

SUPPORTING DOCUMENTS FOR THE PROPOSED AGENDA ARE NOT PUBLISHED IN THE NEWSPAPER BUT MAY BE FOUND AT [WWW.FAIRVIEW-TN.ORG](http://WWW.FAIRVIEW-TN.ORG)

CITY OF FAIRVIEW  
**BOARD OF COMMISSIONERS**

**MARCH 3, 2016**

**7:00 P.M.**

**AGENDA**

1. **Call to order by Mayor Carroll**
  - A. Prayer and Pledge
2. **Approval of the Agenda –**
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
4. **Awards and/or Recognitions –**
5. **Public Announcements –**
6. **Staff Comments –**
7. **Approval of the Minutes – (only needed if removed from consent agenda)**
8. **Consent Agenda Consisting of Items as Follows:**
  - A. Approval of the Minutes from the January 26, 2016 Public Hearing
  - B. Approval of the Minutes from the January 26, 2016 Special Board of Commissioners Meeting
  - C. Approval of the Minutes from the February 18, 2016 Board of Commissioners Meeting
9. **Old Business**
  - A. Discuss and/or Take Action on Ballot Measures - Crutcher
10. **New Business**
  - A. Discuss and/or Take Action on Nashville Running Company's Bowie Park 6-Miler – Paisley
  - B. Discuss and/or Take Action on Bill #2016-04, Ordinance No. 918, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located off Cox Pike, Owned by Billy Pomeroy and Robert Pomeroy, Jr., as Shown on, Williamson County, Tax Map 43, Parcel 32.04, (2.0 Acres) and Map 21, Parcel 61.06 (40.69 Acres) and Map 021MA, Parcel 37.01 (0.5 Acres) from RS-20 to R-20 PUS Overlay - Hall
  - C. Discuss and/or Take Action on Resolution No. 02-16, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on Changing the Zoning of Certain Property in the City of Fairview, Tennessee, Located off Cox Pike, Owned by Billy Pomeroy and Robert Pomeroy, Jr., as Shown on, Williamson County, Tax Map 43, Parcel 32.04 (2.0 Acres) and Map 21, Parcel 61.06, (40.69 Acres) and Map 021MA, Parcel 37.01 (0.5 Acres) from RS-20 to R-20 PUD Overlay - Hall
  - D. Discuss and/or Take Action on Recommendation from Planning Commission to Rezone Property Located at 2652 Fairview Boulevard from RS-40 to CG, Map 69, Parcel 32.00, 1.1 Acres, Owners: Gary & Glenda Jaworski – Hall
  - E. Discuss and/or Take Action to Enact Authorization to Employ Outside Independent Legal Counsel Relative to Matters of Contracts and/or Operations with Third Party Providers - Hall
  - F. Discuss and/or Take Action on Chipper - Hall
  - G. Discuss Plan for Hiring of Assistant City Manager and Development of Human Resources Department – Hall
11. **City Manager Items for Discussion –**
  - A. Miscellaneous Updates –
  - B. City Attorney Comments -
12. **Communications from the Mayor and Commissioners –**
13. **Adjournment.**

10A

**BOWIE NATURE PARK  
ACTIVITY SITE PROPOSAL  
APPLICATION**

The City of Fairview Parks Department will use the following information to make a determination for your request of park use.

This form must be submitted to the Parks Department no later than six (6) weeks prior to the event. The listed point of contact will be given a determination by the Parks Department on your proposed activity.

In order to help us make a determination on your event please provide as much information as possible.

The City of Fairview Parks Department reserves the right to cancel any event.

I TYPE OR NAME OF ACTIVITY/EVENT: Nashville Running Company's  
Bowie Park 6miler  
Date Of Activity: July 17 Number of Participants: 250

Times of Activity (This should include set up and clean up): 10am 12pm  
Beginning Ending

II APPLICANT INFORMATION

Name of Applicant: Beth Meadows

Address: 1105 Woodland Street Nashville TN 37206

Name of Organization: Nashville Running Company

Is your organization a non-profit: No

Contact #1: Beth Meadows Day Phone #: 256 749 2720

Evening Phone #: \_\_\_\_\_

Contact #2: Lee Wilson Day Phone #: 615 228 9191

Evening Phone #: \_\_\_\_\_

## Bowie Nature Park

### III ACTIVITY / SITE DESCRIPTION

Please describe the activity in detail:

A 6 mile trail race that will accomplish multiple things: introduce people to a park they have never been to, introduce trails to runners who haven't been on trails often (or ever), and continue to expand activity in our community. There will be a Start/Finish area with one water stop at the midway point. We will NOT be providing cups - eliminating that potential litter opportunity. All runners that will ~~have~~ require water will be required to bring their own water bottle.

If set up for this activity is required please describe in detail:

We will need to mark the course with flags placed periodically along the course so no runners will get lost - a couple days prior to race, we will put flags out. We will arrive at 6am to set up start/finish and a few tables/tents for food, etc. Once all runners are finished, we will "sweep" the course for anything left on trail & will pick up flags.

When will set up take place

6am July 17

When will it be removed

12pm July 17

What is the desired location(s) for the Parks Department to consider?

Start/Finish at parking lot near Nature Center  
Perimeter trail Red to Dome Road Trail to  
Loblolly Loop trail green

## Bowie Nature Park

### IV ACTIVITY / SITE REQUIREMENTS

Please describe any special requirements that will be needed for this event.

If there is a public bathroom available, please keep that open.

