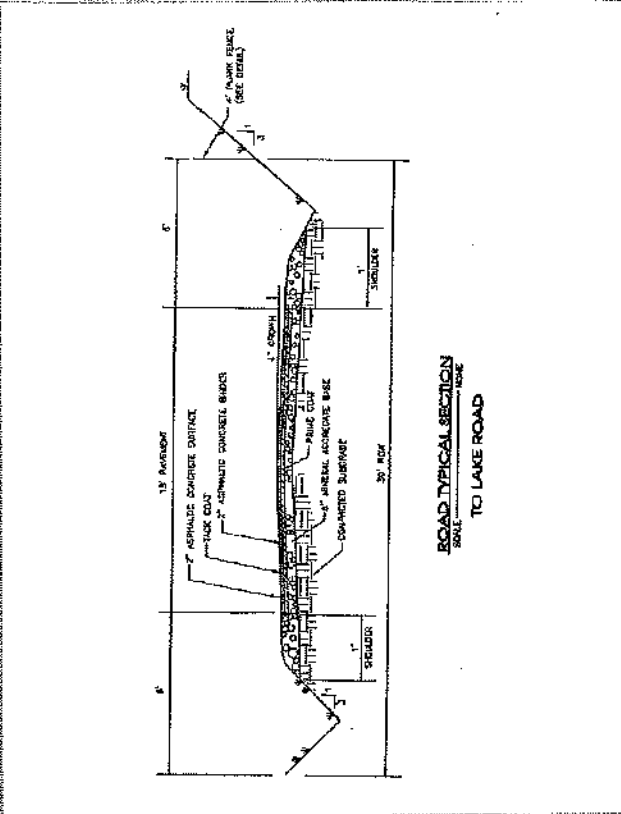
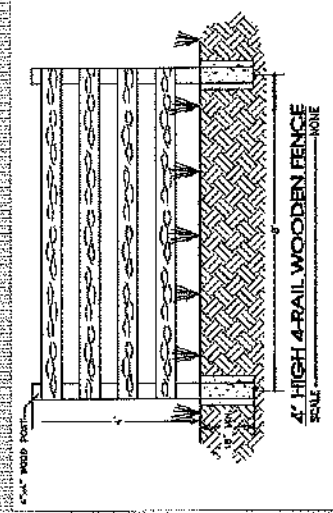
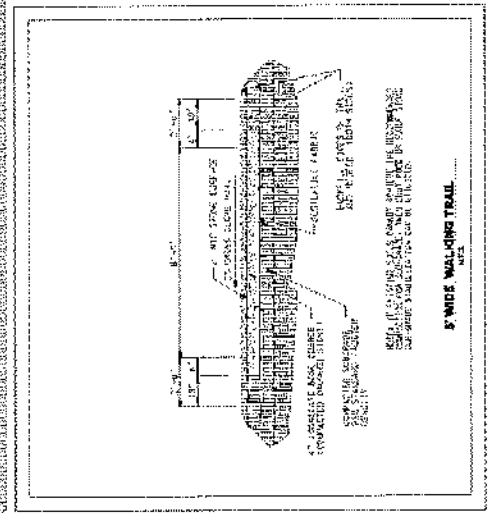
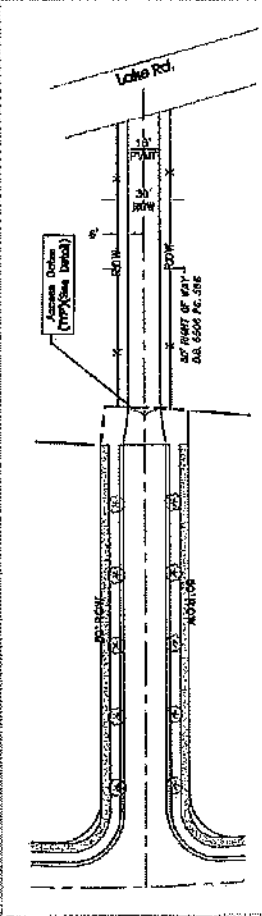
* All homes will have an "Energy Efficient" rating.



