

**CITY OF FAIRVIEW**  
**BOARD OF COMMISSIONERS**

**MARCH 5, 2015**

**IMMEDIATELY FOLLOWING THE PUBLIC HEARING  
AT 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 February 19, 2015 Board of Commissioners Meeting
  - B. Second Reading of Bill #2015-04, Ordinance No. 869, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XVII, Section 16-104.3, "Board of Zoning Appeals, Membership"
9. **Old Business**
10. **New Business**
  - A. Discuss and/or Take Action on Bill #2015-07, Ordinance No. 872, An Ordinance to Change the Zoning of Certain Property in the City of Fairview, Tennessee, Located at 7326 Fernvale Road, Owned by Timothy R. Mangrum and Wife, Jessica Mangrum, as Shown on, the Fairview Geological Listing of Assessment Roll Map 042, Parcel 065.12, 1.03 Acres, From RS-10 to RM-12 - Sutton
  - B. Discuss and/or Take Action on Resolution No. 08-15, 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 at 7326 Fernvale Road, Owned by Timothy R. Mangrum and Wife, Jessica Mangrum, as Shown on, the Fairview Geological Listing of Assessment Roll Map 042, Parcel 065.112, 1.03 Acres, From RS-10 to RM-12. This Resolution Sets the Public Hearing for March 19<sup>th</sup>, 2015, at 7:00 p.m., Fairview, Tennessee City Hall – Sutton
  - C. Discuss and/or Take Action on Bill #2015-08, Ordinance No. 873, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article XVI, Section 16-102.5, "Building Permits" and to Authorize the Non Enforcement of 2009 International Building Code Section 105, Permits, Subsection 105.2, "Work Exempt from Permit", Sub, Building, Paragraph (1), Which has Been Adopted by the City of Fairview Shall Not be Enforced by the Codes Department of the City of Fairview, Tennessee, and Shall be Treated as Deleted – Sutton
  - D. Discuss and/or Take Action on Resolution No. 09-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on an Ordinance to Amend City of Fairview, Tennessee, Municipal Building Code, Article XVI, Section 16-102.5, "Building Permits" and to Authorize the Non Enforcement of 2009 International Building Code Section 105, Permits, Subsection 105.2, "Work Exempt from Permit", Sub, Building, Paragraph (1), Which has been Adopted by the City of Fairview

Shall not be Enforced by the Codes Department of the City of Fairview, Tennessee and Shall be Treated as Deleted - Sutton

- E. Discuss and/or Take Action on Resolution No. 04-15 PC, A Resolution from the City of Fairview, Tennessee Municipal Planning Commission to the City of Fairview, Tennessee Board of Commissioners Relative to the Request to Reduce the Performance Bond for the Walmart Development – Sutton

**11. City Manager Items for Discussion –**

- A. Miscellaneous Updates –
- B. City Attorney Comments -

**12. Communications from the Mayor and Commissioners –**

**13. Adjournment.**

8 B

Bill # 2015-04

ORDINANCE NO. 869

**AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XVII, SECTION 16-104.3, "BOARD OF ZONING APPEALS, MEMBERSHIP"**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the City of Fairview, Tennessee, needs to amend the City of Fairview, Tennessee Municipal Zoning Code, Article XVI, Section 16-104.3 "Board of Zoning Appeals, Membership" to allow the Board of Zoning Appeals to operate more efficiently relative to service provided to all of the citizens of the City of Fairview, Tennessee.

**Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:**

Fairview, Tennessee Municipal Zoning Code, Article XVI, Section 16-104.3 "Board of Zoning Appeals, Membership" is hereby amended as detailed in this Ordinance.

**Article XVI, Section 16-104.3 as it presently reads is as follows:**

**16-104.3 Board of Zoning Appeals, Membership**

The Board shall consist of five (5) members who have been bona fide residents of the Planning Jurisdiction for not less that there (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.

