

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

MARCH 16, 2017

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 March 9, 2017 Board of Commissioners and Planning Commission Joint Workshop
 - B. Approval of the Minutes from the March 2, 2017 Board of Commissioners Meeting
 - C. Second and Final Reading on Ordinance No. 2017-02, An Ordinance of the City of Fairview, Tennessee, Providing that the Fairview Municipal Code be Amended by Revising Section 4-208 of Chapter 2, Title 4, in Regard to Nepotism
9. **Old Business**
 - A. Discuss and/or Take Action on Planning Commission
10. **New Business**
 - A. Discuss and take action on application to the National Arbor Day Foundation for a Tree City USA Designation – Rainey
 - B. Discuss and/or Take Action on Ordinance 2017-03, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2016-2017 Budget (\$165,000 School Facilities Fund and \$25,000 General Fund)
 - C. Discuss and/or Take Action on Becoming a Healthier City – Carroll
 - D. Discuss and/or Take Action on Bowie Park Master Plan and Control Burn – Carroll
 - E. Discuss and/or Take Action on Repealing/Replacing Section 7-506 (Permissible Types of Fireworks) of Ordinance No. 762, An Ordinance To Amend City Of Fairview, Tennessee, Municipal Code, Title 7, Chapter 5, Sections 7-501 Through 7-514, "Fireworks." - Crutcher
11. **City Manager Items for Discussion**
 - A. Miscellaneous Updates
 - B. City Attorney Comments
12. **Communications from the Mayor and Commissioners**
13. **Adjournment**

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE, PROVIDING THAT THE FAIRVIEW MUNICIPAL CODE BE AMENDED BY REVISING SECTION 4-208 OF CHAPTER 2, TITLE 4, IN REGARD TO NEPOTISM.

WHEREAS, the Board of Commissioners has determined that the Fairview Municipal Code should be revised and that the best interest and welfare of the all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview Municipal Code.

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

SECTION 1. That Section 4-208 of Chapter 2, Title 4 of the Fairview Municipal Code is hereby amended to read as follows:

4-208. Anti-Nepotism Policy.

(1) Title. This section shall be cited as the "Anti-Nepotism Policy of the City of Fairview."

(2) Purpose. This policy is not for the purpose of depriving any citizen of an equal chance for employment with the City of Fairview but is solely to prevent the potential for preferential treatment of relatives, as defined in subsection (4)(c).

(3) Applicability.

(a) The prohibitions set forth in this section shall apply solely to employee positions for the City of Fairview.

(b) This section shall not apply to appointments to the various boards, commissions and committees of the City of Fairview.

(c) This section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of its enactment and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation. However, no person shall be hired, transferred or promoted after the effective date of this policy whose continued employment with the City of Fairview would create a new violation of this policy.

(d) The prohibitions set forth in this section shall not apply in the case of seasonal part-time employment.

(4) Definitions. As used in this section, unless a different meaning appears from the context:

(a) "Elected Official" means any person holding a position on the Board of Commissioners.

(b) "Nepotism" means the practice of favoring, providing benefits to, or giving any workplace preference to a relative over other employees.

(c) "Relative(s)" includes parent, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, spouse, daughter-in-law, son-in-law, mother-in-law, father-in-law, stepparent, stepchild, brother-in-law, sister-in-law, domestic partner, cohabitant or a person with whom a significant committed relationship exists including adoptive relationships.

(d) "Supervisor" means any employee of the City of Fairview having supervisory duties and powers over another employee or employees within the respective department of the City of Fairview.

(5) Nepotism Prohibited. The following restrictions shall apply in the hiring and promotion of employees to positions for the City of Fairview:

(a) A relative shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

(i) One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;

(ii) One relative would be responsible for auditing the work of the other; or

(iii) Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

(b) No relative shall be considered for employment by the City of Fairview or hired to a position of employment with the City of Fairview where that person will be the supervisor or be supervised by another relative who is an existing employee within the same department.

(c) Applications for employment submitted by relatives of city employees holding current supervisory positions will not be accepted for positions in the same department of the City of Fairview in which the supervisor works.

(d) No person who is a relative of any elected official shall be considered for employment as an employee of the City of Fairview. This shall not restrict nor prohibit the continued employment of individuals in the position held on the effective date of this policy. Further, this shall not restrict nor prohibit the continued employment of individuals in the position held at the time a relative of an employee is elected to a position on the Board of Commissioners after the date of the employee's start of employment with the City of Fairview.