REPRESENTATIVE PHOTOS
ONLY

Richland Estates

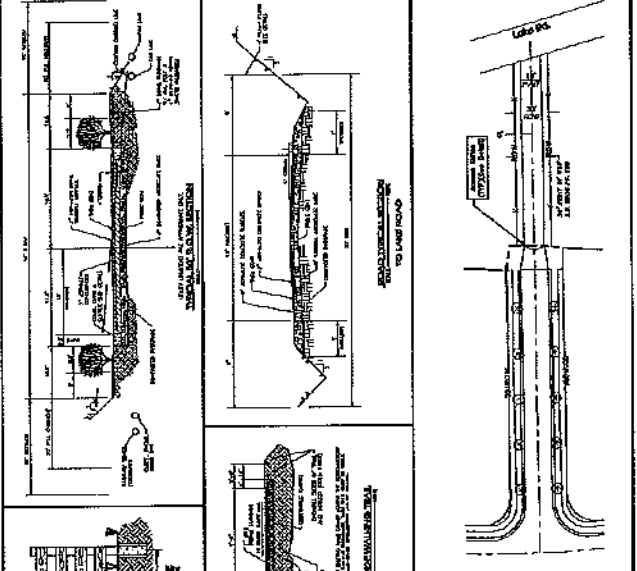
INGRESS/EGRESS



Shown here is the typical street section for the typical 30 foot wide right-of-way to be used access Lake Road. A 4-rail fence will be provided for both sides of the 30 foot wide right-of-way



Legend table with various symbols and their corresponding descriptions for zoning and site features.

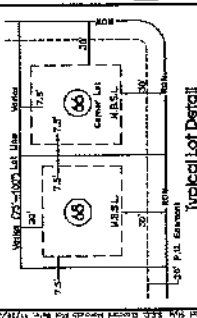
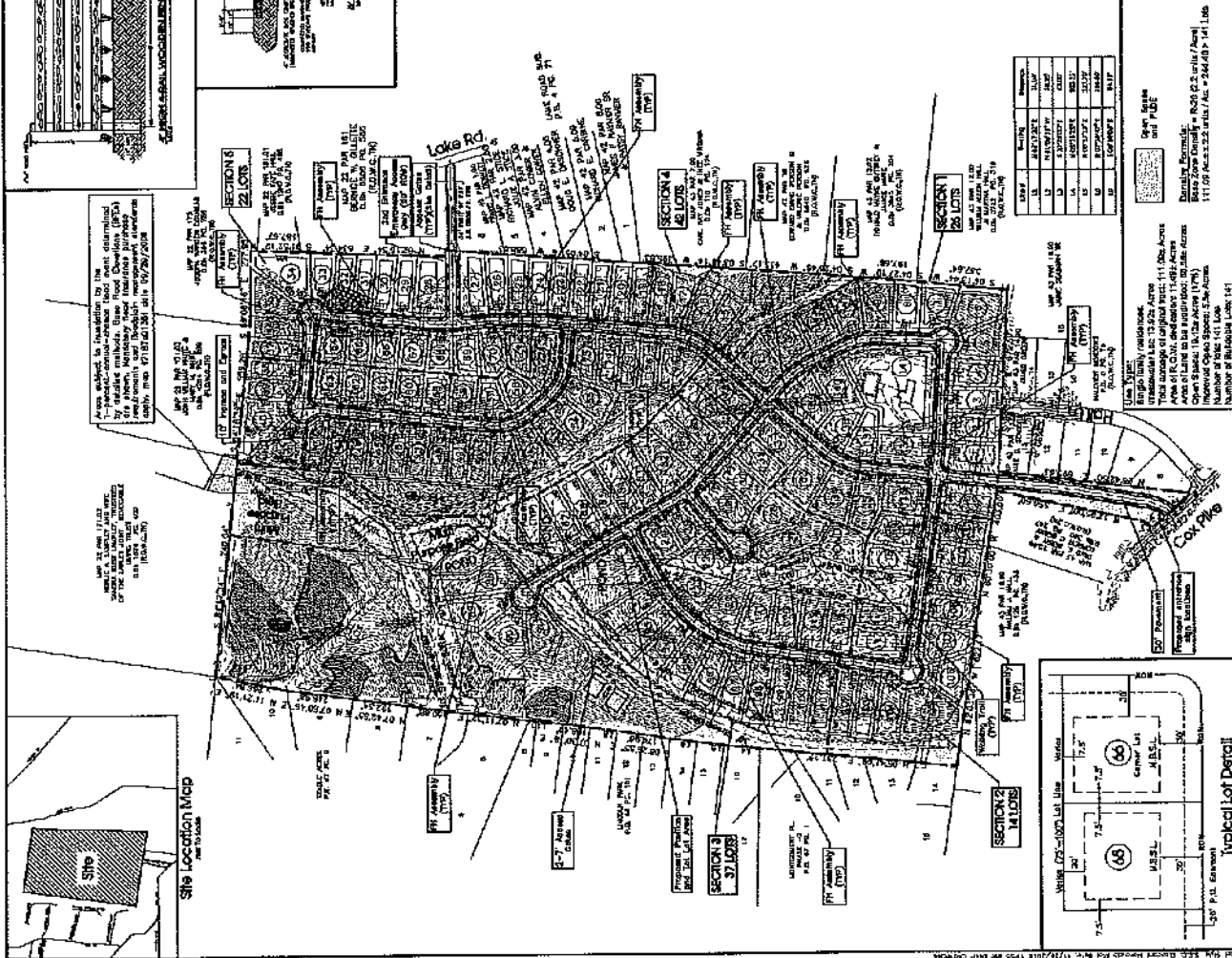


