

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

FEBRUARY 21, 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) – N/A**
- 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**
 - A. Leaf and Chipper Service Forum
- 8. Staff Comments and Monthly Reports**
 - A. City Manager
 - B. City Attorney
- 9. Consent Agenda** (Any Item May be Removed for Individual Consideration)
 - A. Minutes from the February 7, 2019 Board of Commissioners Meeting
 - B. Ordinance 2019-02, An Ordinance to Revise the Fund Balance Policy for the City of Fairview
 - C. Ordinance 2019-03, An Ordinance Establishing a Fund Balance Policy for the City of Fairview, Tennessee, and Codifying the Same
 - D. 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
 - E. Ordinance 2019-05, An Ordinance to Amend Section 14-104.3 of the City of Fairview's Zoning Ordinance
- 10. Old Business**
- 11. New Business**
 - A. Certificate of Compliance Renewal for Good Times and More, 2276 Fairview Boulevard, owner: Jeff McCord
 - B. Ordinance 2019-06, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 21, Parcel 52, Consisting of Acres 6.23, Located at 1091 Highway 96 North, From RS-40 (Low-Density Residential) to CG (Commercial General) Zoning District
 - C. Ordinance 2019-07, Amended Budget for Fiscal Year 2018-2019
 - D. Ordinance 2019-01, An Ordinance to Adopt a Revised Zoning Ordinance
 - E. Pyro Shows Contract
- 12. Communications from the Mayor and Commissioners**
 - A. Commissioner
 - B. Commissioner
 - C. Commissioner
 - D. Vice Mayor
 - E. Mayor
- 13. Adjournment**



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BE IT ORDAINED, that Ordinance 852 (Bill 2014-30) and Resolution 17-14 are hereby repealed, and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 February 7, 2019

Passed Second Reading _____

9C

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-paids)
- 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:

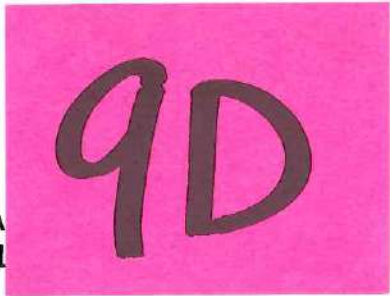
CITY ATTORNEY

Passed First Reading

February 7, 2019

Passed Second Reading

ORDINANCE NO. 2019-04



AN ORDINANCE AMENDING THE CITY OF FAIRVIEW MUNICIPAL CODE AND AUTHORIZING THE CITY OF FAIRVIEW'S CODES OFFICIAL AS 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

February 7, 2019

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 February 7, 2019

Passed Second Reading _____

CERTIFICATE OF COMPLIANCE
RETAIL PACKAGE STORE

11A

Pursuant to Tennessee Code Annotated, Title 57, Section 57-3-208 and 57-3-213, the

Name of Applicant: Jeff McCord
Home Address: [Redacted] Rd
[Redacted] TN 37062
(City) (State) (Zip)

Date of Birth: [Redacted] SSN: [Redacted]

has made application for a Certificate of Compliance to sell retail alcoholic beverages in the

County of Williamson, State of Tennessee, at

Good Times Spirits & Wines, 2276 Fairview Blvd, Fairview TN
(Name and Street Address of Liquor Store) 37062

and that an investigation has been undertaken of the applicant's criminal record and of the compliance of said business with local law, ordinances or resolutions, and from said investigation of the undersigned certified:

1. That the applicant or applicants who are to be in actual charge of said business have not been convicted of a felony within a ten-year period immediately preceding the date of the application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further, that it is the undersigned's opinion that the applicant will not violate any provisions of Tennessee Code Annotated, Title 57, Chapter 3;
2. That the applicant has secured a location which complies with all restrictions of the laws, ordinances and resolutions;
3. That the applicant or applicants have complied with the residency provisions;
4. That the issuance of this license will not exceed the numerical limit.

This _____ day of _____, 20 _____.

Mayor or Other Official Head of Municipality

Member of Legislative Body of Municipality

MAIL TO:
Tennessee Alcoholic Beverage Commission
226 Capitol Boulevard Building
Suite #300
Nashville, TN 37243-0755

City of Fairview

7100 City Center Way

Fairview, TN 37062

(615) 799-2484

Receipt Number: 20175

Miscellaneous Receipt

Name: Good Times Spirits And Wines

Code: Liquor Licenses

Amt: \$250.00

MR #: 20175

Description: Miscellaneous Receipt

Reference:

Notes:

GL Account	Description	Credit Amount
110-32220- - -	Liquor Licenses	\$250.00
Miscellaneous Receipt Totals:		\$250.00

Payment Information

Check 9120 \$250.00

Paid By: Good Times Spirits And Wines

Amount Tendered: \$250.00

Total Paid: \$250.00

Change: \$0.00

Voided

Batch: BJ - 2/7/2019

2/7/2019 11:20 Page 1 of 1

Collecting Official, City of Fairview

11B

ORDINANCE #2019-06

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 21, PARCEL 52, CONSISTING OF 6.23 ACRES, LOCATED AT 1091 HIGHWAY 96, FROM A RS-40 (LOW-DENSITY RESIDENTIAL) ZONING DISTRICT TO A CG (COMMERCIAL GENERAL) ZONING DISTRICT.