**Article XVI, Section 16-104.3 as amended reads is as follows:**

(1) The Board shall consist of five (5) members who have been bona fide residents of the Planning Jurisdiction for not less that there (3) years prior to appointment and who shall continue to be so eligible as long as they serve and one (1) member of the Board of Commissioners who shall serve on the Board of Zoning Appeals for the duration of his/her elected term on the Board of Commissioners unless said member shall resign or be removed from the Board of Zoning Appeals by majority vote of the elected Board of Commissioners. Said Board of Zoning Appeals Member appointed from the elected Board of Commissioners shall be a non-voting ex office member who may fully participate in all discussions, ask questions and participate in all the

debate on any issue. Said member shall not be permitted to make motions or vote on the issues except as detailed in the provisions of item 2 in this Article of this Ordinance. All Board members shall be appointed by the Board of Commissioners.

2. The ex officio member shall be allowed to fully participate as stated in item 1 of this article as well as make motion(s) and vote upon the issue(s) under the following circumstances to the full extent of any member of the Board of Zoning Appeals. (a) When without the full participation of the Ex Officio Member, the particular meeting of the Board of Zoning Appeals would not have the appropriate number of members present to constitute a quorum. (b) When due to the absence of Board of Zoning Appeals Members present and voting or if a sufficient number of Board of Zoning Appeals Members decline to vote or abstain from voting creates the situation which without the vote of the Ex Officio Member a tie vote exists.

**BE IT FURTHER ORDAINED**, that all the remaining provisions of this article remain as they are without any change and,

**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.

**BE IT FINALLY ORDAINED**, that 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

Approved and recommended by the City of Fairview, Tennessee, Municipal Planning Commission this 10<sup>th</sup> day of February, 2015.



**Planning Commission Chairman**

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**MAYOR**

**ATTEST:**

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Passed First Reading February 5, 2015

Passed Second Reading \_\_\_\_\_

Public Hearing Held \_\_\_\_\_

ORDINANCE NO. 872

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF FAIRVIEW, TENNESSEE, LOCATED AT 7326 FERNVALE ROAD, OWNED BY TIMOTHY R. MANGRUM AND WIFE, JESSICA MANGRUM, AS SHOWN ON, THE FAIRVIEW GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 042, PARCEL 065.12, 1.03 ACRES, FROM, RS - 10 TO RM - 12.

**WHEREAS**, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 19<sup>TH</sup> day of March, 2015, pursuant to a resolution adopted on March 5<sup>th</sup>, 2015; and

**WHEREAS**, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owners Timothy R. Mangrum and Wife, Jessica Mangrum, 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 RM -10, TO RS - 12. THE PROPERTY FOR WHICH THE ZONING CHANGE IS MADE AND OR ADOPTED IS DESCRIBED AS FOLLOWS:**

Williamson County, Tennessee, City of Fairview  
Geological Listing of Assessment Roll Map  
**042, Parcel 065.12**, Recorded in **Deed Book 4175, Page 771**, Register's Office for Williamson County, Tennessee. The description is 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

2015 – 1

**DATE: FEBRUARY 11, 2015**

**TO: FAIRVIEW BOARD OF COMMISSIONERS**

**FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION**

\*\*\*\*\*

**On February 10, 2015 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 REZONING APPLICATION FOR PROPERTY LOCATED ON OLD NASHVILLE ROAD. MAP 42, PARCEL 65.12 1 ACRE. FROM RS-10 TO RM-12. OWNER TIMOTHY MANGRUM  
Mangrum recused himself. Sutton made a motion to send a recommendation to the Board of Commissioners. Butler 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

## 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: Timothy Mangrum Phone: \_\_\_\_\_

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

Address: \_\_\_\_\_ Best Way to Contact: \_\_\_\_\_

City: Fairview State: TN Zip: 37062 (Mail, E-mail, Phone)

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

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

Project Address: Old Nashville Road

Existing Land Use: RS 10

Proposed Land Use: RM 12

Total Acreage of Project/Rezoning: 1.03

" see Attachment "

TAX MAP	PARCEL(S)	CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT	# OF ACRES	PROPERTY OWNER

\*\*\*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 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: [Signature] Date: 1-16-15