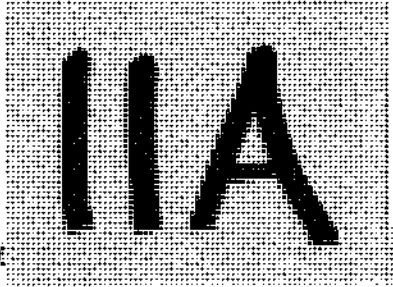
UTILITY CONTACTS: AMERICAN ELECTRIC, MEMPHIS COOP, TENNESSEE POWER, FRANKLIN, TN 37068, PHONE: (615) 794-2687, CONTACT: GARY USURIN

Table with columns for Lot, Area (Acres), and Volume (cu ft) for lots 1 through 47.

WATER AUTHORITY OF DICKSON COUNTY, TN, 100 W. MAIN ST., DICKSON, TN 37055, PHONE: (615) 441-4188, CONTACT: MICHAEL ADAMS

APPROVED BY THE FAIRVIEW PLANNING COMMISSION... 11/15/08 APPROVED BY THE FAIRVIEW PLANNING COMMISSION...





ORDINANCE NO. 2019-02

AN ORDINANCE TO REVISE THE FUND BALANCE POLICY FOR OF FAIRVIEW.

WHEREAS, The City of Fairview board of commissioners desires to strengthen the city's fund balance policy, and

WHEREAS, the city's fund balance policy should be codified upon adoption.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE AS FOLLOWS:

BE IT ORDAINED, that Ordinance 852 (Bill 2014-30) and Resolution 17-14 are hereby repealed, and

BE IT FURTHER ORDAINED, that any future fund balance policy(s) for the City of Fairview be adopted by ordinance and codified by assignment to a title and section in the City of Fairview Municipal Code.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

The logo consists of the letters 'IIB' in a large, bold, serif font, set against a background of a fine grid or dot pattern.

ORDINANCE NO. 2019-03

AN ORDINANCE ESTABLISHING A FUND BALANCE POLICY FOR THE CITY OF FAIRVIEW, TENNESSEE, AND CODIFYING THE SAME.