### V INSURANCE (IF Applicable)

Insurance Carrier: USA Track + Field (ESIX Entertainment)

City: Indianapolis State: IN Phone #: 678 324 3300

Amount of Event Coverage: \$3m Amount per Individual: \$1m

### VI ADDITIONAL INFORMATION

Please include any other information that will help the Parks Department in making a decision about your proposal.

Our goal is to increase the active community. We love trails and want to bring increased awareness to trail running and certain parks in the area.

The organizers and participants of any approved event or activity agree to abide by the rules and regulations of Bowie Nature Park and any special requirements for this event deemed necessary by the City of Fairview and the Parks Department.

Name: Beth Meade Date: Dec. 10, 2015

The Parks Department can be contacted at: Phone (615) 799-5544  
Fax (615) 799-2076.

## Bowie Nature Park

### RELEASE AND HOLD HARMLESS AGREEMENT

By execution of this agreement, the undersigned waives any claims that any participant may have against the City of Fairview, any employees of the City of Fairview or any elected or appointed officials of the City of Fairview for any injury to persons or property that may occur as a result of participating in any activity in Bowie Nature Park.

I understand that we are assuming all risk of personal injury to any participant that may occur as a result of the City permitting use of this facility, whether the injury results from negligence of any city employee, or by any means whatsoever. We hereby agree to release and hold harmless of any liability, the City of Fairview, employees of the City of Fairview and all elected and appointed officials of the City of Fairview.

Name: Beth M Date: 12/10/15

I agree to abide by the rules and regulations of Bowie Nature Park and any special requirements for this event deemed necessary by the City of Fairview and the Parks Department.

Name: Beth Mead Date: 12/10/15

**Name of Event: RunWild Bowie Park 6 Miler**

**Presenter: Keith Paisley, Community Parks Director**

Asking for permission for Nashville Running Company (NRC) to return this year to host their run. It will require Park staff to close the trails down to other users on Sunday, July 17<sup>th</sup> from 6am until 12pm.

They are offering 25% of the profits of the run to be donated back to Bowie Park/City of Fairview

Beth Meadows will be in attendance to the meeting to answer questions about the run on behalf of Nashville Running Company.

They have filled out the necessary paperwork. They will have a copy of the insurance required, pay fees and provide the deposit that is due, for this size event, at least 2 weeks prior to the event.

Please see NRC's Bowie Nature Park Activity Proposal Application attached.

Bill # 2016-04

10B

ORDINANCE NO. 918

**AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED OFF COX PIKE, OWNED BY BILLY POMEROY AND ROBERT POMEROY, JR., AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 43, PARCEL 32.04, (2.0 ACRES) AND MAP 21, PARCEL 61.06, (40.69 ACRES) AND MAP 021MA, PARCEL 37.01 (0.5 ACRES) FROM RS - 20, TO R - 20 PUD OVERLAY.**

**WHEREAS**, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 7<sup>th</sup> day of April, 2016, pursuant to a resolution adopted on March 3<sup>rd</sup>, 2016; and

**WHEREAS**, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owners Billy Pomeroy and Robert Pomeroy, Jr., have requested a changing of the Zoning Classification relative to the property below described and that the said request is well taken and,

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

**THE ZONING CLASSIFICATION FOR ALL THE BELOW DESCRIBED PROPERTY IS DESIGNATED AS AND CHANGED FROM ITS PRESENT ZONING DESIGNATION RS - 20, TO R - 20 PUD Overlay. THE PROPERTY FOR WHICH THE ZONING CHANGE IS MADE AND OR ADOPTED IS DESCRIBED AS FOLLOWS:**

Williamson County, Tennessee, Tax Map 43, Parcel 32.04, Tax Map 21, Parcel 61.06, Recorded in Deed Book 5458, Page 594 - 597, And Map 021MA, Parcel 37.01, Recorded in Deed Book 5458, Page 593 Register's Office for Williamson County, Tennessee. The descriptions are hereby Incorporated into and made a part of This Ordinance by reference as fully as if copied Into This ordinance verbatim.

This Ordinance shall take effect at the earliest date provided by law following its final reading and approval, the public welfare requiring it.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**Approved as to form:**

\_\_\_\_\_  
**City Attorney**

**Passed first reading:** \_\_\_\_\_

**Passed second reading:** \_\_\_\_\_

**Public Hearing Held on:** \_\_\_\_\_



# City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

## RECOMMENDATIONS

2016 – 2

**DATE: JANUARY 12, 2016**

**TO: FAIRVIEW BOARD OF COMMISSIONERS**

**FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION**

\*\*\*\*\*

**On January 12, 2016 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.**

8.4 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY LOCATED OFF COX PIKE (POLSTON PLACE II) FROM RS-20 TO RS-20 P.U.D. OVERLAY (RESIDENTIAL). MAP 21, PARCEL 61.06 (40.69 ACRES); MAP 43, PARCEL 32.04 (2 ACRES) AND PARCEL 37.01 (0.5 ACRES). BILLY POMEROY OWNER.

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

# City of Fairview

7100 City Center Way  
Fairview, TN 37062-0069



Phone: 615-799-1585  
Fax: 615-799-5599  
Email: codes@fairview-tn.org

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## REZONING REQUEST APPLICATION

For a Rezoning Request, the City of Fairview **requires** the following:

1. Completion of this application. Please type or print the information in blue or black ink.
2. A map of the property.
3. A list of Names **and** addresses of **all** adjacent property owners.
4. A legal description of the property, if available.
5. If the applicant is not the property owner, a letter from the property owner must be attached giving the authority to request the zoning.
6. A letter summarizing the project proposal, including the proposed usage of the land, reason for the rezoning request and justification for the rezoning request.
7. Payment of a Non-Refundable \$200.00 application fee (Checks should be made payable to "City of Fairview")

.....  
Request No. \_\_\_\_\_ Date Submitted \_\_\_\_\_

### SECTION 1 – Applicant Information

(Any correspondence from the City will be addressed to the applicant)

- Property Owner       Purchaser of Property       Engineer Trustee  
 Architect       Other \_\_\_\_\_

Name: DANIEL WOODS Phone: [REDACTED]

Business: The Addison Group E-mail: [REDACTED]

Address: 1224 Columbia Ave. Best Way to Contact: email  
(Mail, E-mail, Phone)

City: Franklin State: TN Zip: 37064

.....