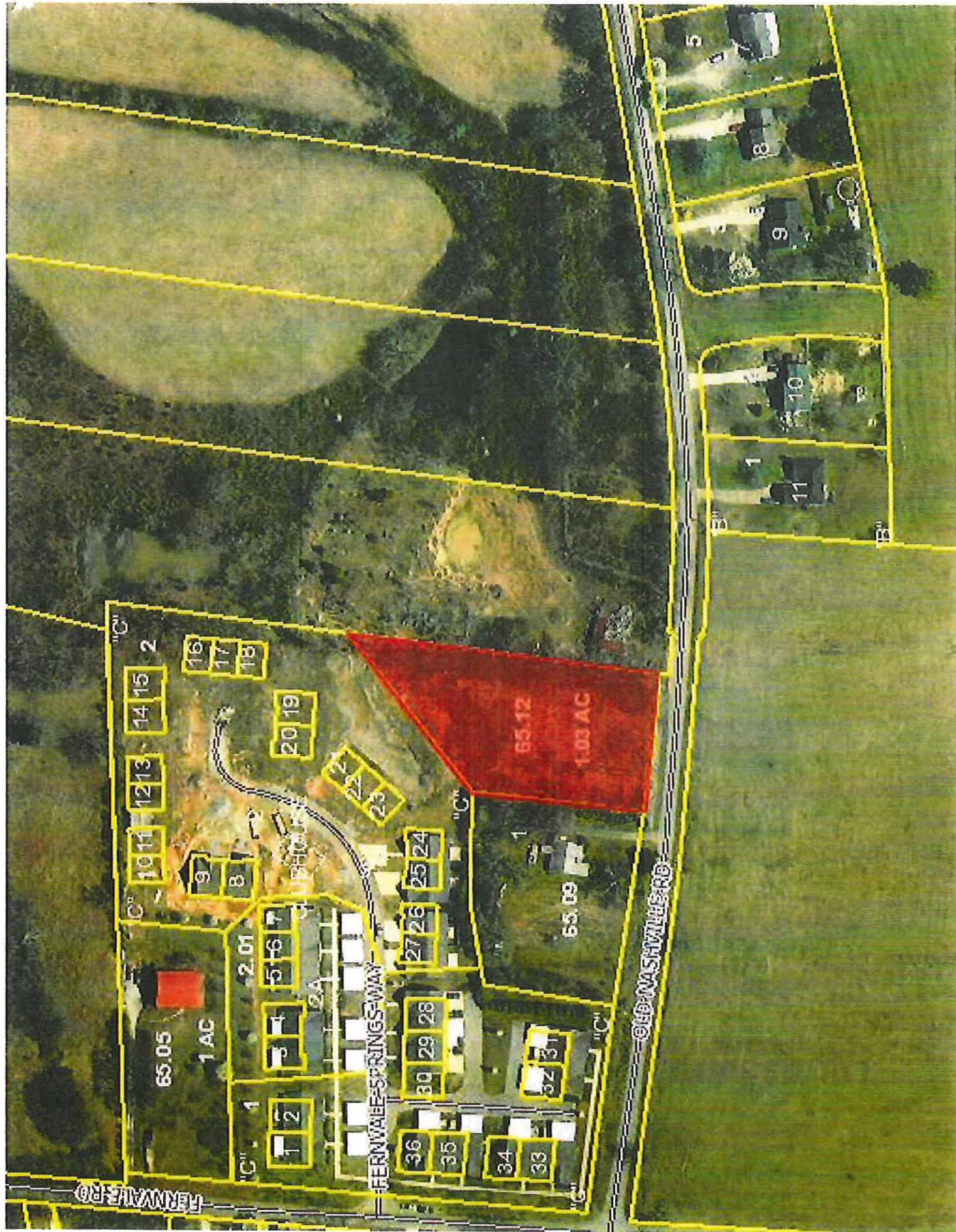
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**FOR OFFICE USE ONLY**

APPLICATION RECEIVED AND FILING FEE PAID 1-16-2015

DATE OF APPROVAL BY PLANNING COMMISSION \_\_\_\_\_

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



*First Bank*  
 This instrument prepared by:  
 Thomas N. Jones, Attorney  
 339 Main Street  
 Franklin, TN 37064