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

WHEREAS, the City of Fairview Planning Commission, on February 12, 2019, made an un-favorable recommendation to the Board of Commissioners that this request not 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 21, Parcel 52 from a RS-40 (Low-Density Residential) Zoning District to a CG (Commercial General) Zoning District. This property consists of approximately 6.23 acres and is owned by Catherine Hudgins who has authorized the submittal of 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: _____

Public Hearing Held: _____

Second Reading: _____

Approved by the Board of Commissioners:

John W. Blade, Mayor

ATTEST:

Brandy Johnson, City Recorder

APPROVED AS TO FORM:

City Attorney

Published in the Fairview Observer on _____

City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: shall@fairview-tn.org

RECOMMENDATIONS

2019-2

DATE: February 12, 2019

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

2. PC 2019-01, A Resolution to Adopt Revised Subdivision Regulations for the City of Fairview, Tennessee.

Staff: Staff makes a favorable recommendation to the Planning Commission to adopt the Revised Subdivision Regulations for the City of Fairview, Tennessee.

Burks made a motion to approve. Jenkins Seconded. Vote Taken. All were in favor.

3. Recommendation to the Board of Commissioners on Ordinance 2019-01, and Ordinance to Adopt a Revised Zoning Ordinance, Requested by the Fairview Planning Department.

Staff: Staff makes a favorable recommendation to the Planning Commission for a favorable recommendation to the Board of Commissioners to adopt the Revised Zoning Ordinance for the City of Fairview, Tennessee.

Burks made a motion for a favorable recommendation. Anderson Seconded. Power was concerned about run off that goes into the streams, how can that be added to this, they have talked a little about containing the runoff on the jobsites. Butler asked Burks if he has anything on this from last month. Burks stated what they have needs more works before it's put into their documents, make sure it fits for us. Burks asked City Engineer would that be under Zoning Ordinance or Subdivision Regulations. Owen stated the majority of that would be under the Subdivision regulations. Burks stated Mr. Power to answer his question someone would have to make a motion from this Board to adopt whatever that proposal is then that would be included at some point, he agrees they do need something but he agrees that they can go ahead and pass this as is so it can move up to the BOC, since this is just for the Zoning Ordinance's, what they need to be in is the previous item. Power stated he just doesn't want all this to be passed and that be forgotten about. Butler as Mr. Collins does, he have any updates on this. Collins stated yes there are three components of it. This would be in the Subdivision regulations storm water runoff, silk fencing & other things, we would also need to amend

the City's Municipal codes for an enforcement, if it's in the Subdivision regulations that still doesn't give an enforcement matter so you could go out and do that, once the Subdivision Regulations were inclusive of that then they could take that to the Board of Commissioners have something adopted at the ordinance level which would give the ability to site and those sort of things. There are two parts of it they want to bring forward knows they have had numerous discussions about it, a little more complicated as they well know. Anderson asked has the County adopted a complete storm water ordinance passed for them to use as a guideline. Collins stated he doesn't know, he can try to get that information but he knows some of the local municipalities have done some of that work and they are going to try to craft ours out of some of that, he can try to find out what the County has and he can send out to the Board at large. **Vote was Taken. All were in favor.**

4. Recommendation to the Board of Commissioners on the Rezoning of Property, requested by Catherine Hudgins. Property located at 1091 Highway 96 North, Tax Map 21, Parcel 52. 6.23 acres. Current zoning district: RS-40, Single-Family Residential: Proposed zoning district: CG, Commercial General

Staff: The Future Land Use Map indicated this parcel as Medium Residential. If the rezoning is approved, the Future Land Use Map will need to be amended as well.