(6) Employees Who Become Relatives. If after the effective date of this policy two employees become relatives in violation of this section, then those employees shall be asked to determine which of them will transfer within ninety (90) days to any vacant position in another department, division or shift for which the employee is qualified and which would resolve the violation. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees shall be asked to determine which of them will terminate employment. In the event the employees cannot decide between them who will leave,

and if a transfer cannot be arranged, then the employee with the higher level of job-related performance for the City of Fairview shall be retained and the other shall be terminated.

SECTION 2. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City of Fairview, then this ordinance shall supersede same.

SECTION 3. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 4. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Fairview, Williamson County, Tennessee, requiring it.

ATTEST:

CITY OF FAIRVIEW, TENNESSEE

BY: _____
Brandy Johnson, City Recorder

BY: _____
Patti L. Carroll, Mayor

APPROVED AS TO FORM:

BY: _____
Larry D. Cantrell, City Attorney

Passed First Reading _____

Passed Second Reading _____

10B

ORDINANCE NO. 2017-03

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2016 – 2017 BUDGET

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 Budget for Fiscal Year 2016 - 2017 (beginning July 1, 2016 and running through June 30, 2017) should be amended to reflect the final expenditures for the Fiscal Year, and:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2016 – 2017 budget by passage of Ordinance Number 930 on June 23, 2016, and

WHEREAS, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

WHEREAS, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2016-2017 BUDGET AS FOLLOWS:

Section 1. Ordinance 930 is hereby amended in the amount of \$190,000 applied to the General Fund Balance (\$165,000 School Facilities Fund and \$25,000 Unassigned General Fund).

School Facilities Fund appropriations include:

\$45,000 to Fairview High School for LED sign and press box engineering fees

\$40,000 to Fairview Elementary School for 'Ready! Kindergarten' program and Chromebooks

\$40,000 to Westwood Elementary for 'Ready! Kindergarten' program and LED sign

\$40,000 to Fairview Middle School for Chromebooks and sound system

Unassigned General Fund appropriations include:

\$25,000 to be spent on improvements to the Fairview Ballpark on Hwy 96

General Fund Balance

| Category | Account | Current Balance | Appropriation | New Balance |
|-------------------|-----------|-----------------|---------------|-----------------|
| School Facilities | 110-27100 | \$ 712,992.03 | \$ 165,000.00 | \$ 547,992.03 |
| Unassigned | 110-27100 | \$ 1,592,110.00 | \$ 25,000.00 | \$ 1,567,110.00 |

Expenditures

| Category | Account | Current Budget | Amendment | New Budget |
|-------------------|---------------|----------------|---------------|---------------|
| School Facilities | 110-41000-236 | \$ 4,500.00 | \$ 165,000.00 | \$ 169,500.00 |
| Unassigned | 110-41000-236 | \$ 169,500.00 | \$ 25,000.00 | \$ 194,500.00 |

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

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.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

EXISTING
ORDINANCE

City of Fairview

10E

Bill #2009-27

ORDINANCE NO. 762

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 7, CHAPTER 5, SECTIONS 7-501 THROUGH 7-514, "FIREWORKS."

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 Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 7, Chapter 5, Sections 7-501 – 7-514.

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

Fairview, Tennessee Municipal Code, Title 7, Chapter 5, Sections 7-501 – 7-514, "Fireworks," is amended to read as follows:

SECTION

- 7-501. Purpose.
- 7-502. Definition of terms.
- 7-503. Permits required.
- 7-504. Permit fee.
- 7-505. Privilege licenses required.
- 7-506. Permissible types of fireworks.
- 7-507. Conditions for sale and use of permissible articles.
- 7-508. Retail sale of permissible articles –time limitations
Exceptions.
- 7-509. Public displays—permits--regulations.
- 7-510. Regulations governing storing, locating or display of
fireworks.
- 7-511. Unlawful acts in the sale, handling or private use of.
Fireworks.
- 7-512. Seizure and destruction of fireworks.
- 7-513. Penalty for violation.
- 7-514. Exceptions to application.

7-501. Purpose. The purpose of this chapter is to provide for the use of certain fireworks for private use within the corporate limits of the City of Fairview, Tennessee within certain guidelines, which

shall provide for the general safety and welfare of the citizens thereof.

7-502. Definitions. As in this chapter, the following terms shall have the meaning described to them herein, unless clearly indicated otherwise:

(1) "Distributor" **REPEALED**

(2) "D.O.T. Class C (1.4G) common fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class C (1.4G) Common fireworks" in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(3) "Permit" **REPEALED**

(4) "Person" means any individual, firm, partnership or corporation;

(5) "Retailer" **REPEALED**

(6) "Sale" means an exchange of articles of fireworks for money and also includes the barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, of one or more individuals;

(7) "Special fireworks" means all articles of fireworks that are classified as Class B (1.3G) explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class C (1.4G).

(8) "Unregulated or novelty fireworks" those fireworks that are not regulated by State, Federal or Local Statutes or Ordinances and contain no more than 5 grams of pyrotechnic composition per individual device.

7-503. Permits required. REPEALED

7-504. Permits fee. REPEALED

7-505. Privilege licenses required. REPEALED

7-506. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to sell fireworks of any type except those defined in Article 7-502(8) within the Corporate Boundaries of the City of Fairview, Tennessee.

7-507. Conditions for use of permissible articles. No permissible articles of common fireworks, defined in §7-502(2) shall be possessed or used within the Corporate Boundaries of the City of Fairview, Tennessee unless it is properly named to conform to the nomenclature of §7-506 hereof or unless it is certified as "common fireworks" or is certified as "Unregulated or Novelty fireworks: as defined in §7-502(8).

Additionally:

(1) Those items now or hereafter classified as D.O.T. Class C (1.4G) common fireworks may be possessed and used by Person(s) as defined in 7-502(4) in accordance with the Use of permissible articles as defined in 7-507.

Such use by persons shall be restricted to the Following Dates and Times and those dates and times only.

- (a) July 3,4 and 5 from Noon to 11:00 P.M. Inclusive.**
- (b) December 31 from Noon to January 1, 1:00 A.M. Inclusive.**
- (c) January 1 and 2 from Noon to 11:00 P.M. each day inclusive.**

All Persons using fireworks as provided in this section shall:

(a) Not use or ignite or discharge fireworks on public roadways, streets, sidewalks, or any other public owned property, within six hundred (600) feet of any church, hospital, asylum, public school, park or within two hundred (200) feet gas station or throw any fireworks from a motor vehicle, into a motor vehicle at or near any person or group of persons.

(b) Persons using fireworks as provided in this section shall have attained the minimum age of sixteen (16) years unless they are accompanied by a person who has attained the minimum age of eighteen (18) years.

(c) All Persons using or igniting fireworks as provided in this section shall:

Make every reasonable effort to contain the fireworks and the debris on the users property.

(d) If the Person using or igniting the fireworks as provided in this section does not own the property upon which the Person is using or igniting the fireworks the owner's permission must be obtained for the firework using or igniting and the owner must be present during the entire time fireworks are being used or ignited.

(e) Debris from the fireworks must be contained to the premises where the fireworks were used or ignited, collected and disposed of properly upon termination of the using or igniting of fireworks.

(f) Any provision contained in Section 5-507 to the contrary notwithstanding the dates and times for use shall not apply to those items certified as "Unregulated or Novelty fireworks."

7-508. Retail sale of permissible articles –time limitations— exceptions.

REPEALED

7-509. Public display - - permits - - regulation.

TO REMAIN AS CURRENTLY ADOPTED

7-510. Regulations governing storing, locating or display of fireworks.

TO REMAIN AS CURRENTLY ADOPTED

7-511. Unlawful acts in the sale, handling or private use of fireworks.

REPEALED

7-512. Seizure and destruction of fireworks.

TO REMAIN AS CURRENTLY ADOPTED

7-513. Penalty for Violation.

TO REMAIN AS CURRENTLY ADOPTED

7-514. Exception to application.

TO REMAIN AS CURRENTLY ADOPTED

THEREFORE BE IT ORDAINED, by the Fairview Board of Commissioners that the Fairview, Tennessee Municipal Code, be amended to include this Ordinance as amended.

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

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

October 15, 2009

Passed Second Reading

November 5, 2009