ADDRESS OF NEW OWNER:	SEND TAX BILLS TO:	MAP AND PARCEL NO.:
Timothy R. Mangrum & Jessica Mangrum P.O. Box 1226 Fairview, TN 37062	same	Map 042 Parcel 065.12

### QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid by Grantees, the receipt of which is hereby acknowledged, we, **Timothy R. Mangrum and Donnie R. Mangrum**, Grantors, by these presents, do hereby quitclaim and convey unto **Timothy R. Mangrum and wife, Jessica Mangrum**, Grantees, their successors and assigns all of their right, title and interest in and to the following described property in Williamson County, Tennessee, described as follows, to-wit:

Lying in the 1<sup>st</sup> Civil District of Williamson County, Tennessee, and being a portion of a tract of land as described in Book 2381, page 306 and also a lot recorded in Plat Book 34, page 13 at the Register's Office of Williamson County, Tennessee, and being more particularly described as follows:

Beginning at an old iron rod in the north margin of Old Nashville Road at the southwest corner of this tract; thence leaving said road and with Pinkerton North 06 degrees 36 minutes 22 seconds East 195.06 feet to an old iron rod; thence with Lot 2 of Fernvale Springs subdivision North 53 degrees 51 minutes 40 seconds East 214.51 feet to an old iron rod in the west line of Goodwin; thence with Goodwin South 02 degrees 38 minutes 36 seconds West 327.20 feet to an old iron rod in the north margin of Nashville Road; thence with said margin along a curve to the right with radius = 4398.40 feet, length = 180.72 feet and delta = 02 degrees 21 minutes 15 seconds to the point of beginning and containing 1.03 acres.


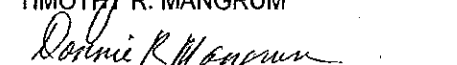
Being part of the property conveyed to Timothy R. Mangrum, unmarried, and Donnie R. Mangrum, married, by deed from Bobby J. Goodwin, being the Executor of the Estate of Harris L. Goodwin, Sr., Deceased (the Decedent), as evidenced in Will Book 62, page 492, Chancery Court Williamson County in Book 2381, page 306, Register's Office for Williamson County, Tennessee.

Subject property is not the principal residence of Grantors.

Said property is conveyed subject to such limitations, restrictions and encumbrances as may affect the premises.

This is property known as: Old Nashville Road, 1.03 acres, Fairview, TN 37062.

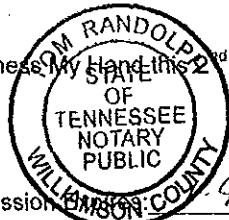
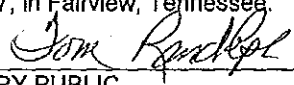
WITNESS OUR HANDS this 2<sup>nd</sup> day of February, 2007, in Fairview, Tennessee.

  
TIMOTHY R. MANGRUM  
  
DONNIE R. MANGRUM

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON

Personally appeared before me, the undersigned, a Notary Public for said State & County, Timothy R. Mangrum, the within named bargainer with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

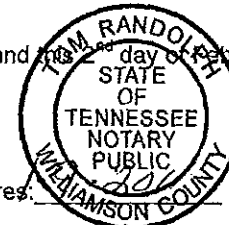
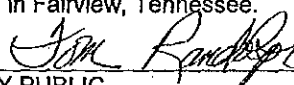
Witness My Hand this 2<sup>nd</sup> day of February, 2007, in Fairview, Tennessee.

  
My Commission Expires: 9-2011  
  
NOTARY PUBLIC

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON

Personally appeared before me, the undersigned, a Notary Public for said State & County, Donnie R. Mangrum, the within named bargainer with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness My Hand this 2<sup>nd</sup> day of February, 2007, in Fairview, Tennessee.

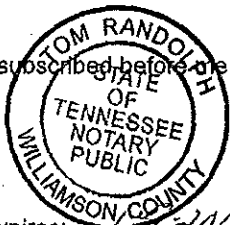
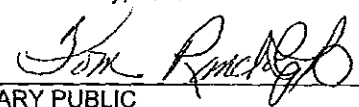
  
My Commission Expires: 9-2011  
  
NOTARY PUBLIC

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON

The actual consideration or value, whichever is greater for the transfer is \$-0-.