**SECTION 2 – Property Information for the Rezoning Request**

Project Name: Polston Place 2

Project Address: NEW HWY

Existing Land Use: RS-20 ; PARCEL 32.04 is currently zoned 'RS-40

Proposed Land Use: R-20 PUD

Total Acreage of Project/Rezoning: ~~42.2~~ 42.2 ACRES

TAX MAP	PARCEL(S)	CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT	# OF ACRES	PROPERTY OWNER
21	61.06	RS-20	RS-20 PUD	39.73	Billy Pomeroy
43	32.04	RS-40	RS-20 PUD	2.24	Billy Pomeroy
21	37.01	RS-20	RS-20 PUD	.23	Robert Pomeroy

\*\*\*Reason for Rezoning must be included on an attached sheet.

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to go to the Board of Commissioners. The Planning Commission reserves the right to make a recommendation on the application as submitted, or an amended application requested at the time of deliberation. The Board of Commissioners must approve a Rezoning Ordinance on two readings and hold a Public Hearing before the rezoning request is considered approved.

I certify that all of the above statements are true to the best of my knowledge.

Applicant's Signature:  Date: 1-4-16



**FOR OFFICE USE ONLY**

APPLICATION RECEIVED AND FILING FEE PAID 1-4-2016

DATE OF FAVORABLE RECOMMENDATION BY PLANNING COMMISSION  
\_\_\_\_\_

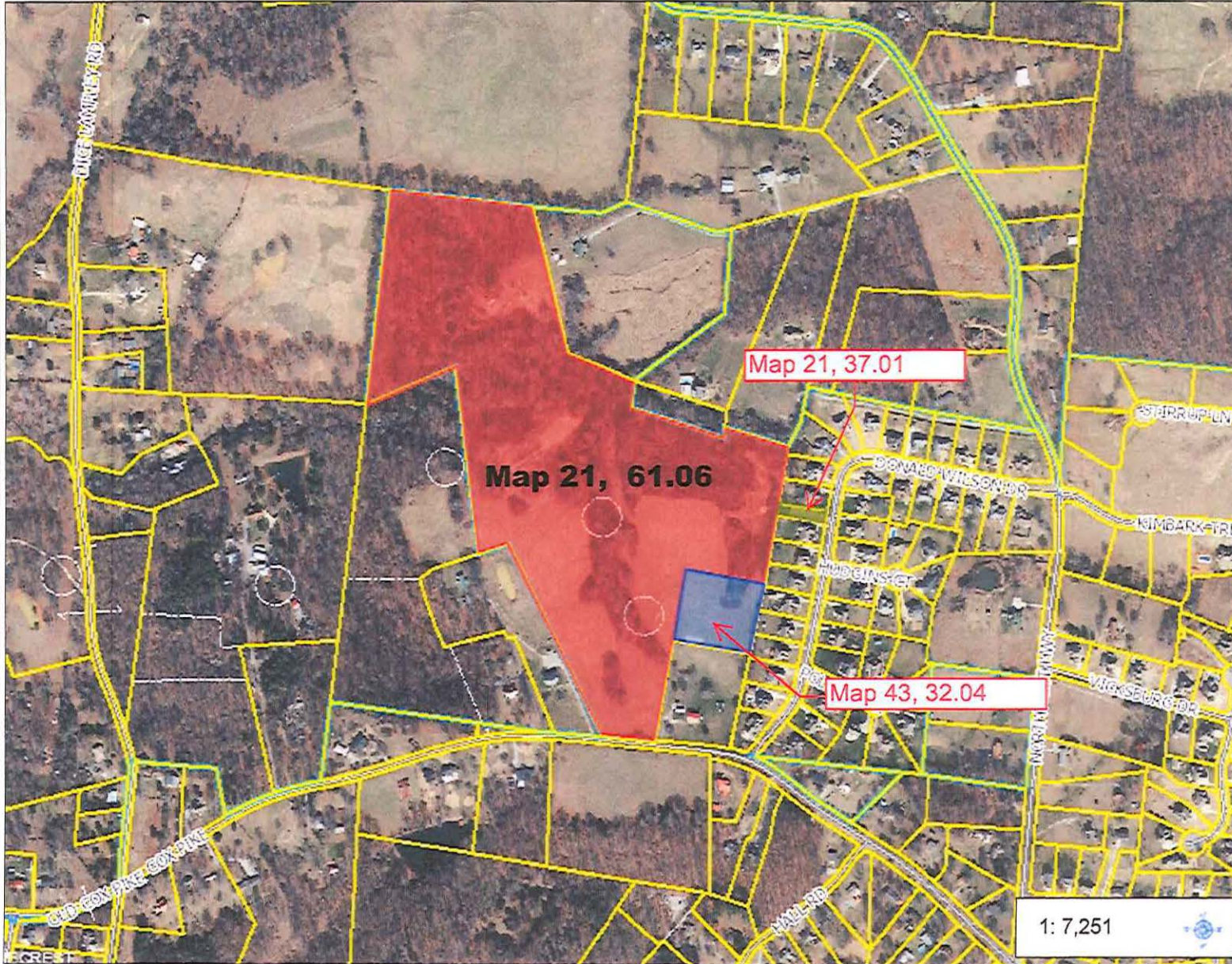
DATE OF CONCURRENCE /FINAL APPROVAL BY BOARD OF COMMISSIONERS  
\_\_\_\_\_

THE PLANNING COMMISSION HAS DETERMINED THAT THE FOLLOWING FINDINGS ARE APPLICABLE;

- \_\_\_\_\_ 1. The Amendment is in agreement with the general plan for the area.
- \_\_\_\_\_ 2. It has been determined that the legal purposes for which zoning exists are not contravened.
- \_\_\_\_\_ 3. It has been determined that there will be no adverse effect upon adjoining property owners, unless such effect can be justified by the overwhelming public good or welfare.
- \_\_\_\_\_ 4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
- \_\_\_\_\_ 5. It has been determined that conditions affecting the area have changed a sufficient extent to warrant an amendment to the zoning map.

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# Tools & Features Demonstration Site



## Legend

- Parcels
- Notes
- Miscellaneous
- Easement
- Exemptions
- Conflicts
- Lines
- Corporate Limits**
  - BRENTWOOD
  - FAIRVIEW
  - FRANKLIN
  - NOLENSVILLE
  - SPRING HILL
  - THOMPSONS STATION
- Parks
- Centerlines**
  - <all other values>
  - INTERSTATE
  - ACCESS
  - LOCAL STREETS
  - MAJOR ARTERIAL
  - MAJOR COLLECTOR
  - MINOR ARTERIAL
  - MINOR COLLECTOR
  - NO NAME
  - UNCLASSIFIED
  - PRIVATE
- Rivers

## Notes

0.2 0 0.11 0.2 Miles

NAD\_1983\_StatePlane\_Tennessee\_FIPS\_4100\_Feet  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

CITY OF FAIRVIEW, TENNESSEE

10C

RESOLUTION NO. 02-16

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON CHANGING THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED OFF COX PIKE, OWNED BY BILLY POMEROY AND ROBERT POMEROY, JR., AS SHOWN ON, WILLIAMSON COUNTY, TAX MAP 43, PARCEL 32.04, (2.0 ACRES) AND MAP 21, PARCEL 61.06, (40.69 ACRES) AND MAP 021MA, PARCEL 37.01 (0.5 ACRES) FROM RS - 20, TO R – 20 PUD OVERLAY.

**WHEREAS**, The City of Fairview, Tennessee is in the process of changing the Zoning Classification of Certain Property herein described and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Zoning Classification Change and,

**WHEREAS**, the Board of Commissioners for the City of Fairview, Tennessee have determined that April 7, 2016, is an acceptable date for the conduct of such a public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.**

1. That a public hearing for the purpose of obtaining the comments of the public regarding the change in the Zoning Classification of the below described property located in the Corporate Limits of the City of Fairview, Tennessee is scheduled and will be held at 7:00 O'Clock P.M., April 7, 2016, in the City Hall of the City of Fairview, Tennessee.

The Property for which the Zoning Change is requested and for which public comment is sought is described as follows

**Williamson County, Tennessee, Tax Map 43, Parcel 32.04, Tax Map 21, Parcel 61.06, Recorded in Deed Book 5458, Page 594 - 597, And Map 021MA, Parcel 37.01, Recorded in Deed Book 5458, Page 593 Register's Office for Williamson County, Tennessee. The descriptions are hereby Incorporated into and made a part of This Ordinance by reference as fully as if copied Into This resolution verbatim.**

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM

\_\_\_\_\_  
LARRY D. CANTRELL  
CITY ATTORNEY  
FAIRVIEW, TENNESSEE

# City of Fairview

100

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

## RECOMMENDATIONS

2016 – 2

**DATE: FEBRUARY 16, 2016**

**TO: FAIRVIEW BOARD OF COMMISSIONERS**

**FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION**

\*\*\*\*\*

**On February 16, 2016 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.**

- 8.1 DISCUSS AND/OR TAKEN ACTION ON REZONING PROPERTY LOCATED AT 2652 FAIRVIEW BLVD. FROM RS-40 (RESIDENTIAL) TO CG (COMMERCIAL GENERAL). MAP 69, PARCEL 32.00. 1.1 ACRES. GARY & GLENDA JAWORSKI OWNERS.

Mangrum made a motion for approval. Mitchell Seconded. Vote was taken all in favor except Carroll and Butler. Motion passes.



**CITY OF FAIRVIEW  
MUNICIPAL PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 9, 2016**

**CITY STAFF REPORT**

**5. RECOMMENDATIONS**

**ITEM 5.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTY LOCATED AT DRAGSTRIP ROAD FROM CI (COMMERCIAL INTERCHANGE) TO RM-8 (MULTI FAMILY RESIDENTIAL). MAP 18, PARCEL 006.00, 21.5 ACRES. EMMA GENE CLEMENT PEERY OWNER.**

Beata made a motion for approval. Butler Seconded. All were in favor.