Be it Ordained by the City of Fairview, Tennessee as follows: The City of Fairview Municipal Code is hereby amended such that Title 1, Chapter 6, Section 6-101 is hereby created and shall be entitled Fund Balance Policy, and

Be it further ordained, that Title 1, Chapter 6, Section 6-101 of the City of Fairview Municipal Code shall read as follows:

Section 1. Purpose. The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City to be in a strong fiscal position that will allow for better position to weather negative economic trends.

Section 2. Categories. The Fund Balance consists of five categories: Non-spendable, Restricted, Committed, Assigned, and Unassigned.

- **Non-spendable Fund Balance** consists of funds that cannot be spent due to their form (e.g. inventories and pre-pays) or funds that legally or contractually must be maintained intact.
- **Restricted Fund Balance** consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.
- **Committed Fund Balance** consists of funds that are set aside for a specific purpose by the city's board of commissioners. Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the fund balance.
- **Assigned Fund Balance** consists of funds that are set aside with the intent to be used for a specific purpose by the city's board of commissioners, or by the administrative personnel who has been given the authority by the board of commissioners to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.

- **Unassigned Fund Balance** consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

Section 3. Responsibility. Non-spendable funds are those funds that cannot be spent because they are either:

- 1) Not in spendable form (e.g. inventories and pre-pays)
- 2) Legally or contractually required to be maintained intact

It is the responsibility of the finance director to report all non-spendable funds appropriately in the city's financial statements.

Restricted funds are those funds that have constraints placed on their use either:

- 1) Externally by creditors, grantors, contributors, or laws or regulations of other governments.
- 2) By law through constitutional provisions or enabling legislation.

It is the responsibility of the finance director to report all restricted funds appropriately in the city's financial statements. All restricted funds must also be reported to the city's governing body within two (2) months of the end of the fiscal year.

Section 4. Order and Use of Restricted and Unrestricted Funds. When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned, and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last.

Section 5. Authority to Commit Funds. The City's governing body has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote. The passage of a resolution must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

Section 6. Reserve Funds. Effective July 1, 2020, and every day thereafter there shall be an amount equal to ten (10) percent of the city's general fund operating budget (excluding restricted funds and committed funds) held in reserve in a Local Government Investment Pool (LGIP) account. The ten (10) percent reserve account and fund balance shall not be included in any operating budget or be used generally to balance the operating budget. Any necessity to access

any portion of the reserve fund for any purpose shall be reported to the board of commissioners no later than the next regularly scheduled meeting of the board of commissioners after the need to access reserve funds has been recognized. Any use of any portion or amount of the city's reserve funds shall be approved by resolution of the board of commissioners prior to the use of said funds and the resolution shall state the purpose or necessity to utilize the reserve funds, the amount to be utilized, and the plan to replenish and restore the fund to ten (10) percent of the city's general fund operating budget.

Section 7. Authority to Assign Funds. The City's governing body has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as assigned fund balance requires inclusion in the city's current year budget ordinance or as a resolution or amendment to the city's current year budget.

Section 8. Unassigned Fund Balance. Unassigned fund balance is the residual amount of fund balance in the general fund. It represents the resources available for future spending. An appropriate level of unassigned fund balance shall be maintained in the general fund in order to fund a balanced operating budget and to ensure all expenses and expenditures approved in the city's budget ordinance will be met. Any unassigned fund balance surplus projected for the end of the city's current fiscal year shall be reported by the city manager to the board of commissioners no later than sixty (60) days prior to the end of fiscal year.

Section 9. Effective Date. This Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

MAYOR

CITY RECORDER

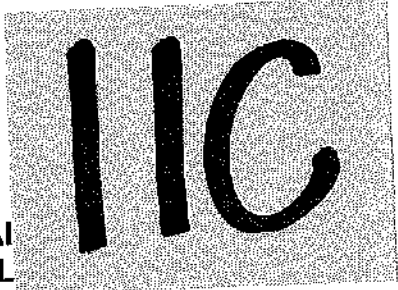
APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

Passed Second Reading

ORDINANCE NO. 2019-04



AN ORDINANCE AMENDING THE CITY OF FAIRVIEW MUNICIPAL AND AUTHORIZING THE CITY OF FAIRVIEW'S CODES OFFICIAL SPECIAL POLICE OFFICER WITH SUMMONS AUTHORITY.

WHEREAS, the City of Fairview desires to maintain clean, safe and functional properties, easements and rights of way, and

WHEREAS, the City of Fairview codes official shall be tasked with certain duties in order to ensure the city's properties, easements and rights of way are clean, safe, functional, free of debris, free of hazardous items or material, and free of items that could threaten public health, and

WHEREAS, the codes official must be authorized special police officer in order to issue citations or summonses for violations of certain municipal codes, and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE AS FOLLOWS:

BE IT ORDAINED, that Title 6, Chapter 1, Section 6-109, entitled "Codes Official as Special Police Officer" is hereby created, and

BE IT FURTHER ORDAINED, that Title 6, Chapter 1, Section 6-109, of the City of Fairview Municipal Code shall read as follows:

"In accordance with T.C.A. 7-63-101 the codes official is hereby appointed as a special police officer of the City of Fairview and may not effect any arrest but is empowered to issues citations, summonses and complaints for violations of City of Fairview Municipal Code Title 17, Chapter 1, Sections 102 through 107 and Sections 109 through 120. The codes official shall deliver to the offender a copy of such citation, summons or complaint which shall include details of the offense(s) charged and the time and place when the offender is to appear in court."

MAYOR

CITY RECORDER

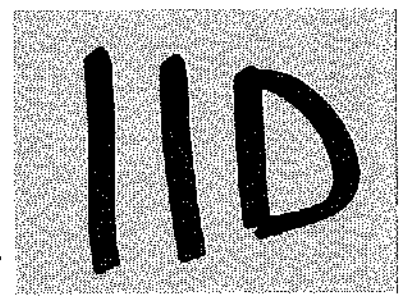
APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

ORDINANCE NO. 2019-05



AN ORDINANCE TO AMEND SECTION 14-104.3 OF THE CITY OF FAIRVIEW'S ZONING ORDINANCE.

WHEREAS, City of Fairview 441 (Bill 98-15) is the city's zoning ordinance, and

WHEREAS, Section 14-104.3, entitled Membership, reads as follows:

"The Board shall consist of five (5) members who have been bona fide residents of the Planning Jurisdiction for not less than three (3) years prior to appointment and who shall continue to be so eligible as long as they serve. Board members shall be appointed by the Board of Commissioners", and

WHEREAS, the board of commissioners desires to amend Section 14-104.3 of city's zoning ordinance, entitled Membership, to read as follows:

"The Board shall consist of five (5) members, all of whom must be residents of the City of Fairview. No person who is not a resident of the City of Fairview may serve on the board of zoning appeals. Members of this board are appointed by the City of Fairview board of commissioners"

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE AS FOLLOWS:

BE IT ORDAINED, that Section 14-104.3 of the City of Fairview zoning ordinance shall read as follows:

"The Board shall consist of five (5) members, all of whom must be residents of the City of Fairview. No person who is not a resident of the City of Fairview may serve on the board of zoning appeals. Members of this board are appointed by the City of Fairview board of commissioners"

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 03-19



A RESOLUTION OF THE CITY OF FAIRVIEW BOARD OF COMMISSIONERS
AUTHORIZING THE CITY MANAGER TO EXECUTE MOTOROLA LEASE PURCHASE
DOCUMENTS RELATING TO THE CITY'S PUBLIC SAFETY RADIO SYSTEM.

WHEREAS, the City of Fairview board of commissioners has previously approved the Motorola purchase order, and

WHEREAS, the City of Fairview secured discount pricing from Motorola at the time of the purchase order, and

WHEREAS, the secured discount combined with the lease terms proposed by Motorola provide a favorable procurement opportunity for the city, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview, Tennessee, Board of Commissioners hereby authorizes the city manager to execute all documents on behalf of the city to secure and complete the lease purchase agreement with Motorola regarding the equipment necessary for the city to complete its public safety radio and communications equipment upgrade required for compatibility on Williamson County's P25 radio system.

Approved and adopted this _____ day of _____, 2019.

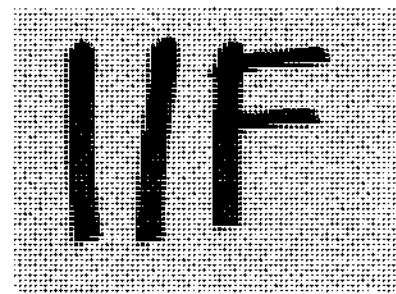
Mayor

Attest:

City Recorder

APPROVED AS TO FORM:

City Attorney



**PYRO SHOWS
MATERIAL CONTRACT
STATE of TENNESSEE
COUNTY of CAMPBELL**

THIS AGREEMENT made this 18th Day of January 2019, by and between **PYRO SHOWS, Inc.**, a Tennessee corporation with its principal place of business at P.O. Box 1776, LaFollette, State of Tennessee (hereinafter **PYRO SHOWS**), and **CITY OF FAIRVIEW** with its principal place of business at 7100 City Center Way, Fairview, State of Tennessee, hereinafter referred to as the "Customer".
In consideration of the mutual promise and undertakings set forth herein, the parties agree as follows:

I. DESCRIPTION AND QUANTITY: Customer hereby orders the following products in the specified quantities at the indicated prices:

Type: Display Fireworks 1.3g Sales Order #: 19-TN-07-03-MO-8000-000075

Display Date(s): July 3, 2019

Payment Terms: **CITY OF FAIRVIEW** shall pay **PYRO SHOWS** \$8,000.00 plus applicable taxes in the amount of \$0 for a grand total of \$8,000.00 according to the terms of this agreement. Customer shall submit a 50% deposit in the amount of \$4,000.00 upon return of signed contract by February 18, 2019. Balance will be due in the **PYRO SHOWS** day or upon receipt of 1.3G product.

Method of payment: By check and must be made payable to **PYRO SHOWS, INC.**

Taxes: Customer shall be responsible for all applicable sales taxes.

II. DELIVERY AND RISK OF LOSS: The material shall be delivered to Customer at Customer's expense. Risk of loss shall pass to Customer as soon as Customer is in possession of product.

III. COMPLIANCE WITH LAW AND REGULATIONS: In the event that Customer intends to use the material governed by this Agreement in a place or in a manner in which approval is required by any laws, regulations, codes or ordinances, Customer shall apply for the approval to the appropriate agency, officer, or authority promptly upon the execution of this Agreement and shall provide **PYRO SHOWS** with a copy of the permit, license or other approval so obtained. Customer shall not use the material until all required documented approval(s) are received. Customer agrees to comply with all NEPA 1123-10 and will abide by all fireworks safety codes. It is the responsibility of all persons who handle hazardous materials to know and follow all approved safety procedures and to comply with all applicable federal, state, and local laws, regulations and ordinances. Customer hereby represents that he/she is fully aware of all dangers and that all materials will be handled and used strictly in accordance with all applicable laws and regulations, and that Customer and all subsequent handlers and users shall possess all applicable licenses and permits.

IV. INDEMNIFICATION: Customer agrees to indemnify and hold harmless **Pyro Shows**, its directors, officers, employees and agents from all costs, damage or expenses, direct or indirect, arising from the injury to persons or their property. At **Pyro Shows'** sole discretion, **Pyro Shows** may furnish advice or assistance regarding the handling or use of the materials. It is understood, however, that all such advice or assistance is rendered without compensation or control and that **Pyro Shows** assumes no obligation or liability by reason of such advice or assistance given.

V. SAFETY: Customer acknowledges his/her understanding of safety precautions for handling, storing, and detonating 1.3G display fireworks. Furthermore, Customer has read and understands "Warnings for Operating 1.3G Fireworks" incorporated in this agreement and attached herein as "Addendum A". All terms and conditions set forth on any addendum attached to this agreement are made part of this agreement and incorporated by reference herein.

VI. CUSTOMER/BUYER STATEMENT:

- a. I am over 21 years old;
- b. I understand the nature, characteristics, safety precautions, and health hazards of the materials ordered;
- c. I am legally qualified to receive, and will legally use the materials ordered;
- d. I understand that neither me, nor any employee, extend any warranties, expressed or implied;
- e. I agree to hold **Pyro Shows Inc.** and all employees harmless for any claims, alleged or proven, resulting in any way from the sale or use of any items purchased;
- f. I agree that this statement applies equally to past and future sales;
- g. I understand and agree to all terms in this statement.

All **PYRO SHOWS** products sold and shipped will be on the representation of the buyer and that the same will be used strictly in accordance with laws of the state of destination. **PYRO SHOWS** shall not be liable in any civil action for ANY accident or injury occasioned during the transportation, handling, storage, sale, or use of merchandise.

Customer/Buyer is also fully aware of the danger involved in the use and handling of 1.3g products, and shall take all responsibility for any accident, damage, or death resulting from the subsequent use or abuse of the material purchased.

It is the responsibility of all persons who use the **PYRO SHOWS** materials to know and follow all approved safety procedures and to comply with all applicable federal, state, and local laws, regulations and ordinances.



Upon request, PYRO SHOWS will furnish such technical advice or assistance as it deems appropriate in reference to the use of its product by buyer. It is expressly understood, however, that all such technical advice or assistance is rendered without compensation and Pyro Shows, Inc. assumes no obligation or liability for such advice or assistance given or obtained.

IN WITNESS WHEREOF, this agreement is executed in duplicate the date shown above.

PYRO SHOWS, Inc.

BY: _____
Lansden E. Hill, Jr.

DATE: _____, 2019

CUSTOMER

BY: _____, 2019
Signature

Printed Name

DATE _____, 2019

The undersigned individual (hereinafter called the "Guarantor") unconditionally guarantees all of the obligations entered into by the Customer in the contract between CITY OF FAIRVIEW Customer, and PYRO SHOWS, dated _____. The guarantor agrees that if the Customer defaults he will pay all sums due to and owing under contract, including all cost of collection and reasonable attorney's fees. He agrees to unconditionally guarantee all of the obligations entered into by the Customer as if he were the Customer in the event Customer defaults or fails to pay the agreed contract price.

IN WITNESS whereof, this agreement is executed in duplicate this the _____ day of _____, 2019.

SIGNATURE OF GUARANTOR

SIGNATURE OF GUARANTOR

RESIDENCE ADDRESS

RESIDENCE ADDRESS

WARRANTY EXCLUSIONS

Customer understands that PYRO SHOWS is not the manufacturer of the material governed by this Agreement.

THIS IS NO WARRANTY BY PYRO SHOWS THAT ANY OF THE MATERIAL HEREIN SOLD IS MERCHANTABILITY OR FIT FOR A PARTICULAR PURPOSE. SUCH GOODS ARE SOLD "AS IS." CUSTOMER IS NOT RELYING UPON ANY REPRESENTATION, STATEMENT OR ANY OTHER ASSERTION WITH RESPECT TO THIS NATURE OF QUALITY OF THE MATERIAL SOLD HEREIN. CUSTOMER IS RELYING SOLELY UPON ITS EXAMINATION AND ITS TESTING OF SUCH MATERIAL. NO CLAIM OF ANY KIND, WHETHER AS TO MATERIAL DELIVERED OR FOR NONDELIVERY OF MATERIAL, SHALL BE GREATER IN AMOUNT THAN THE PURCHASE OF THE MATERIAL IN RESPECT OF WHICH SUCH CLAIM IS MADE. IN NO EVENT SHALL PYRO SHOWS BE LIABLE FOR ANY LOSS OF PROFITS OR OTHER ECONOMIC LOSS, INDIRECT, SPECIAL, CONSEQUENTIAL OR OTHER SIMILAR DAMAGES ARISING OUT OF ANY CLAIMED BREACH OF OBLIGATIONS HEREUNDER.