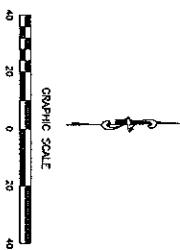
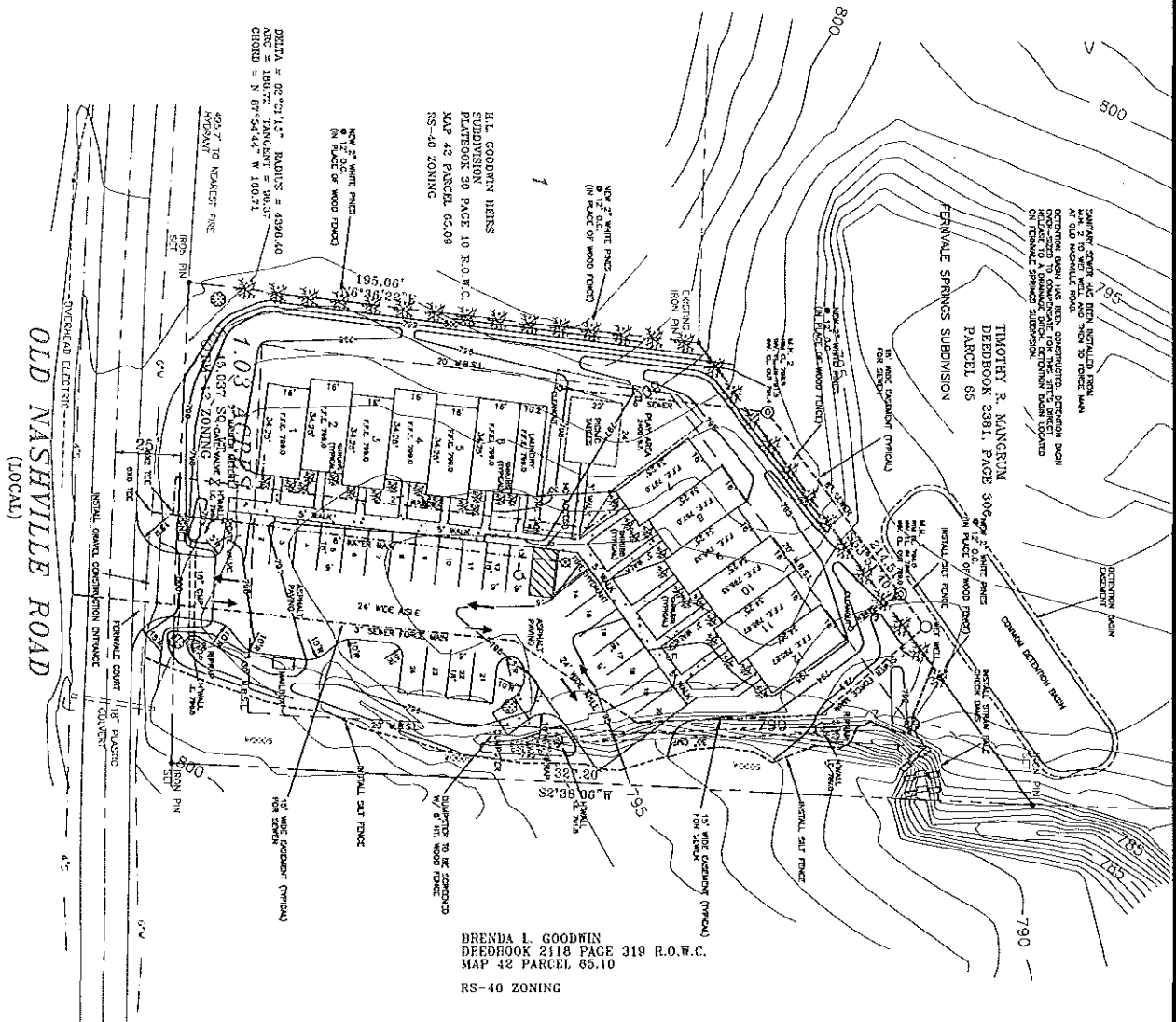
  
AFFIANT

Sworn and subscribed before me this 2<sup>nd</sup> day of February, 2007.