No Staff Comments

**ITEM 5.2 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY LOCATED OFF COX PIKE (POLSTON PLACE II) FROM RS-20 TO RS-20 P.U.D. OVERLAY (RESIDENTIAL). MAP 21, PARCEL 61.06 (40.69 ACRES); MAP 43, PARCEL 32.04 (2 ACRES) AND PARCEL 37.01 (0.5 ACRES). BILLY POMEROY OWNER.**

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

No Staff Comments

**6. BONDS**

**ITEM 6.1 WESTERN WOODS VILLAGE – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE – \$155,300.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND WAS REDUCED TO \$106,000.00 AT THE FEBRUARY 10, 2009 MEETING. THE BOND WAS REDUCED TO \$80,240.00 AT THE FEBRUARY 12, 2013 MEETING. BOND EXPIRES MARCH 14, 2016.**

No Staff Comments

**7. OLD BUSINESS – NO AGENDA ITEMS**

**8. NEW BUSINESS**

**ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON REZONING PROPERTY LOCATED AT 2652 FAIRVIEW BLVD. FROM RS-40 (RESIDENTIAL) TO CG (COMMERCIAL GENERAL). MAP 69, PARCEL 32.00. 1.1 ACRES. GARY & GLENDA JAWORSKI OWNERS.**

1) The Proposed Land Use Map designates this area on the west side of Fairview Boulevard as RM (Medium Density Residential). As such, any proposed commercial rezoning would also require an amendment to the Proposed Land Use Map.

2) The subject property is bounded on three (3) sides (north, west, and south) by parcels that are zoned RS-40. The subject parcel as well as parcels to the west and south currently have single family dwellings on them. The parcel to the north is home to Fairview Elementary School. There are approximately six (6) parcels in the vicinity of the subject parcel on the east side of Fairview Boulevard that are zoned CG including a parcel directly across Fairview Boulevard. The six (6) commercially zoned parcels in the area include a convenience gas station, offices for a construction

company, a child care facility, a hair salon, a multi-tenant commercial building, and self-storage facility.

3) It is important to note that if the subject parcel is rezoned to commercial that there will be some potentially limiting physical development restraints in the form of increased building setbacks and buffers as a result of the subject parcel being adjacent to residentially zoned parcels.

**ITEM 8.2 DISCUSS AND/OR TAKE ACTION ON REVISED DEVELOPMENT PLANS FOR MEETING PLACE ASSEMBLY OF GOD. LOCATED ON HIGHWAY 96. MAP 41, PARCEL 46.17. 3.00 ACRES. ZONED RS-40. OWNER CHURCH MEETING PLACE ASSEMBLY OF GOD.**

1) The revised pond location indicates a pond discharge point that is significantly closer to the adjacent property boundary and poses a potential risk of overwhelming the storm water conveyance that the discharge will be directed towards. It is suggested that the site plan be revised to include a drainage swale from the pond outlet pipe to the receiving conveyance to accommodate the newly created point source discharge that is directed toward the adjacent storm water conveyance. The drainage swale should be appropriately sized to accommodate the anticipated maximum pond discharge amount. Please note that if the swale is not installed at this time, the City will monitor the site during the 1 year bonding period and if channelization is observed between the pond discharge and the adjacent receiving conveyance, the swale will be required to be installed prior to releasing the bond.

# City of Fairview

7100 City Center Way  
Fairview, TN 37062-0069



Phone: 615-799-1585  
Fax: 615-799-5599  
Email: codes@fairview-tn.org

## REZONING REQUEST APPLICATION

For a Rezoning Request, the City of Fairview **requires** the following:

1. Completion of this application. Please type or print the information in blue or black ink.
2. A map of the property.
3. A list of Names **and** addresses of **all** adjacent property owners.
4. A legal description of the property, if available.
5. If the applicant is not the property owner, a letter from the property owner must be attached giving the authority to request the zoning.
6. A letter summarizing the project proposal, including the proposed usage of the land, reason for the rezoning request and justification for the rezoning request.
7. Payment of a Non-Refundable \$200.00 application fee (Checks should be made payable to "City of Fairview")

.....  
Request No. \_\_\_\_\_ Date Submitted 1-15-2016

### SECTION 1 – Applicant Information

(Any correspondence from the City will be addressed to the applicant)

- Property Owner       Purchaser of Property       Engineer Trustee  
 Architect       Other \_\_\_\_\_

Name: Glenda & Gary Jaworski Phone: \_\_\_\_\_

Business: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: 2652 Fairview Blvd Best Way to Contact: \_\_\_\_\_  
(Mail, E-mail, Phone)

City: Fairview State: TN Zip: 37062

.....

**SECTION 2 – Property Information for the Rezoning Request**

Project Name: \_\_\_\_\_

Project Address: 2652 Fairview Blvd.

Existing Land Use: Residential

Proposed Land Use: Commercial

Total Acreage of Project/Rezoning: 1.1 acres

TAX MAP	PARCEL(S)	CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT	# OF ACRES	PROPERTY OWNER
69	3 2	RS40	CG	1.1	Gary Jaworski

\*\*\*Reason for Rezoning must be included on an attached sheet.

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to go to the Board of Commissioners. The Planning Commission reserves the right to make a recommendation on the application as submitted, or an amended application requested at the time of deliberation. The Board of Commissioners must approve a Rezoning Ordinance on two readings and hold a Public Hearing before the rezoning request is considered approved.

I certify that all of the above statements are true to the best of my knowledge.

Applicant's Signature: Gary Jaworski Date: 1/15/2016



**FOR OFFICE USE ONLY**

APPLICATION RECEIVED AND FILING FEE PAID 1-15-2016

DATE OF FAVORABLE RECOMMENDATION BY PLANNING COMMISSION  
\_\_\_\_\_

DATE OF CONCURRENCE /FINAL APPROVAL BY BOARD OF COMMISSIONERS  
\_\_\_\_\_

THE PLANNING COMMISSION HAS DETERMINED THAT THE FOLLOWING FINDINGS ARE APPLICABLE;

- \_\_\_\_\_ 1. The Amendment is in agreement with the general plan for the area.
- \_\_\_\_\_ 2. It has been determined that the legal purposes for which zoning exists are not contravened.
- \_\_\_\_\_ 3. It has been determined that there will be no adverse effect upon adjoining property owners, unless such effect can be justified by the overwhelming public good or welfare.
- \_\_\_\_\_ 4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
- \_\_\_\_\_ 5. It has been determined that conditions affecting the area have changed a sufficient extent to warrant an amendment to the zoning map.

.....

This instrument prepared by:  
MID-STATE TITLE & ESCROW, INC.  
128 HOLIDAY COURT, SUITE 125, FRANKLIN, TN 37064

SEND TAX STATEMENTS TO:

NAME OF MORTGAGEE:

SECURITY FINANCIAL AND MORTGAGE CORPORATION  
P. O. BOX 31912  
ST. LOUIS, MO 63131

SECURITY FINANCIAL AND MORTGAGE CORPORATION  
P. O. BOX 31912  
ST. LOUIS, MO 63131

ADDRESS NEW OWNERS:

MAP 069, GROUP     , PARCEL 03200  
Dist 01

Gary Jaworski  
1736 Daugherty Blvd., West  
Franklin, TN 37062

WARRANTY DEED

BOOK 983 PAGE 920

FOR AND IN CONSIDERATION OF THE SUM Seventy-Two Thousand and 00/100'S \*\*\*  
(\$72,000.00) DOLLARS, cash in hand paid, the receipt of all of which is  
hereby acknowledged, LLOYD E. YEARGAN and WIFE, LENA YEARGAN have/has this  
day bargained and sold and do/does hereby transfer and convey unto GARY  
JAWORSKI and WIFE, GLENDA JAWORSKI, his/her/their heirs and assigns, the  
following described property:

Lying and being in the First Civil District of Williamson County, State of  
Tennessee, and being more particularly described as follows:

Beginning at a stake on the west side and in the right-of-way line of Highway  
100, said point being the southeast corner of the Fairview Elementary School  
property; thence with same North 87-1/2 degrees West 309 feet to a stake, the  
southwest corner of the School property; thence South 13 degrees West, a new  
line 186 feet to a gate post; mentioned in the previous conveyance of 5.8  
acres off Daugherty to King; thence South 65 degrees East 228 feet to a stake  
in the right-of-way line of Highway 100; thence with same, North 30 degrees  
East 147 feet to a stake; thence with same north 27 degrees East 150 feet to  
the beginning, containing 1.1 acres, more or less.

Being the same property conveyed to Lloyd E. Yeargan and wife, Lena Yeargan  
by warranty deed of Barbara D. Berry, unmarried of record in Book 282, page  
204, Register's Office of Williamson County, Tennessee.

TO HAVE AND TO HOLD the said lands, with the improvements and  
appurtenances thereunto belonging to the said GARY JAWORSKI and WIFE, GLENDA  
JAWORSKI, his/her/their heirs and assigns, forever.

AND GRANTOR(S) COVENANT(S) with the said GARY JAWORSKI and WIFE, GLENDA  
JAWORSKI, that he/she/they is/are lawfully seized and possessed of said land,  
in fee simple, has/have a good right to convey it, and that it is  
unencumbered, except as follows:

1. 1992 County and City of Fairview Taxes constitute a lien against said  
property, but are not yet due and payable. Map 069 Parcel 03200

AND GRANTOR(S) FURTHER COVENANT(S) and binds himself/herself/themselves,  
his/her/their heirs, successors and assigns, to warrant and forever defend  
the title to said property, to the said GARY JAWORSKI and WIFE, GLENDA  
JAWORSKI, his/her/their heirs and assigns, against the lawful claims of all  
persons, whomsoever.

Witness our/my hand(s), on this the 9 day of June, 1992.

Lloyd E. Yeargan  
LLOYD E. YEARGAN  
Lena Yeargan  
LENA YEARGAN

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared LLOYD E. YEARGAN and WIFE, LENA YEARGAN, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that (s)he/they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal at Franklin, Tennessee, on this the 9 day of June, 1992.

Cynthia M. Beard  
Notary Public

(SEAL) NOTARY PUBLIC AT LARGE  
My Commission Expires:  
Jan. 24, 1994

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON

The actual value or consideration, whichever is greater, for this transfer is \$72,000.00.

Dany Jaworski

Sworn to and subscribed before me, on this the 9 day of June, 1992.

(SEAL) NOTARY PUBLIC AT LARGE  
My Commission Expires:

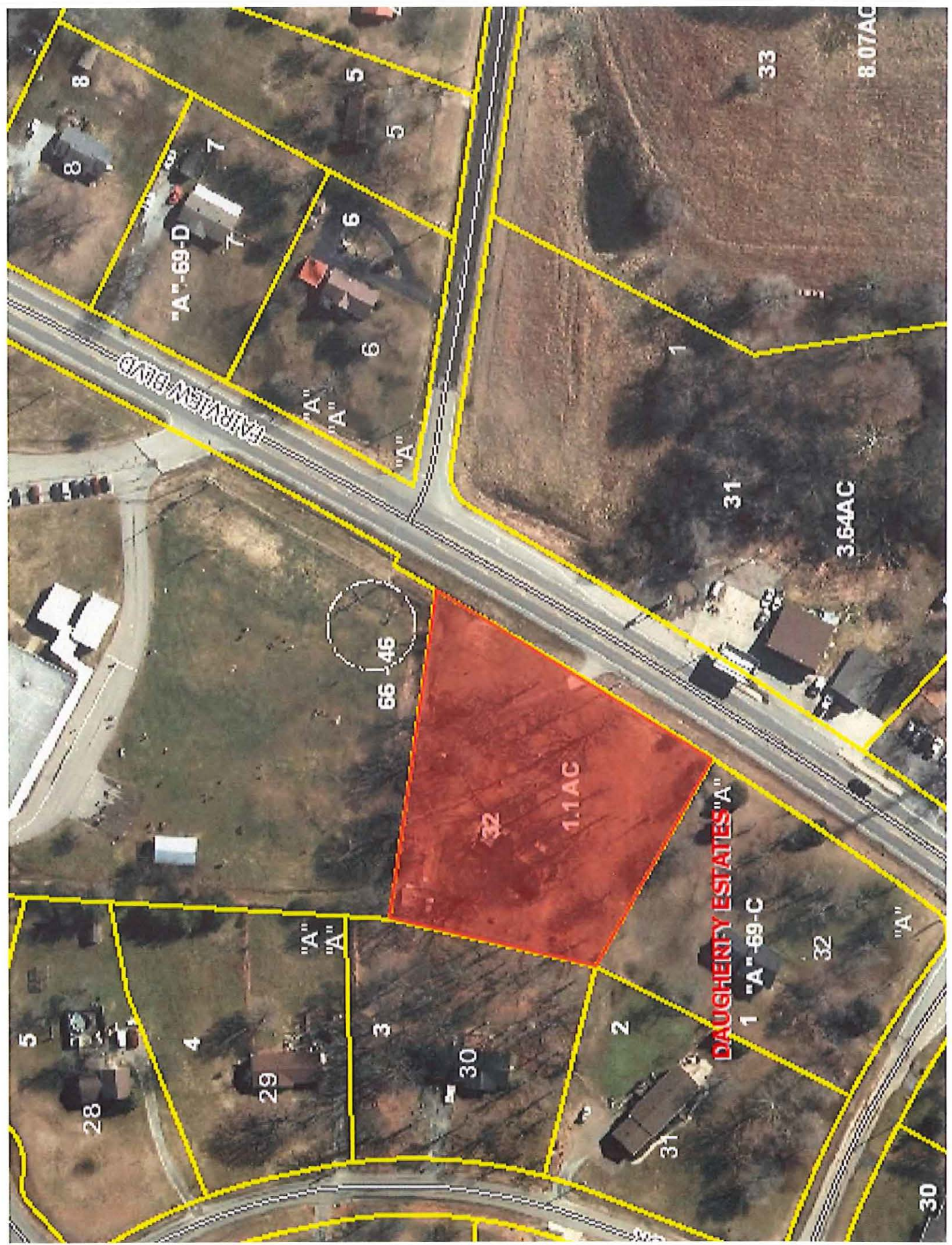
Cynthia M. Beard  
Notary Public

Jan. 24, 1994

TRANSFERRED

JUN 10 1992  
DENNIS ANGLIN PROP. ASSESSOR  
WILLIAMSON COUNTY

State of Tennessee, County of WILLIAMSON  
Received for record the 10 day of  
JUNE 1992 at 10:52 AM. (NECH 15316)  
Recorded in official records  
Book 983 Page 921-921  
Notebook 49 Page 328  
State Tax \$ 266.40 Clerks Fee \$ 1.00,  
Recording \$ 8.00, Total \$ 275.40,  
Register of Deeds SUE WANE  
Deputy Register PAH GREER



EMERALD BLVD

"A"-69-D

DAUGHENY ESTATES "A"

1 "A"-69-C

66-46

1.1AC

3.64AC

8.07AC

"A"

"A"

"A"

5

4

29

3

30

2

31

1

32

30

31

33

5

5

6

"A"

"A"

"A"

8

7

8



401 COMMERCE STREET  
SUITE 720  
NASHVILLE, TN 37219-2449  
615-244-9270  
FAX 615-256-8197

MILLER  
& MARTIN  
-PLLC  
ATTORNEYS AT LAW

Douglas Berry

Direct Dial 615-744-8620  
Direct Fax 615-744-8635  
dberry@millermartin.com

10E

February 11, 2016

Mr. Wayne Hall  
City Manager  
City of Fairview Tennessee  
7100 City Center Way  
Fairview, TN 37062

Re: Legal Representation

Dear Mr. Hall:

Thank you for choosing Miller & Martin to represent the City of Fairview, TN in a pending dispute with the Water Authority of Dickson County, TN ("the Authority"). This letter contains the terms of our representation.

**Client:** Our client will be the City of Fairview, TN (the "City").

**Scope of Engagement:** This engagement is limited to representing the City in the dispute with the Authority. (Hereinafter "the dispute"). We will review the September 28, 2006, sewer services contract ("the Contract") with the Authority, advise the City about its rights and obligations thereunder, and potential causes of action, either administratively or in the courts. If justified by the law and facts and with the City's authorization, we understand that we would represent the City in any litigation against the Authority arising out of the Contract. We hope that you will contact us for other matters, but because we are not the City's general counsel, our representation is limited to specific matters that it asks us to handle and that we agree in writing to undertake.

**Client Responsibilities:** Litigation often burdens and inconveniences the parties involved. To do our job properly, we need certain commitments from the City: the City and its officers agree to be candid with us and to fully, accurately, and timely disclose to us all facts, documents, electronically stored information, and other information that may relate to this matter. The City must preserve all evidence, including documents and electronically stored information, related to the Litigation. It agrees to cooperate with us, to commit resources sufficient to meet its discovery obligations, and to make its officers and employees available to meet with us and to attend trial, depositions, and other proceedings.

**Payment:** We trust that you understand the importance of timely payment for our work. The City agrees to pay our fees and expenses, as provided below.