Ms. Hudgins present and stated her husband died this past December from a heart attack and they had already talked to a relator about selling and they think it would be a good place for business the way the land is laid, hope. Butler asked does anyone have any questions for the applicant. Burks stated his concern is they have the Comprehensive plan and they have a meeting coming up next month with a rough draft, and rezoning this piece of property to Commercial when it doesn't meet the current Land Use Map, until they see what that proposed Land Use Map will look like. Qualls was asking where the property was. Butler stated it's right at the end of Horn Tavern where it meets Highway 96. Jenkins was concerned if they denied this tonight because it doesn't meet the current Land Use Map and when they get the new Land Use Map complete and it does meet that will the applicant have to pay again to come back to the Board. Collins stated if they want to avoid that the proper method would be to assist Ms. Hudgins through the process to make sure everyone is treated fairly, at this point he thinks staff would encourage Ms. Hudgins to withdraw, given the fact that she has already filed they can carry that forward if there's an action by the Board then that's going to take them down a different path. If that's where they are Ms. Hudgins favorable to that his request to her would be to consider withdrawing this matter before them tonight so that it may be brought back up with no penalty or process moving forward. Quall asked how soon are they going to know about this Land Use Map. Collin stated the comprehensive plan is set to be delivered to the City of Fairview in April, so they are 6 weeks to 2 months away, beyond that there's still some work that needs to be done because you have to adopt The Land Use

Map and change it and do those things. So, when the Land use Map would be adopted could be some time, several months, however you'll have a document to work from in about 2 month's that will give them some direction where this area will go and look like. Quall stated so this is a suggested Land Use Map that they are anticipating in April. Collin stated that is correct. Butler stated they have a current Land Use Map that is referencing medium residential for that area but it's from 2000. Anderson stated when we attentively adopt the new Land Use Map, they are going to have a lot of pros and cons from citizens, lot of people are going to like what they see and a lot that don't like what they see. Butler stated he thinks the biggest thing is if they in vision this being commercial, they change the current Land Use Map or would they try to defer and kind of see how the Land Use Map heads, she could put it for sale and reference on it contingent on approval present what there idea is and they would know what kind of commercial use they are asking for, couple of different ways. Power stated his concern was that he knows in the past they have had properties come before them that had residential on both sides and wanted to rezone to commercial and they denied those properties, he's wondering if that would set them up for problems. Collins stated given the fact this is rezoning it will have to be heard by the Board of Commissioners as they go forward, if they were to take action tonight can still go to the Board of Commissioners with a favorable or unfavorable recommendation from the Planning Commission, so they could vote to approve, vote to deny, would still go to the BOC which is another step in the process. Quall stated even if they approve it doesn't mean they would have to necessarily if someone comes to them to approve what they want to put there. Collins stated yes in actuality if it's rezoned for commercial or whatever the purpose is the Planning Commission nor the BOC will have the opportunity to deny based on what's coming or what be proposed as long as it met the zoning regulation. Burks stated his other concern was sandwich two pieces of property with commercial in-between them, he understands Vardens is a Commercial of property but it has been there, was there when he moved here in 2004. Ms. Hudgins stated the apartments are commercial. Butler stated he thinks they are zoned Multi family, Residential zoning, Commercial is for businesses. Qualls stated if they hold off on changing anything from residential to commercial, say on Fairview Blvd. because there is a house there, then 25 years from now it will look like it does right now, because there are houses scattered up and down Highway 100. Mr. Power stated he know they denied someone on Highway 96 that was trying to rezone commercial and he believes they will be setting themselves up for lawsuits in similar situations. Mr. Potter stated he doesn't necessarily agree with that, everyone of these pieces of property interarm issues, their unique, if you state a rational basics for it, you're not locking yourself into to grant every rezoning that comes along just because their surrounded by other commercial properties, we have to look at each one case by case. Burks stated Mr. Power he believes that piece of property he was talking about was closer to the interstate was a

request for rezoning so they could put in storage units and there were no commercial properties touching that, this is a little bit different because the backside of this property does touch commercial property but they would be creating an island of residential inside of that. Power stated the piece of property he was talking about was on 100 and they wanted to put in an event center or something like that. Collin stated in the interest of where they are his suggestion would be not a motion to defer his suggestion would be to a motion to approve or a motion to deny knowing it's going to go to the Board of Commissioners with a favorable or unfavorable recommendation based on their vote. Jenkins stated he wanted to offer his condolences to Ms. Hudgins for losing her husband, then he went over the process with her about the Land Use Map and her options. Qualls made a motion to approve the rezoning to commercial. No one Seconded, motion failed for lack of Second. **Jenkins made a motion to deny request. Burks Seconded. Vote was taken. All were in favor except Qualls.** Butler stated Ms. Hudgins it will now go to the Board of Commissioners.



**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 NFPA 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.

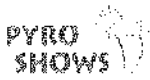
VI. **CUSTOMER/BUYER STATEMENT:**

- 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 MERCHANTABLE 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.