**ADDENDUM A
WARNINGS FOR OPERATING
1.3G FIREWORKS**

NEVER ATTEMPT TO HANDLE, TRANSPORT OR OPERATE FIREWORKS WHEN INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.

1) Storage:

Fireworks stored in an area with temperatures in excess of 180 degrees Fahrenheit, and/or 50% or more humidity in the air will result in chemical reactions and may become unstable causing ignition, malfunction during operation, or premature explosion of this item.

2) Handling:

Fireworks are explosive substances and should be handled with the utmost caution at all times. Never THROW, ROLL or use a HOOK on the cartons and never transport, unpack or store close to fire and hot items such as a heater pipe. All persons who handle these fireworks should have had at least two years of supervised training with display fireworks and display fireworks safety. All persons who handle these fireworks should wear fire retardant gear from their hard-hats to fireproof boots.

3) Inspection:

Inspection is mandatory and must be performed on all shells before use.

Step 1: Check whether the shells are or have been wet. Do not attempt to use wet or moist shells.

Step 2: Check to see if there are any tears, especially the casing containing the lifting charge. If you find any leaks of black powder, then these shells should NEVER be used.

Step 3: Check to see if the black match or boxed finale appears to be normal (Ex. A breakage in black match or black match does not touch the lifting charge etc). If you find any breakage or tear in the black match, do not attempt to use this shell.

4) Loading of shells into mortar:

Shells are to be loaded carefully and slowly with the lifting charge facing the bottom of the mortar. When using boxed finales, make sure to follow the instructions on the box. Each shell size must have its own mortar. For example, NEVER attempt to use a 5 inch mortar for a 4 inch shell. Shells over 8 inches should be loaded into the mortar with a rope. Make sure that the shells have reached the bottom of the mortar. NEVER expose any part of your body above the mouth of the mortar. Have a second person supervise the loading of a shell into the mortar as a safety measure. When reusing the same mortar after firing a shell, make sure that there are no remnants of the previous shell inside and around the mortar.

5) Establishment of minimum danger zone between audience and launch site(s):

PYRO SHOWS insists that the following distances be used as a standard guideline for measuring danger zone between the audience and launch sites(s). These distances may increase with varying weather conditions such as wind, humidity, etc.

| Shell Size in Inches | Minimum Distance in Feet (Radius) |
|----------------------|-----------------------------------|
| Under 3 | 200 |
| 3 | 210 |
| 4 | 280 |
| 5 | 350 |
| 6 | 420 |
| 8 | 560 |
| 10 | 700 |

6) After the display:

IMPORTANT

NEVER LET ANY SPECTATOR INSIDE THE DANGER ZONE BEFORE, DURING, AND AFTER THE DISPLAY. FIRST, INSPECT TO SEE IF ANY UNDETONATED FIREWORKS ("DUDS") HAVE FALLEN TO THE GROUND. IF THERE ARE ANY, COLLECT THEM AND DISPOSE OF THEM. WARN ALL SPECTATORS BEFORE THE DISPLAY AND AFTER THE DISPLAY TO STAY AWAY FROM DUDS AND TO REPORT THEM TO THE APPROPRIATE AUTHORITIES SO THAT THEY CAN BE SAFELY DISPOSED. A SPECTATOR (ESPECIALLY CHILDREN) MAY PICK UP A DUD AND MAY TAKE IT HOME AS A SOUVENIR. MAJOR INJURIES HAVE OCCURRED THIS WAY.