*Fees:* We base our fees primarily on the time spent by our professionals and their hourly billing rates. My hourly rate for this matter will be \$300. I may also make use of associates in this office or in our Chattanooga office, whose hourly rates for this matter would not be greater than \$250 per hour. My legal assistant Rebecca may assist me on this matter as well. Her hourly rate will be \$175 per hour. In collecting, processing, and producing electronically stored information, we may use litigation-support personnel at rates ranging from \$175 to \$225 per hour. All rates are subject to change and are usually increased each January. We may also consider other factors in determining our fees, including the novelty and difficulty of the questions involved; the skill needed to perform the services properly; the experience, reputation, and ability of those performing the services; the time limitations that the City or the circumstances impose; the amount involved; and the results obtained. We will bill for, among other things, responding to requests to provide information to auditors, waiting in court or for other proceedings, and time spent in necessary travel.

*Expenses:* Our bills will include expenses we incur in this engagement. These include charges for copying, postage, delivery services, computerized research, travel, long-distance telephone, facsimile or data transmission, and, if our work for the City requires it, secretarial and staff overtime. They also include fees for filing with the court, court reporters, transcripts, process servers, and witnesses. The City authorizes us to hire any investigators, consultants, or experts that we believe are necessary to represent its interests; usually, the City will need to pay their fees and expenses directly.

*Bills:* We will send statements, normally each month, showing our services rendered and expenses incurred. Payment is due on receipt. We intend to charge reasonable fees, so please review the bills and, if the City is dissatisfied or unable to pay promptly, contact me to discuss. We may withdraw if the City does not pay within 30 days. We may charge interest of 7% per year (or at a lesser rate if required by law) on any amounts unpaid after 30 days.

**Estimates:** Litigation is unpredictable; circumstances beyond our control often determine the amount of work. If we estimate or budget an amount of fees, it is only an estimate and not a fixed fee, fee quote, or guaranteed maximum. If anyone at our firm makes a statement about possible outcomes, it is an opinion only, based on information available to him or her at the time, and not a promise or guarantee. The City agrees to pay us regardless of the outcome.

**End of Engagement:** The City may terminate our representation at any time by notifying us in writing. We may withdraw from representation as permitted or required by the lawyers' rules of professional conduct. The City will be obligated to pay for fees and expenses incurred up until termination or withdrawal, including for incomplete work

in progress. Unless terminated earlier, our representation will automatically terminate when we send the last statement with descriptions of our services in the matter.

**Files:** During and after this engagement, we may convert paper documents to digital format and retain only the digital copy. We may delete and destroy all records from this representation at the end of the firm's document-retention period, which for client files is currently seven years after conclusion of the matter, without further notice. We will send the City its file if it requests it before then, though we may retain a copy. We may exclude from the file our own files on the matter, which include, for example, firm administrative records, time and expense reports, credit and accounting records, and our lawyers' work-product prepared for our internal use, such as drafts, notes, internal memoranda, and legal and factual research or investigation.

**Post-Engagement:** After the Litigation concludes (assuming Litigation is even filed), the law or circumstances may change, affecting the City's rights and liabilities. Unless the City engages us to provide additional legal advice, we will not have a duty to advise it about future developments. We may send newsletters, email alerts, or otherwise inform it of issues of interest, but these communications do not reinstate the attorney-client relationship or create a duty to represent it in other matters. If we record any judgment, lien, or financing statement, we will not be obligated to renew or refile it unless we agree in writing.

**Consent to Future Conflicts:** Miller & Martin represents many clients in many lines of business. During or after this engagement, the City may have a transaction or dispute with one of the firm's other present or future clients. While we are not aware of, or have separately disclosed, any present situations in which the City's interests are directly adverse to another firm client, we do not know all of the parties with which it does business, and a conflict could arise because another firm client does business or competes with it. Under the rules of professional conduct for lawyers, we cannot represent a client whose interests are directly adverse to the City's without the informed consent of both clients. The City should consult with separate counsel about this paragraph, which asks it to **consent, in advance, to our representation of current or future clients whose interests may be adverse to it**, as follows: The City agrees that our representation of it will not disqualify us from representing other clients who are opposed to it in other matters, including litigation, if those matters are not substantially related to our representation of the City, and it waives the conflict of interest with respect to those representations. We will not, however, use any proprietary or other confidential information that we obtain from representing the City to its disadvantage in any litigation or other matter in which we represent another client adverse to it.

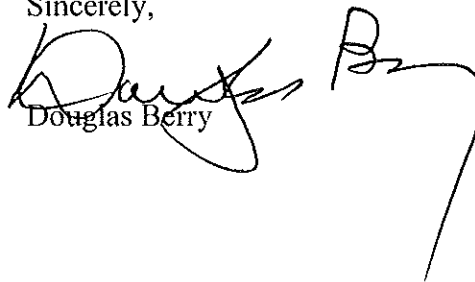
**Jurisdiction and Venue:** While we look forward to and certainly expect a satisfactory relationship, if a dispute later arises between us, it will be resolved in the courts of Williamson County, Tennessee.

City of Fairview, TN  
February 11, 2016  
Page 4 of 4

If the City disagrees with anything in this letter, please let me know as soon as possible so that we can resolve the differences. Otherwise, please sign below to accept this agreement and return a copy to me. If for any reason we do not receive a signed copy, then the City's acceptance of our services in the Litigation will constitute acceptance of the terms of this letter.

We appreciate the chance to serve and look forward to working with you.

Sincerely,

  
Douglas Berry

**AGREED TO AND ACCEPTED:**

\_\_\_\_\_  
City of Fairview, TN

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_