  
My Commission Expires: 9-2011  
  
NOTARY PUBLIC  
BK/PG: 4175/771-772  
07005721

QUITCLAIM DEED	
02/06/2007 09:27 AM	
BATCH	92053
REC TAX	0.00
TRN TAX	0.00
REG FEE	10.00
DP FEE	2.00
REG FEE	0.00
TOTAL	12.00
STATE OF TENNESSEE, WILLIAMSON COUNTY	
SADIE WADE	
REGISTER OF DEEDS	

# Proposed Use



C1.1

FINAL MASTER SITE DEVELOPMENT PLAN  
 FERNVALE APARTMENTS  
 OWNER - TIMOTHY R. MANGRUM  
 BEING A PORTION OF:  
 DEED BOOK 2381, PAGE 306  
 MAP 42, PARCEL 65  
 CITY OF FAIRVIEW  
 1ST CIVIL DISTRICT OF WILLIAMSON COUNTY, TN

NO.	DATE	REVISION DESCRIPTION

**Tim Mangrum**  
**Old Nashville Road**  
**Map 42, Parcel 65.12**

Adjacent Property Owners

Property Address

Michael and Karen Pinkerton

Fairview, TN 37062

First Federal Bank

Fairview, TN 37062

Brenda Goodwin Hardin

Fairview, TN 37062

Paul and Juanita Tomlinson

Fairview, TN 37062

Owners Mailing Address

Michael and Karen Pinkerton

Fairview, TN 37062

First Federal Bank

Dickson, TN 37055

Brenda Goodwin Hardin

Old Hickory, TN 37138

Paul and Juanita Tomlinson

Fairview, TN 37062

10 B

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 08-15

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 AT 7326 FERNVALE ROAD, OWNED BY TIMOTHY R. MANGRUM AND WIFE, JESSICA MANGRUM, AS SHOWN ON, THE FAIRVIEW GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 042, PARCEL 065.12, 1.03 ACRES, FROM RM - 10, TO RS - 12. THIS RESOLUTION SETS THE PUBLIC HEARING FOR MARCH 19<sup>TH</sup>, 2015, AT 7:00 P.M., FAIRVIEW, TENNESSEE CITY HALL.

**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 March 19<sup>TH</sup>, 2015 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., March 19<sup>TH</sup>, 2015, 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, City of Fairview  
Geological Listing of Assessment Roll Map  
**042, Parcel 065.12, Recorded in Deed  
Book 4175, Page 771, Register's Office for  
Williamson County, Tennessee. The description  
is hereby Incorporated into and made a part of This  
Resolution by reference as fully as if copied into  
This resolution verbatim.**

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM

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

10C

Bill # 2015-08

ORDINANCE NO. 873

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XVI, SECTION 16-102.5, "BUILDING PERMITS" AND TO AUTHORIZE THE NON ENFORCEMENT OF 2009 INTERNATIONAL BUILDING CODE SECTION 105, PERMITS, SUBSECTION 105.2, "WORK EXEMPT FROM PERMIT", SUB, BUILDING, PARAGRAPH (1), WHICH HAS BEEN ADOPTED BY THE CITY OF FAIRVIEW SHALL NOT BE ENFORCED BY THE CODES DEPARTMENT OF THE CITY OF FAIRVIEW, TENNESSEE AND SHALL BE TREATED AS DELETED.

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the City of Fairview, Tennessee, needs to amend the City of Fairview, Tennessee Municipal Zoning Code, Article XVI, Section 16-102.5 "BUILDING PERMITS" to require that Section 105, Permits, Subsection 105.2, Work Exempt from permit, Sub, Building, Paragraph (1), 2009 International Building Code which has been adopted by the City of Fairview shall not be enforced by the Codes Department of the City of Fairview, Tennessee and shall be treated as deleted. The remainder of the Section shall not be so treated and will be enforced as written.

**Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:**

Fairview, Tennessee Municipal Zoning Code, Article XVI, Section 16-102.5 ", Building Permits," to require that Section 105, Permits Subsection 105.2, Work Exempt from Permit, Sub, Building, paragraph (1), 2009 International Building Code which has been adopted by the City of Fairview shall not be enforced by the Codes Department of the City of Fairview, Tennessee and shall be treated as deleted. The remainder of the Section shall not be so treated and will be enforced as written.

**Article XVI, Section 16-102.5 as it presently reads is as follows:**

**16-102.5 Building Permits**

Upon approval of a plot plan or site plan as specified in Subsections 16-103.1 or 16-103.2, a building permit for such use may be issued. A grading permit or building permit (limited to preliminary site grading and foundation construction) may be issued prior to the issuance of a building permit with an approved site plan or site utilization and reclamation plan forming the basis for such action.

**Article XVI, Section 16-104.3 as amended reads is as follows:**

(1). Upon approval of a plot plan or site plan as specified in Subsections 16-103.1 or 16-103.2, a building permit for such use may be issued. A grading permit or building

permit (limited to preliminary site grading and foundation construction) may be issued prior to the issuance of a building permit with an approved site plan or site utilization and reclamation plan forming the basis for such action.

(2) Fairview, Tennessee Municipal Zoning Code, Article XVI, Section 16-102.5 “, Building Permits,” to require that Section 105, Permits Subsection 105.2, Work Exempt from Permit, Sub, Building, paragraph (1), 2009 International Building Code which has been adopted by the City of Fairview shall not be enforced by the Codes Department of the City of Fairview, Tennessee and shall be treated as deleted. The remainder of the Section shall not be so treated and will be enforced as written.

(3) All Commercial Buildings regardless of whether new construction or renovation (the existence of any other provisions notwithstanding) shall obtain a building permit prior to the initiation of any construction.

**BE IT FURTHER ORDAINED**, that all the remaining provisions of the referenced articles remain as they are without any change and,

**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.

**BE IT FINALLY ORDAINED**, that 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

Approved and recommended by the City of Fairview, Tennessee, Municipal Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**Planning Commission Chairman**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**Passed First Reading** \_\_\_\_\_

**Passed Second Reading** \_\_\_\_\_

**Public Hearing Held** \_\_\_\_\_

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 09-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XVI, SECTION 16-102.5, "BUILDING PERMITS" AND TO AUTHORIZE THE NON ENFORCEMENT OF 2009 INTERNATIONAL BUILDING CODE SECTION 105, PERMITS, SUBSECTION 105.2, "WORK EXEMPT FROM PERMIT", SUB, BUILDING, PARAGRAPH (1), WHICH HAS BEEN ADOPTED BY THE CITY OF FAIRVIEW SHALL NOT BE ENFORCED BY THE CODES DEPARTMENT OF THE CITY OF FAIRVIEW, TENNESSEE AND SHALL BE TREATED AS DELETED.

**WHEREAS**, The City of Fairview, Tennessee is in the process of amending the City of Fairview, Tennessee, Municipal Zoning Code Article XVI, Section 16-102.5, "Building Permits" and to authorize the Non Enforcement of 2009 International Building Code Section 105 Permits, Subsection 105.2, "Work Exempt From Permit", Sub, Building, Paragraph (1), 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 Ordinance Changes and,

**WHEREAS**, the Board of Commissioners for the City of Fairview, Tennessee have determined that April 2<sup>nd</sup>, 2015 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 above referenced City of Fairview, Tennessee, Municipal Zoning Code Section is scheduled and will be held at 7:00 O'Clock P.M., April 2<sup>nd</sup> 2015, in the City Hall of the City of Fairview, Tennessee.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

10 D

ATTEST:

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CITY RECORDER

APPROVED AS TO FORM

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LARRY D. CANTRELL  
CITY ATTORNEY  
FAIRVIEW, TENNESSEE

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**RESOLUTION # 04-15 PC**

**A RESOLUTION FROM THE CITY OF FAIRVIEW, TENNESSEE MUNICIPAL PLANNING COMMISSION TO THE CITY OF FAIRVIEW, TENNESSEE BOARD OF COMMISSIONERS RELATIVE TO THE REQUEST TO REDUCE THE PERFORMANCE BOND FOR THE WALMART DEVELOPMENT.**

**BE IT RESOLVED BY THE CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL PLANNING COMMISSION AS FOLLOWS:**

**WHEREAS**, The City of Fairview, Tennessee, Municipal Planning Commission at the regular scheduled Meeting held February 10, 2015 considered and acted upon a request to reduce the performance Bond posted by Wal-Mart stores Inc., to reduce the Performance bond posted by said stores for the completion of certain tasks located upon the property of said development. and,

**WHEREAS**, the City Engineer for the City of Fairview, Tennessee, (Will Owen) visited the Wal-Mart site and submitted a report to the City of Fairview, Tennessee Municipal Commission said request item and report is as follows:

**6.3 DISCUSS/AND OR TAKE ACTION ON LOWERING WAL-MART PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$97,800.00. BOND EXPIRES NOVEMBER 30, 2015.**

Based on field observations conducted of the subject improvements along with as-built plans submitted by the applicant, all proposed improvements associated with the above with the above referenced bond have been installed to satisfactory completion and in accordance with all previously approved plans and any previously approved deviations from those plans. As a result, it is recommended that the Planning Commission forward a resolution of recommendation to the Board of Commissioners requesting their formal acceptance of the dedication of improvements within the recognized public right-of-way as identified on the recorded final plat entitled Wal-Mart Commercial Subdivision recorded in **Plat Book P56, Page 94** of the Williamson County Register's Office.

Additionally, the resolution forwarded to the Board of Commissioners should include that the applicant is required to maintain all improvements for a period of one (1) year after formal acceptance of the public right-of-way by the Board and the Board's acceptance should only be after the applicant files a one (1) year maintenance bond with the City in the amount of \$40,000.00.

**THEREFORE BE IT RESOLVED**, by the Municipal Planning Commission of Fairview, Tennessee and recommended to the Board of Commissioners of the City of Fairview, Tennessee to accept the recommendations of the City Engineer of the City of Fairview, Tennessee said recommendations having been unanimously approved by the said Planning Commission at their afore referenced regular meeting. The recommendations recommended for approval

by the Board of Commissioners by the City Engineer and the Fairview, Municipal Planning Commission are summarized as follows:

1. The Municipal Planning Commission forwards this Resolution to the Board of Commissioners for action.
2. The Board of Commissioners formally accept upon dedication by Wal-Mart Stores, Inc. the improvements within the recognized public right-of-way as identified on the recorded final plat entitled Wal-Mart Commercial Subdivision recorded in **Plat Book P56, Page 94** of the Williamson County Register's Office.
3. The applicant (Wal-Mart stores, Inc.) is required to maintain all the accepted improvements for a period of one (1) year after formal acceptance of the public right-of-way by the Board and the Board's acceptance should only be after the applicant files a one (1) year maintenance bond with the City in the amount of \$40,000.00.
4. The approval of this Resolution by the City of Fairview, Tennessee's Board of Commissioners of acceptance of the provisions of Items 1-3 listed above is contingent upon the performance by Wal-Mart, Stores, Inc. of all the provisions contained within this Resolution including but not limited specifically to item 3 above.
5. The date of acceptance by the City of the provisions herein contained and the date for the beginning of the property maintenance bond period shall begin at the same time that Wal-Mart Stores, Inc., dedicates the herein designated improvements to the City of Fairview, Tennessee and posts with the City a Maintenance Bond in the amount of \$40,000.00.

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

**BE IT FINALLY RESOLVED**, that this Resolution shall take effect immediately upon its final passage, the public welfare requiring it

**Approved and recommended by the City of Fairview, Tennessee, Municipal Planning Commission this 10<sup>th</sup> day of February, 2015.**

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**Planning Commission Chairman**

Approved by the Board of Commissioners of the City of Fairview,  
Tennessee this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY