

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

MAY 7, 2015

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 April 16, 2015 Board of Commissioners Meeting
 - B. Approval of the Minutes from the April 28, 2015 Board of Commissioners Special Meeting
 - C. Second Reading of Bill #2015-09, Ordinance No. 874, An Ordinance to Amend the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Police ATV from Drug Fund)
 - D. Second Reading of Bill #2015-10, Ordinance No. 875, An Ordinance to Aid in Establishing a Healthy Workplace for the Employees of the City of Fairview, Tennessee, by Addition to the Municipal Code, Title 4, of a New Chapter and Sections, Chapter 5, Section 5-101, "Healthy Workplace Act" and 5-102 Model Abusive Conduct Prevention Policy
 - E. Second Reading of Bill #2015-12, Ordinance No. 877, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Park Fund for mulch & slide)
 - F. Second Reading of Bill #2015-13, Ordinance No. 878, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-602 "Tax Established"
 - G. Second Reading of Bill #2015-14, Ordinance No. 879, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-604 "Use of Tax"
9. **Old Business**
 - A. Discuss and/or Take Action on Resolution #10-15, A Resolution Requiring all City of Fairview, Tennessee Meetings, Special Meetings, Workshops and Any Other Meeting Subject to the Tennessee Open Meetings Law (T.C.A. §8-44-102, Etc.) Exclusive of Executive Sessions, Shall be Televised, Recorded and Posted for Viewing – Crutcher
 - B. Discuss and/or Take Action on Resolution #11-15, A Resolution Requiring the Agenda of the Board of Commissioners and the Board of All Commissions and Committees of the City of Fairview, Tennessee Not Add Items to Their Published Meeting Agendas Unless Emergency or Exigent Circumstances Have Arisen After the Agenda was Published but Before the Commission or Committee Meetings – Crutcher
 - C. Discuss and/or Take Action on Resolution #12-15, A Resolution Requiring All Members of the Board of Commissioners, All Commissions and Committees of the City of Fairview, Tennessee Appointed by the Board of Commissioners to Bring Any and All Resolution(s) or Ordinance(s) They Desire to be Prepared by the City Attorney Before the Board, Commission or Committee Upon Which They Sit

for a Majority Vote Before the City Attorney May be Engaged to Prepare the Appropriate Documents
– Crutcher

- D. Discuss and/or Take Action on Employee Health Plan for 2015-2016 Fiscal Year – Bissell
- E. Second Reading of Bill #20154-11. Ordinance No. 876, an Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs." Chapter 4, "Tree Planting and Protection," Section 13-404, "Duties of the Tree Commission, Section 13-409. "Community Tree Plan," Section 13-411. "Trees on Private Property," Section 13-419. "Appeal from any Recommendation(s) of the Tree Commission." - Sutton

10. New Business

- A. Discuss and/or Take Action on Debt Restructure Through Cumberland Securities, Presented by John Werner – Bissell
- B. Discuss and/or Take Action on Resolution No. 13-15, A Resolution Ratifying the Authorization of the Issuance of Interest-Bearing General Obligation Capital Outlay Notes, Series 2012 of City of Fairview, Tennessee, in an Aggregate Principal Amount of Not to Exceed One Hundred Seventy-Eight Thousand Seven Hundred Forty-Six Dollars (\$178,746); Ratifying the Issuance, Sale and Payment of Said Notes, Ratifying the Terms Thereof and Ratifying the Disposition of Proceeds Therefrom; and Ratifying the Levy of Tax for the Payment of Principal Thereof and Interest Thereon - Bissell
- C. Discuss and/or Take Action on Handicap Accessible Swing for Bowie Nature Park – Johnson
- D. Discuss and/or Take Action on Establishing a Meeting Recess at First Change of Agenda Items After 9:00 p.m. – Johnson
- E. Discuss and/or Take Action on Procedure for Recommendations from Boards/Committees – Crutcher
- F. Discuss and/or Take Action on Bill #2015-15, Ordinance No. 880, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-402 (1)(h), "Anti-Noise Regulations." - Sutton
- G. Discuss and/or Take Action on Bill #2015-16, Ordinance No. 881, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning code, Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language," Paragraph L - Sutton
- H. Discuss and/or Take Action on Bill #2015-17, Ordinance No. 882, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code Title 16, "Streets and Sidewalks, Etc.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours" – Sutton
- I. Discuss and/or Take Action on Bill #2015-19, Ordinance No. 884, An Ordinance Repealing Resolution No. 01-15 and Creating a Consent Agenda for the City Fairview, Tennessee, Pursuant to Charter Provision C-28-29, T.C.A. §6-20-215, Section 1. (a) as Amended by Tennessee Legislative Acts of 2015, (2015-04-20), Public Chapter 115 – Crutcher
- J. Discuss and/or Take Action on Bill #2015-20, Ordinance No. 885, An Ordinance to Amend the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (appropriating \$24,000 from State Street Aid to Fund City's 20% Resurfacing Grant Obligation) - Bissell

11. City Manager Items for Discussion –

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

12. Communications from the Mayor and Commissioners –

13. Adjournment.

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS
MEETING MINUTES

April 16, 2015

Patti L Carroll, Mayor
 Toney R Sutton, Vice-Mayor
 Allen Bissell, Commissioner
 Shannon L Crutcher, Commissioner
 Stuart L Johnson, Commissioner
 Wayne Hall, City Manager
 Larry Cantrell, City Attorney
 Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson

Others Present: Hall, Cantrell, Humber, Daugherty, Johnson, O'Neal, Paisley

1. Call to order by Mayor Carroll at 7:01 p.m.

A. Prayer and Pledge led by Commissioner Johnson.

- 2. Approval of the Agenda** – Mayor Carroll requested the addition of item 10J as Discuss and/or Take Action on Contract for the Howlin' Brothers at Starlight Jam and 10K Discuss and/or Take Action on Recommendations from the Tree Board. Commissioner Bissell requested the addition of Discuss Employee Health Insurance Update as Item 10L and City Recorder Johnson requested the addition of item 9B Discuss and/or Take Action on School Donation Request. Commissioner Bissell made a motion for approval with Commissioner Johnson seconding. Commissioner Crutcher makes a motion to keep the agenda as published with Johnson seconding. He states it has become routine to add items after publication and he doesn't feel proper unless an absolute emergency. Mayor Carroll agreed but noted that time sensitive items do arise. Bissell states he agrees in principal but won't support tonight because he wishes to give adequate notice of the new process. Johnson requests the item be placed on the next agenda for discussion. Attorney Cantrell states it is legal and not a violation of the open records act on a regular meeting to add to the agenda and some items require a quick response. Sutton agrees as well but recognizes the sensitive time frame of some items. Carroll notes the same issue was brought up at the Planning Commission meeting and anyone has a right to request an addition to the agenda but the Board also has a right to say no. Johnson withdrew his second from the amendment and Bissell seconded the amendment. Vote on the amended motion: FOR: Crutcher; AGAINST: Bissell, Carroll, Johnson, Sutton; motion failed. Vote on the original motion: FOR: Bissell, Carroll, Johnson, Sutton; AGAINST: Crutcher; motion carried.

3. Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each). –

A. Bob Brooks – read a note from his wife, Donna, who couldn't be present. It's time for the community to come together and for all to take their share of the blame. Things will change but that may mean a raise in property taxes or a cut in services. If you have an idea that could be part of the solution please bring it to the Town Hall meeting on April 30. If you can't come send a letter with someone who can and remember that "none of us is smarter than all of us".

4. Awards and/or Recognitions –

A. Employee of the Month presentation by Mr. Hall to the following members of Fairview Fire Department for their participation in the active burn training: Captain, Scot Hughes; Firefighter, Dakota Day; Captain, Jesse Woodard; Lieutenant, Clay Gholson; Firefighter, Sean Grandowicz; Lieutenant, Sean Sullivan; Firefighter, Chad Harrah; Lieutenant, Scott Hughes; Firefighter, Jeremy Menear; Firefighter, Chad Delano; Volunteer Captain, Daniel Beard; Vol. Lieutenant, Terry Call; Vol. Firefighter, David Campbell; Vol. Firefighter, Grant Pine; Vol. Firefighter, John Mason; Vol. Firefighter, Brandon Walker; Vol. Firefighter, Christopher Carver; Vol. Firefighter,

Jacob Duffield; Vol. Firefighter, Christopher Highsmith; Vol. Firefighter, Austin Raines; Vol. Firefighter, Tamara Polston; Vol. Firefighter, Zachary Baker; Vol. Firefighter, Brandon Hurst; Vol. Firefighter, Kyle Lewis; Chief, Travis O'Neal; Firefighter, Sharon Yates; Captain, Kyle Jones; Firefighter, Nicholas Persinger; Captain, Jason Lankford; Vol. Engineer, Dylan Pine; Vol. Firefighter, Adam Wynne; Vol. Firefighter, Caleb Lovett; Vol. Firefighter, Michael Lowry

B. Burn Training Re-cap Presentation by Captain Scot Hughes

5. **Public Announcements** – City Manager Hall reminds everyone of emissions testing every Monday and Tuesday from 7:30 a.m. until noon. Mayor Carroll notes the Business Expo on Saturday from 10:00 a.m. until 2:00 p.m. at the Rec Center and the High School is selling plants. Commissioner Bissell states the first Starlight Jam is on Friday, April 24th in Bowie Park.

6. **Staff Comments** –

A. Codes/Planning Director, Frank Humber states since January 1 we have issued 27 permits for new homes. If we continue at this pace we could issue 90 for the year. 9 of those permits were issued in April so it's a good start to the year.

B. Finance Director, Tom Daugherty apologizes for his lack of report noting he will email it to the Board tomorrow. He anticipates numbers in the next 7 days for next year's budget. Daugherty states he met with Tim White of Benefits, Inc. and is very excited about a new benefits plan. He notes he spoke with Jim Werner of Cumberland Securities and it will be no problem to put together a schedule for payments based on facilities tax revisions. Local option sales tax for the month was \$86,000. Daugherty requests scheduling a meeting with Tim White to review the benefits package before the Town Hall meeting due to the requirement of 60 days notice to employees from a change in carrier. After some discussion it was decided there will be a special meeting on Tuesday, April 28th at 6:00 p.m. with Tim White of Benefits, Inc. to discuss employee health benefits for the coming year. Following will be a special joint meeting of the Board of Commissioners and Finance Review Committee.

C. Parks Director, Keith Paisley notes Leipers Fork Bluegrass will perform at the first Starlight Jam next Friday. Saturday, May 2 is mulch day and we are asking for volunteers. Commissioner Crutcher states Crosspoint Church is hosting a Serving Saturday on May 2 to help spread mulch from 8:00 a.m. until about 1:00 p.m. noting there will be games and food and all are invited to help. Paisley continues that Saturday, May 9 is the Barks for Parks event from 9:00 a.m. until 2:00 p.m.

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 April 2, 2015 Board of Commissioners Public Hearing

B. Approval of the Minutes from the April 2, 2015 Board of Commissioners Meeting

C. Second Reading of 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

Vice Mayor Sutton read the captions. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

9. **Old Business**

A. Discuss and/or Take Action on Potential Conflict of Interest Disclosure Document –

Commissioner Crutcher made a motion for approval with Commissioner Bissell seconding.

Crutcher notes this agreement was discussed at the previous meeting as Griggs requested

permission to engage with Ragan-Smith on the Brownlyn Farms project in the capacity of

designing the decentralized sewer system while not altering their typical role as City Engineer. All were in favor.

- B. Discuss and/or Take Action on School Donation Request - Commissioner Bissell made a motion for approval with Commissioner Johnson seconding. Bissell states he would vote to support this program if it is in any way possible. Vice Mayor Sutton inquires if the funds are available in the school fund. Finance Director Daugherty states yes but we have a negative unassigned balance plus a commitment of \$65,200 to the library expansion. Daugherty states he also questions whether this fund can pay for such a request. Commissioner Crutcher states the books state we have around \$400,000 in the school fund however it is deceiving due to the negative unassigned balance. Crutcher agrees with Daugherty on the expenditure being questionable based on our interlocal agreement. Attorney Cantrell states it is very clear in the statute that the county can't use the fund for anything but mortar and bricks but the city has some flexibility in their spending. Commissioner Johnson asks Daugherty if he had the final decision would he release the funds for this purpose. Daugherty replies he would not though he wants to very badly. Johnson states I think we all would like to but we shouldn't make a bad financial decision because the other sponsor dropped out. Carroll states this is a great program that greatly affects the students involved and I was hoping we could pay out of the difference in bids from the library addition. Sutton asks about the adjustment in budget after we received the bid and Daugherty answered the funds have not been appropriated yet so it is not in the budget. FOR: Bissell, AGAINST: Carroll, Crutcher, Sutton, ABSTAIN: Johnson. Motion failed.

10. New Business

- A. Discuss and/or Take Action on Interlocal Agreement Between Williamson County, Tennessee and the City of Fairview, Tennessee for the Provision of Animal Control Services – Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell states this is an agreement between Fairview and Williamson County for animal control noting the city does not have the staff nor the equipment to do such activities and for the money we are getting a good value. Finance Director Daugherty verified the amount is \$11,000. Mayor Carroll asked if that is what we currently pay and Vice Mayor Sutton stated it is currently \$5,000 and going up. Daugherty states he doesn't see as we have a choice for the increase next budget year. He continues that he spoke with Ms. Graham who told him they did a study and had not increased their fees in several years. Carroll asked if the city removed animals and Streets Director Paisley stated they remove carcasses only. Paisley noted the county works with citizens to use traps to catch animals and have recently improved to a non-kill shelter. Carroll states their services are utilized a lot in Fairview per social media. All were in favor.
- B. Discuss and/or Take Action on Bill #2015-13, Ordinance No. 878, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-602 "Tax Established" – Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell states this is to raise the rate on residential permits from 25 cents to 50 cents per 100 square feet. Cantrell states a few months ago we raised the commercial rate and City Manager Hall notes this is comparable to the rate in Spring Hill. Cantrell notes this rate has not been raised since the fee was implemented about 12 years ago. Crutcher raises concern about pricing ourselves out of the market knowing a developer will pass along fees to the end user. Johnson asks for figures on how much the 25 cent increase would add to the average home. Hall replied \$500 on a 2,000 square foot home. Johnson states he will request the agenda item for impact fees be tabled. Hall states the increase in revenue from this would go into the capital project fund. Carroll stated now is the time to consider an increase with the coming growth and development. It would impact only the new developments and in the long run would put us in a better financial situation. All were in favor.
- C. Discuss and/or Take Action on Bill #2015-14, Ordinance No. 879, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 5, "Municipal Finance and Taxation," Chapter 6, "Adequate Facilities Tax," Section 5-604 "Use of Tax" – Vice Mayor Sutton read the caption with Commissioner Johnson making a motion for approval and Vice Mayor Sutton seconding. Attorney Cantrell states this ordinance assigns the proceeds to what the statute allows which is any capital project that is future. All were in favor.
- D. Discuss and/or Take Action on Setting/Raising Impact Fee – Commissioner Johnson made a motion to table the item with Commissioner Bissell seconding. Mayor Carroll asked for some elaboration on the thoughts behind the item. Johnson states we currently do not have the funds available for the study required so there is no need to discuss. City Manager Hall states he has heard between \$40-

- 50,000 for the study. Cantrell agrees that he agrees with that figure and adds that the study is quite comprehensive and would need to take into consideration updates as growth continues. Carroll questioned whether it would impact residential or commercial development and Cantrell states it could be both and the fee is per lot. Johnson states the fee in Franklin ranges from \$4,000 to \$20,000 based on the area. Carroll asks if this is something the staff might be able to budget for next year. Crutcher questions the length of time for seeing a return on our investment. Cantrell estimates a minimum of 6 months for the study and then would depend on rate of growth. Johnson states we have issued 9 permits in April and if each had a \$4,000 that would be \$36,000 but some locations allow the payment of the fee to be deferred until closing. Sutton requested more information on the process including a pay schedule for the study. All were in favor.
- E. Discuss and/or Take Action on Agreement for Fireworks Display – City Recorder Johnson presented the contract and noted the amount is the same from year's past and we are requesting donations to help pay for the event. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. Attorney Cantrell requested the following changes: date, city address, mayor is customer and remove the guarantor section. Vice Mayor Sutton made an amended motion to approve based on the changes recommended by the city attorney with Commissioner Bissell seconding. Commissioner Crutcher asked about cost for last years event and Finance Director Daugherty stated there was \$12,000 in the line item but he thinks we only paid out about \$500. The possibility of only shooting fireworks was mentioned if the donations don't come in as expected noting voting on the fireworks contract does not put us on the hook for the entire event. All were in favor.
 - F. Discuss and/or Take Action on Expiring Board Seats – Mayor Carroll states there are several board seats expiring in June including 1 Planning Commission seat, 1 Board of Zoning Appeals seat, 1 Industrial Development Board seat, 1 Beer Board seat, 2 Park Commission seats, 2 Tree Board seats and 3 Board of Adjustments and Appeals seats which we need to advertise for. Commissioner Bissell states the Park Commission seats are filled from within other organizations and notes he will advise Mr. Rowe to add this item to the next Park Commission agenda. Vice Mayor Sutton notes we need to notify those whose seats are expiring and advise them a letter of intent is required to be submitted if they are interested in keeping their current seat. No action was taken.
 - G. Discuss and/or Take Action on Bill #2015-12, Ordinance No. 877, an Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Park Fund for Mulch & Replacement Slide) – Vice Mayor Sutton read the caption. Commissioner Crutcher made a motion for approval with Vice Mayor Sutton seconding. Crutcher states this is the budget amendment for the mulch project noting Crosspoint will reimburse for half of the cost of the mulch plus provide the manpower. The amendment also covers a replacement for a broken slide which a local teen broke but will be reimbursing the cost for replacing. Crutcher pointed out the current safety issue with the broken slide and low level of mulch. Mayor Carroll verifies the funds will be from the Park Fund and CFO Daugherty confirms. Carroll questions whether the funds are there even with other designations discussed and Daugherty confirms. Carroll states she hates paying out of the park fund but also hates to miss the opportunity for assistance and knows of the safety concern with mulch levels. All were in favor.
 - H. Discuss and/or Take Action on Broadcasting/Recording of Meetings/Workshops – Commissioner Crutcher requests City Attorney Cantrell draft a resolution that all meetings, special meetings and workshops be televised, recorded and made available for viewing. Sutton questioned the exception of executive sessions and Crutcher confirmed yes, because they are away from another meeting and Attorney Cantrell states they contain privileged information. Crutcher amended the motion to exclude executive sessions with Mayor Carroll seconding. All were in favor of the amended motion which negated the original motion.
 - I. Discuss and/or Take Action on Procedure for Board of Commissioners to Engage City Attorney – Commissioner Crutcher states according to the city charter, the City Manager is the only person who has the ability to engage the city attorney noting it is not appropriate of the Board or any person other than the City Manager or his designee to do so. Crutcher made a motion to have a resolution stating no member of any Board is to engage the attorney to draft an ordinance or resolution not first brought before the Board for a majority vote seconded by Carroll. Crutcher states another section in the code gives the Board the ability to contact the City Attorney for legal questions at any time. Bissell questioned whether the City Manager could authorize a Board member as his designee. Crutcher repeats that under our existing charter he doesn't think it is appropriate for the City Attorney to draft a document we haven't voted on. He states if we contact Mr. Hall with a proposal

we should do so in writing so he can verify the source and purpose. Johnson states he thinks it happens this way currently and the attorney always asks the City Manager for approval. Crutcher states he doesn't think he has authorization to unilaterally engage the City Attorney and spend taxpayers dollars. Bissell asks about budget amendments or contracts. Recorder Johnson states staff prepares the budget amendments. Cantrell notes he reviews them but staff prepares the amendments to save time and money. Crutcher states he is looking do right, stay above board and correct the appearance to the public of trying to do an end-around. Cantrell assures the Board the City has never paid for any work he's done not first approved by the City Manager (through 4 City Managers). Carroll states she feels presenting proposed changes in a prepared document takes away discussion and it costs money for revisions. Bissell states he is willing to see if this works better but he will bring it up to change if it slows down the process or ends up costing more money. Crutcher states he is trying to make things more transparent and suggests including the original ordinance to the agenda along with proposed changes. He's hoping for less divisiveness and truly has the desire to fix some previous issues. All were in favor.

- J. Discuss and/or Take Action on Contract for Howlin' Brothers at Starlight Jam – Mayor Carroll turns the item over to Jenny Herrera, Program Director who states this is a contract for \$300 from the Howlin' Brothers management company to perform at the Starlight Jam in July. She notes we are requesting donations for adult admissions to help the program become self-sustainable. Commissioner Johnson makes a motion for approval based on city attorney final review with Commissioner Bissell seconding. Carroll asks if they are going to recoup the funds spent through admission fees. Herrera replies there is a \$5 per adult suggested donation and they will also be selling waters and sodas. All proceeds go back into the program and there is a sponsorship opportunity as well. They currently have one sponsor, Lampley Storage. All were in favor.
- K. Discuss and/or Take Action on Recommendations from the Tree Commission – Vice Mayor Sutton read the recommendations from the Tree Commission which incorporated recommendations for projects including landscaping at the welcome to Fairview signs, City Hall, Bowie Park, History Village and the Roadscapes Project utilizing funds of over \$78,000 from the Tree Bank. Mayor Carroll made a motion to accept the recommendations seconded by Commissioner Crutcher. Commissioner Bissell amended the motion to refer the recommendations back to the Tree Commission stating there is no background information for the budget numbers and noting they mentioned projects not vetted with other committees or city staff. He asks that they address these issues and resubmit. Commissioner Johnson seconded the motion. Johnson states these are worthy projects but we need the proper information and a ranking of importance continuing that with current discussions of budget considerations using funds from the Tree Bank we can't allocate the funds tonight to pay for any of it. Carroll states these are not new projects and have been discussed by the Tree Commission for a while referencing dates stated in the recommendations. Crutcher states his initial thought was the Tree Board knows the potential to use Tree Bank funds in budget issues and this is a reaction to politics, however, he believes it is actually a concern for lack of funding for projects and they are asking to reserve the funds for the listed projects. Carroll agrees and states in the past we assumed money was set aside for projects but when it came time the funding was actually not there. Bissell states the FRC left that it was no longer considering using Tree Bank funds but I still don't think it's prudent to obligate those funds until we know for sure. He adds that we also need to consider maintenance costs with the plans. Commissioner Crutcher amends the amended motion that if we send this back for vetting we will not appropriate the Tree Bank funds for any other purpose until we receive the details back on these recommendations with Carroll seconding. Vote on the second amendment; FOR: Carroll, Crutcher, AGAINST: Bissell, Johnson, Sutton, motion failed. Vote on the first amendment; FOR: Bissell, Johnson, Sutton, AGAINST: Carroll, Crutcher. Motion carries. Original motion negated by first amendment.
- L. Discuss Employee Health Insurance Update – Commissioner Bissell states he, Tom Daugherty and Mr. Hall met with Tim White of Benefits, Inc. on the employee health plan for the next fiscal year. Bissell states they also met with another broker who was not very responsive to their needs. He states the new policy will be from United Health Care and will reduce the employees' deductible to \$1,000 from \$4,000, there will be no HRA, a slight increase in premiums, cost savings of \$50-73,000 to the city and will actually be a better policy. The employee will also reduce their catastrophic out of pocket from \$5,000 to \$2,500 (for singles) and there will also be an alternative plan for those who have a need to visit a lot of specialists. The rates will be as follows; \$100 for individual, \$200 for one plus one and \$300 for family coverage. We have also tweaked the prescription coverage to \$10, \$30

and \$60 depending on the drug. Bissell notes if we kept our existing Blue Cross Blue Shield plan it would have an increase of 25% for the next year. The new plan doesn't contain the fluff services such as HRA, FSA but the employees still contribute pre-tax and are getting a good value for their contributions. There is also a larger network than that of Blue Cross with Tri-Star included. No action.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states that was his only complaint from employees as well – changes to health insurance costs and coverage. Hall thanked Commissioner Bissell, Finance Director Daugherty and Tim White of Benefits, Inc. for their hard work on the benefits package which is resulting in big savings for the city. Hall thanked Dr. Oyer for the invitation to be part of the Special Olympics event and noted he really enjoyed watching the enthusiasm of the athletes.
- B. City Attorney Comments – Attorney Cantrell shared good news of our request to the State on consent agenda passed both the House and Senate and was signed on April 10 by the Governor. He notes we need to thank our Senator and Representative for their assistance in this process. He states we will need to repeal our interim process if the City Manager agrees and Mr. Hall agreed. He notes the ball is in the plaintiff's court on the Mooneyham suit.

11. Communications from the Mayor and Commissioners

- A. Commissioner Bissell gives some feedback from the FRC meeting. He notes that he didn't share his work because it was not in a publishable format and didn't want to add confusion but stated that he often does share his work. He appreciates those who have read his editorial in the Observer and acknowledges a relationship with his fellow commissioners. He states you can count on him to do the best job he knows how and he does not like the implication of collusion and the derogatory term of "good ole boys" used. He states he does not collude with fellow commissioners about any vote prior to a meeting but will not ostracize himself to placate assertions of collusion. Regarding the tree commission, he states we tried to work things through by the workshop held about roles of each committee. He states the charter doesn't give authority to committees and his goal is to make the roles of authority equal among boards/committees.
- B. Commissioner Crutcher states he did not take offense to Bissell not sharing his work at the FRC/BOC meeting. He notes he attended the elected officials academy and they talked about the prospect of a retreat for teambuilding purposes directed toward getting to know one another on a more personal level, build respect and MTAS can do workshops. He states in discussion of amending the agenda for regular meetings he mentioned the AG opinion when it was actually the Comptroller's opinion. Crutcher requests an item on the next agenda to handle recommendations from committees or boards.
- C. Commissioner Johnson - NONE
- D. Vice Mayor Sutton requested we move forward with obtaining details on the assistive listening system and if we can't get information from one company we should move on to another one.
- E. Mayor Carroll publicly apologized for skipping Vice Mayor Sutton's comments at the last meeting. She addressed Attorney Cantrell and stated that none of the conversations about engaging the attorney were directed toward him nor his rate. She clarifies that in no way do we think you are overcharging. She stated there was a lot of back and forth but does feel some decent work was accomplished tonight noting it is painful to grow both as a board and a city. She stated maybe MTAS could help with some discussions to work through the issues.

12. Adjournment – Vice Mayor Sutton made a motion for adjournment with Commissioner Crutcher seconding. All were in favor and meeting was adjourned at 10:19 p.m.

Brandy Johnson
City Recorder

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES

April 28, 2015

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Cantrell, Daugherty, Johnson

1. **Call to order by Mayor Carroll at 6:01 p.m.**
2. **Approval of the Agenda** – Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.
3. **New Business**
 - A. Discuss and/or Take Action on Bill #2015-18, Ordinance No. 883, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Transfer in Funds from State Street Aid for the Road Loan in lieu of Unassigned General Fund Expenditure) – Mayor Carroll reads the caption with Vice Mayor Sutton making a motion for approval and Commissioner Johnson seconding. Finance Director Tom Daugherty states he wondered why this wasn't being paid out of State Street Aid and wanted to make the correction. Carroll asked about leaving funds as discussed to be moved for salaries and Daugherty replied we are leaving salaries where they are and will need to do another amendment for the Resurfacing. All were in favor.
 - B. Discuss and/or Take Action on New Employee Benefit Plan, Presented by Tim White of Benefits, Inc. – Tim White presents the Board with binders containing proposed health plans for the 2016 fiscal year. White notes a summary of the current plan is in the front pocket. Current plan information: Deductible is \$4,000 with co-insurance of 70% and max out-of-pocket of \$5,000. Employee contributions are currently \$75 for individuals, \$200 for 1+1 and \$225 for family coverage. If we continued with the same plan on Blue Cross Blue Shield of Tennessee there would be an increase of 20% for a total of \$401,000 to renew the current plan. White requested proposals of all possible carriers and the only other one who responded with a quote was United Healthcare and it happened to be a very competitive proposal. Commissioner Bissell suggested looking at core plans without an HRA so we have no variable costs. Plans that would fit the budget from BCBST had more out-of-pocket exposure to the employees. The suggested plan from United Healthcare has no HRA, \$1,000 deductible (single), Rx benefits of \$10/\$35/\$60, co-pays for office visits and co-pays for specialists visits (after the \$1,000 deductible) and as a secondary choice for those who need to see a lot of specialists a similar plan with co-pay for specialist visits. The proposed United plan would cost the City \$391,000. In 2013 the City spent right at \$450,000 on healthcare with the same number of employees so it's considerably less. White notes the other adjustment on United is prescription co-pays are based on the price of the drug at \$10/\$30/\$60 rather than generic/brand/non-preferred like BCBST. United eliminates the network problem of BCBST as Tri-Star facilities would now be included so there is more accessibility. It was noted that a new Tri-Star hospital is opening up 15 minutes from Fairview. It was stated the employee contributions for this plan would be \$100 for singles, \$200 for 1+1 and \$300 for family coverage. Once presented with a competitive bid BCBST did lower their original proposal only about 4%. Commissioner Johnson

asked if the Finance Review Committee selected the United plan and Daugherty replied myself, Mr. Hall and Commissioner Bissell met with Mr. White and were looking for a non-HRA, more traditional plan and this one was very appealing because it's less out-of-pocket for the employee. It was confirmed that this plan runs with the fiscal year, beginning July 1 and ending June 30 making it much easier to budget firm numbers. Mayor Carroll asked Finance Review Committee co-chair Donna Brooks for her comments. Mrs. Brooks states we will pay out \$362,924 for healthcare this year so there is an increase of \$28,000 but we eliminate the unknown without the HRA. Bissell questioned Mrs. Brooks figures and whether the expenditure amount included dental, vision and employee contributions. Johnson asked if the United plan was recommended by staff and Daugherty confirmed it is. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. Carroll asked Daugherty why this is a better plan and he replied because it's a fixed cost, 3 to 1 better policy for employees, on budget cycle and a rock-solid plan I think the employees will be thrilled. Crutcher asks what our current BCBST plan would look like without the HRA noting it sounds like the cost to both the City and the employee are going up with the proposed plan. White states it really is going back to where you were because we had to cut costs drastically to fit in budget for the last 8 months. Crutcher agrees we get rid of the HRA but asks if we can afford this policy based on current budget woes. Johnson asked White if we keep our current plan what the increase is and White answered 15%. Crutcher noted this United plan seems like top of the line while the current BCBST one seems like the low end and asked if any mid-level plans are available. Bissell states we made an adjustment because the HRA costs were killing us and moved a burden of \$2,000 to the employees. He doesn't believe we can compete salary-wise with other cities but he believes the city made a decision long ago to have great benefits. Bissell continues that a \$4,000 deductible is greater than 10% of the gross average income of our employees. He states that at the workshop we delegated this job to the City Manager along with 4.2 million for the budget and if Tom and Wayne give us this insurance policy then they think this is what we should provide. Crutcher states the problem is he hasn't seen the proposed budget numbers tonight and he wants to see the full picture of where we are headed in the next fiscal year. It's not that he wants to decrease benefits to the employees but he does want to look at other options. Daugherty states we aren't going to have the 4.2 million budget we need to increase revenue or cut jobs and/or services. He states we need another million dollars to turn this ship around and he will propose a 22 cent tax increase. Daugherty states he feels every position we have is necessary noting we can't cut public safety as the 11th safest city in Tennessee but that would also affect everyone's insurance ratings. He states we could close the park for one or two years to save about \$400,000 but that's not what we want to do. Daugherty states we've heard of rooftops coming and we have made a lot of preparations for growth and when the recession hit the city had a lot out there. The stabilization plan is a smart move and if we want to dedicate the tax increase to the park that would be good because it doesn't have a revenue stream. Services have been increasing while the revenue has been decreasing. Everywhere other than Williamson County has higher tax rates than we do. Daugherty states we can whittle away at the problem but we need a big turnaround. Crutcher asks if the 4.2 million budget is not realistic and Daugherty replies not from what he's seen of budgets in the last 5 years. Crutcher agrees we need to increase revenue through property tax raises and other methods but the only way he will agree to the increased taxes is with a comparable cut in spending to close the gap and put us on better fiscal footing. Crutcher states we have to be fiscally responsible in these circumstances. Daugherty states it is more than the money – it is also the employee morale and it is very important to me to give the employees a good policy and I feel this plan is in the City's best interest. Crutcher notes drastic cuts are needed and asks if it is more important to retain a job or increase the health plan. White states from where we were prior to the November changes to where we are now this is the middle of the road plan. Carroll states she hears what Tom is saying about employee morale and the goal is a better plan but we have to do it within our means. Can we afford the \$28,000 increase? I know the employees want anything that is better than the current plan. Johnson states he hopes Daugherty and Hall wouldn't bring forward a plan knowing we couldn't afford it and doesn't think that would happen. He asks if we can pay for the plan and if not he will remove his motion. Daugherty states he has not missed a premium payment and doesn't plan to with City Manager Hall adding the HRA just leaves too much to the unknown. Crutcher states from what Tom said earlier about the numbers and not being able to work within the 4.2 million I just don't know how we can approve tonight. Johnson states we have to do this on the front end and are required by law to notify employees of the change. Bissell questions if the notification can be

general or if we have to specify the exact plan we are changing to and White responds to the affirmative. Bissell asks if notifying that we are changing providers, eliminating the HRA and changes effective July 1 would suffice and White replies these are new provisions that have not really been tested so not sure how strict but with the mid-year plan change a 60-day notification is required. Bissell suggested giving the appropriate notification to employees but waiting to decide on the exact plan until we have more budget information. Crutcher amends the motion to Bissell's suggestion to give notice now and determine plan later with Johnson withdrawing his original motion and seconding Crutcher's motion. City Attorney Cantrell agrees with the Federal law discussions but notes the notice needs to include the carrier, effective date and that details will be forthcoming. Vice Mayor Sutton asks what the timeframe is to make a decision with the change effective July 1. White replies technically, June 30 but you want time for meetings with employees for sign-up, submit to United Healthcare and generate cards so they are in hand by July 1 so really a decision needs to be made as soon as possible. Bissell confirmed we are stating no HRA and effective July 1. Crutcher withdrew his motion and Johnson withdrew his second. Crutcher made a new motion to give notice to employees at the time required of 60 days notice that we are switching healthcare carriers from Blue Cross Blue Shield of Tennessee to United Healthcare effective July 1, 2015 and will no longer have an HRA with Johnson seconding. All were in favor. It was decided to reschedule the joint BOC/FRC meeting on the 2015-2016 budget for 5:00 on Monday, May 4th prior to the Park Board meeting.

4. **Adjournment** – Vice Mayor Sutton made a motion for adjournment with Commissioner Johnson seconding. All were in favor and meeting was adjourned at 8:13 p.m.

Brandy Johnson
City Recorder



Bill # 2015-09

ORDINANCE NO. 874

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2014 – 2015 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 2014 - 2015 (beginning July 1, 2014 and running through June 30, 2015) 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 2014 – 2015 budget by passage of Ordinance Number 840 on June 30, 2014, 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 2014-2015 BUDGET AS FOLLOWS:

Section 1. Ordinance 840 is hereby amended to approve monies from the Drug Fund to purchase an ATV for use by the Police Department in search and rescue efforts, event control and for use by the Park Police in trail patrol.

General Fund

Transfer From			
Account #	Current Balance	Transfer Amount	New Balance
619-11224	\$ 50,312.89	\$12,000.00	\$ 38,312.89
Expenditures			
Account #	Current Budget	Amendment Amt	New Budget Amt
619-42129-944	\$ 80,000.00	\$12,000.00	\$ 92,000.00

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

April 2, 2015

Passed Second Reading

80

Bill # 2015-10

ORDINANCE NO. 875

AN ORDINANCE TO AID IN ESTABLISHING A HEALTHY WORKPLACE FOR THE EMPLOYEES OF THE CITY OF FAIRVIEW, TENNESSEE, BY ADDITION TO THE MUNICIPAL CODE, TITLE 4, OF A NEW CHAPTER AND SECTIONS, CHAPTER 5, SECTION 5 - 101, "HEALTHY WORKPLACE ACT" AND 5 - 102 MODEL ABUSIVE CONDUCT PREVENTION POLICY.

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, Municipal Code, **TITLE 4, BY THE CREATION AND ADDITION TO THE MUNICIPAL CODE OF CHAPTER 5, SECTION 5 - 101, "HEALTHY WORKPLACE ACT AND CHAPTER 5, SECTION 5 - 102, MODEL ABUSIVE CONDUCT PREVENTION POLICY"** and that the best interest and welfare of all the employees and citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code as heretofore stated.

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

Fairview, Tennessee Municipal Zoning Code, **TITLE 4, IS HEREBY AMENDED BY THE ADDITION OF CHAPTER 5, SECTION 5 - 101, HEALTHY WORKPLACE ACT, AND CHAPTER 5, SECTION 5 - 102, MODEL ABUSIVE CONDUCT PREVENTION POLICY"** that said sections are amended and added by this Ordinance which amends Bill 2014 - 31 Ordinance Number 853 as herein below set out;"

5 - 101. HEALTHY WORKPLACE ACT

The General Assembly of the State of Tennessee in the 108th Session Enacted Public Chapter Number 997, said Public Chapter amended Tennessee Code Annotated, Title 50, chapter 1 by adding the following language as a new part. The addition was codified as Tennessee Code Annotated Sections 50-1-501, 50-1-502, 50-1-503 and 50—504. The new added sections read as follows:

§ 50-1-501. Short title; Healthy Workplace Act

1. This part shall be known and may be cited as the "Healthy Workplace Act".

§ 50-1-502. Definitions

(1) "Abusive conduct" means acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:

(A) Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;

(B) Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or

(C) The sabotage or undermining of an employee's work performance in the workplace;

(2) "Agency" means any department, commission, board, office or other agency of the executive, legislative or judicial branch of state government; and

(3) "Employer" means any agency, county, metropolitan government, municipality, or other political subdivision of this state.

§ 50-1-503. Model policy to prevent abusive conduct

(a) No later than March 1, 2015, the Tennessee advisory commission on intergovernmental relations (TACIR) shall create a model policy for employers to prevent abusive conduct in the workplace. The model policy shall be developed in consultation with the department of human resources and interested municipal and county organizations including, but not limited to, the Tennessee municipal league, the Tennessee county services association, the municipal technical advisory service (MTAS), and the county technical assistance service (CTAS).

(b) The model policy created pursuant to subsection (a) shall:

(1) Assist employers in recognizing and responding to abusive conduct in the workplace; and

(2) Prevent retaliation against any employee who has reported abusive conduct in the workplace.

(c) Each employer may adopt the policy created pursuant to subsection (a) as a policy to address abusive conduct in the workplace.

§ 50-1-504. Immunity from suit

Notwithstanding § 29-20-205, if an employer adopts the model policy created by TACIR pursuant to subsection (a) or adopts a policy that conforms to the requirements set out in subsection (b), then the employer shall be immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish. Nothing in this section shall be construed to limit the personal liability of an employee for any abusive conduct in the workplace.

**5 – 102. MODEL ABUSIVE
CONDUCT PREVENTION POLICY**

**MODEL ABUSIVE CONDUCT PREVENTION POLICY pursuant to Public
Chapter 997, the Healthy Workplace Act**

1. Statement of Commitment, Values, and Purpose

COMMENT: This section should provide an overall statement of intent for workplace behavior, describe the processes for addressing complaints, and state explicitly that retaliation will not be tolerated. It may define who will be covered by the policy in accordance With existing policy.

The **City of Fairview, Tennessee** is firmly committed to a workplace free from abusive conduct as defined herein. The City does and will continue to strive to provide high quality products and services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to all full-time and part-time employees of the **City of Fairview, Tennessee** including interns and co-operative workers. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsored program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy includes electronic communications by any employee.

2. Definition of Abusive Conduct

COMMENT: This section defines "abusive conduct." The language comes from Public Chapter 997. The list of items that abusive conduct does not include is provided for illustration. Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity/ nature/ and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal/ nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace .

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

Abusive conduct does not include

- Disciplinary procedures in accordance with adopted policies of [Insert Entity Name]

Routine coaching and counseling, including feedback about and correction of work performance

- Reasonable work assignments, including shift/ post, and overtime assignments
- Individual differences in styles of personal expression
- Passionate, loud expression with no intent to harm others
- Differences of opinion on work-related concerns
- The non-abusive exercise of managerial prerogative

3. Employer Responsibility

COMMENT: This section specifies responsibilities of the employer including expectations for supervisors and that employees will be informed of the abusive conduct prevention policy

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will

- provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations;
- provide good examples by treating all with courtesy and respect;
- ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made;
- be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred. **Employee Responsibility (including witnesses)**

COMMENT: This section states general expectations for employees including people who witness incidents of abusive conduct.

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

4. Retaliation

COMMENT: This section defines retaliation and indicates that it will not be tolerated.

Retaliation is a violation of this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

5. Training for Supervisors and Employees

COMMENT: This section encourages all supervisors and employees to participate in training and provides general guidelines for training content. All supervisors and employees are encouraged to undergo training on abusive conduct prevention conduct as directed by **The City of Fairview, Tennessee**. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

6. Complaint Process

COMMENT: The next several subsections address the actual process for filing complaints, the procedures for investigation, and the resulting actions for the various parties involved. To avoid confusion, this section needs to mirror existing disciplinary processes.

Reporting

Employees: Any employee who feels he or she has been subjected to abusive conduct is encouraged to report the matter orally or in writing to a supervisor including his or her supervisor, manager, appointing authority, elected official, or to the human resources office . Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident of abusive conduct including dates, times, locations and any witnesses. Formal complaints should be documented in writing, but are not required to be in writing.

Witnesses: An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct (as defined herein) should report any and all incidents as set forth herein.

Supervisors: Supervisors must timely report known incidents involving workplace abuse, intimidation, or violence to the [HR, appointing authority or investigator]. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved.

The person complained against will be notified that an allegation has been made against him or her and informed of the investigative procedure.

7. Investigation

Investigations of abusive conduct shall be conducted as soon as practicable and in accordance with the policies and practices of [Insert Entity Name]. The objective of the investigation is to ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. The investigator will provide a copy of the investigative report to the appointing authority for further action. All affected parties will be informed of the investigation's outcome.

8. Corrective Action

In the event of a finding of abusive conduct, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences of abusive conduct and in accordance with existing disciplinary policies of the **City of Fairview, Tennessee**.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct to continue or fail to take appropriate action upon learning of such conduct will be subject to

corrective action. Such corrective action may include but is not limited to participation in counseling, training, or disciplinary action up to and including termination, or changes in job duties or location.

While the **City of Fairview, Tennessee** encourages all employees to raise any concern(s) under this policy and procedure, the **City of Fairview, Tennessee** recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Individuals falsely accusing another of violations of this policy will be disciplined in accordance with the disciplinary policy of the **City of Fairview, Tennessee**.

Any employees exhibiting continuing emotional or physical effects from the incident in question should be informed of established employee assistance programs or other available resources.

When abusive conduct has been confirmed, the employer will continue to keep the situation under review and may take additional corrective actions if necessary. Preventative measures may also be taken to reduce the reoccurrence of similar behavior or action.

9. Confidentiality

COMMENT: This section expresses intent to maintain confidentiality but notes that, because of the Tennessee Open Records Act, government entities cannot guarantee that complaints will be kept completely confidential.

To the extent permitted by law, the **City of Fairview, Tennessee** will maintain the confidentiality of each party involved in an abusive conduct investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. However, state law may prevent the employer from maintaining confidentiality of public records. Therefore, the **City of Fairview, Tennessee** cannot

BE IT FURTHER ORDAINED, that by adoption of this Ordinance it is the intent of the Board of Commissioners' of the City of Fairview, Tennessee to claim the maximum benefit of Chapter 997 as codified in Tennessee Code Annotated Sections 50-1-504 relative to immunity from suits against the city as stated in section 50-1-504 "Immunity from suit as stated therein, **"if an employer adopts the model policy created by TACIR pursuant to subsection (a) or adopts a policy that conforms to the requirements set out in subsection (b), then the employer shall be immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish. Nothing in this section shall be construed to limit the personal liability of an employee for any abusive conduct in the workplace."**

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 at the earliest day authorized by law after passage the public welfare requiring it

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

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

April 2, 2015

Passed Second Reading



Bill # 2015-12

ORDINANCE NO. 877

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2014 – 2015 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 2014 - 2015 (beginning July 1, 2014 and running through June 30, 2015) 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 2014 – 2015 budget by passage of Ordinance Number 840 on June 30, 2014, 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 2014-2015 BUDGET AS FOLLOWS:

Section 1. Ordinance 840 is hereby amended to approve monies from the Park Fund for mulch and replacement slide.

General Fund

Transfer From			
Account #	Current Balance	Transfer Amount	New Balance
110-11227	\$189,595.77	\$ 4,000.00	\$185,595.77
Expenditures			
Account #	Current Budget	Amendment Amt	New Budget Amt
110-44700-265	\$ 10,000.00	\$ 4,000.00	\$ 14,000.00

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

April 14, 2015

Passed Second Reading

Bill # 2015-13

ORDINANCE NO. 878

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 5, "MUNICIPAL FINANCE AND TAXATION," CHAPTER 6, "ADEQUATE FACILITIES TAX," SECTION 5-602 "TAX ESTABLISHED."

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 5, Chapter 6, Section 5-602 as follows:

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

Fairview, Tennessee Municipal Code, Title 5, "Municipal Finance and Taxation", Chapter 6, "Adequate Facilities Tax", Section 5-602, "Tax Established." As it currently reads is as follows:

5-602. Tax established. Any person who engages in new development in the City of Fairview shall pay a privilege tax in accordance with the following schedule:

A flat fee of five hundred (\$500.00) dollars per building permit, plus the following fees per square foot of floor area:

Type	<u>Fee per Square foot Of Floor Area</u>
Residential:	
Municipal land and buildings	50.00 cents
Total residential	25.00 cents
Non-residential	
Municipal land and buildings	75.00 cents
Total non-residential	75.00 cents

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

Fairview, Tennessee Municipal Code, Title 5,
"Municipal Finance and Taxation", Chapter 6, "Adequate Facilities Tax", Section
5-602, "Tax Established." As amended reads as follows:

5-602. Tax established. Any person who
engages in new development in the City of Fairview shall
pay a privilege tax in accordance with the following
schedule:

A flat fee of five hundred (\$500.00) dollars per
building permit, plus the following fees per square foot of
floor area:

Type	Fee per Square foot <u>Of Floor Area</u>
Residential:	
Municipal land and buildings	50.00 cents
Total residential	50.00 cents
Non-residential	
Municipal land and buildings	75.00 cents
Total non-residential	75.00 cents

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

April 16, 2018

Passed Second Reading



Bill # 2015-14

ORDINANCE NO. 879

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 5, "MUNICIPAL FINANCE AND TAXATION," CHAPTER 6, "ADEQUATE FACILITIES TAX," SECTION 5-604 "USE OF TAX."

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 5, Chapter 6, Section 5-604 as follows:

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

Fairview, Tennessee Municipal Code, Title 5, "Municipal Finance and Taxation", Chapter 6, "Adequate Facilities Tax", Section 5-604, "Use of Tax." As it currently reads is as follows:

5-604. Use of Tax All tax funds collected shall be used for the purpose of providing public facilities identified in the City of Fairview Capital Improvement Program, as may be amended from time to time. Until amended, tax funds collected shall be allocated for use in providing certain public facilities as follows:

Per square foot of floor area

	<u>Residential</u>	<u>Non-residential</u>
Municipal land and buildings	25 cents	75 cents

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

Fairview, Tennessee Municipal Code, Title 5, "Municipal Finance and Taxation", Chapter 6, "Adequate Facilities Tax", Section 5-604, "Use of Tax." As amended reads is as follows:

5-604. Use of Tax All tax funds collected shall be used for the purpose of providing public facilities identified in the City of Fairview Capital

Improvement Program, as may be amended from time to time. Until amended, tax funds collected shall be allocated for use in paying the note on City Hall to the original holder or subsequent holder. The facilities tax rate is amended to be as follows:

	Per square foot of floor area	
	<u>Residential</u>	<u>Non-residential</u>
Municipal land and buildings	50 cents	75 cents

(Ord. #437, July 1998, as amended by Ord. #505, July 2001, as amended by Ord. # 847, November 2014)

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

April 14, 2015

Passed Second Reading

9A

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 10-15

A RESOLUTION REQUIRING ALL CITY OF FAIRVIEW, TENNESSEE MEETINGS, SPECIAL MEETINGS WORKSHOPS AND ANY OTHER MEETING SUBJECT TO THE TENNESSEE OPEN MEETINGS LAW (T.C.A. §8-44-102, ETC.) EXCLUSIVE OF EXECUTIVE SESSIONS, SHALL BE TELEVISED, RECORDED AND POSTED FOR VIEWING.

WHEREAS, The Board of Commissioners strongly supports an open government policy i.e. the public's business should be conducted publicly and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that all public meetings in which the Board of Commissioners participate in any manner (except Executive Sessions) shall not only be open to the public but shall be televised, recorded and posted for viewing by the public as they may elect to view such meetings.

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

1. That all meetings, special meetings, workshops and any other meetings in which the Board of Commissioners of the City of Fairview, Tennessee participate that are covered by **(T.C.A. §8-44-102 etc., "Open Meeting Statute)** exclusive of Executive Sessions, which are exempt from said Statute, shall not only be open to the public for personal attendance but shall also be televised, recorded and posted for viewing as the public may choose to view such meetings.

This Resolution shall take effect upon its adoption the public welfare so requiring.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

**LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE**

CITY OF FAIRVIEW, TENNESSEE

9B

RESOLUTION NO. 11-15

A RESOLUTION REQUIRING THE AGENDA OF THE BOARD OF COMMISSIONERS AND THE BOARD OF ALL COMMISSIONS AND COMMITTEES OF THE CITY OF FAIRVIEW, TENNESSEE NOT ADD ITEMS TO THEIR PUBLISHED MEETING AGENDAS UNLESS EMERGENCY OR EXIGENT CIRCUMSTANCES HAVE ARISEN AFTER THE AGENDA WAS PUBLISHED BUT BEFORE THE COMMISSION OR COMMITTEE MEETINGS.

WHEREAS, The Board of Commissioners of the City of Fairview, Tennessee have determined that the welfare of the City and all its Citizens will be best served by not allowing the addition of any items to the published meeting agenda(S) of the Board of Commissioners or the published agenda(S) of any Commissions or Committees appointed by the Board of Commissioners unless the said Board of Commissioners or any Commission or Committee appointed by the Board of Commissioners shall first determine that the agenda(s) in question should be amended to include any additional items due to the existence of either exigent circumstances or emergency circumstances that require the addition to the agenda of certain item(s) due to such exigent or emergency circumstances and,

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

That no item(s) may be added to the published meeting agenda of the Board of Commissioners of the City of Fairview, Tennessee or by any Commission or Committee appointed by the said Board of Commissioners unless and until the Board of Commissioners and any Commission or Committee appointed by the said Board of Commissioners shall complete the following:

1. Prior to the approval of the meeting agenda the item(s) sought to be added shall be announced individually to the Board or Committee.
2. The appropriate Board or Committee shall conduct a hearing on each proposed item sought to be added to the meeting agenda and shall affirmatively find by a majority vote of the members present and voting that exigent or emergency circumstances exist for each item sought to be added to the meeting agenda.
3. Those items sought to be added to the meeting agenda which receive a majority vote of the voting Board or Committee to constitute an exigent or emergency situation shall then be considered individually for addition to the meeting agenda of the Board, Commission or Committee. Only those items which receive a majority vote of the

Board, Commission or Committee on both the existence of and exigent or emergency circumstance and addition to the meeting agenda shall be added to the meeting agenda.

For Purposes of this Resolution the Following definitions shall be applicable.

1. Exigent Circumstance: Something arising suddenly out of circumstances calling for immediate action or remedy, or where something helpful needs to be done at once, yet not so pressing as an emergency.
2. Emergency Situation: Something which poses an immediate threat to life, health, property, environment or has already caused damage to life, health, property or the environment.
3. Majority vote for all Commissions and Committees appointed by the Board of Commissioners is a simple majority of the members of the Board or Committee present and voting.
4. Majority vote for the Board of Commissioners is as required in Municipal Code Section 1-106. Which is the majority of those members present and voting but not less than three (3) affirmative votes.

This Resolution shall take effect upon its adoption the public welfare so requiring.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

**LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE**

CITY OF FAIRVIEW, TENNESSEE



RESOLUTION NO. 12-15

A RESOLUTION REQUIRING ALL MEMBERS OF THE BOARD OF COMMISSIONERS, ALL COMMISSIONS AND COMMITTEES OF THE CITY OF FAIRVIEW, TENNESSEE APPOINTED BY THE BOARD OF COMMISSIONERS TO BRING ANY AND ALL RESOLUTION(S) OR ORDINANCE(S) THEY DESIRE TO BE PREPARED BY THE CITY ATTORNEY BEFORE THE BOARD, COMMISSION OR COMMITTEE UPON WHICH THEY SIT FOR A MAJORITY VOTE BEFORE THE CITY ATTORNEY MAY BE ENGAGED TO PREPARE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Board of Commissioners of the City of Fairview, Tennessee have determined that the welfare of the City and all its Citizens will be best served by requiring that any Resolution(s) and Ordinance(s) that the Board of Commissioners of the City of Fairview, Tennessee or any the members of any Commissions or Committees appointed by the Board of Commissioners be brought before the Board, Commission or Committee upon which the member sits for a majority vote of the Board, Commission or Committee before the City Attorney may be authorized to prepare the said document.

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

That the Board of Commissioners of the City of Fairview, Tennessee or any the members of any Commissions or Committees appointed by the Board of Commissioners be brought before the Board, Commission or Committee upon which the member sits for a majority vote of the Board, Commission or Committee before the City Attorney may be authorized to prepare the said document.

The authorization for the City Attorney to prepare all such authorized documents is vested by City Charter and State Statute in the City Manager. **{Charter Provision C -34, 35 T.C.A. §6-21-108(3)}.**

This Resolution shall take effect upon its adoption the public welfare so requiring.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

**LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE**

9E

Bill # 2015-11

ORDINANCE NO. 876

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 13, "PROPERTY MAINTENANCE REGS." CHAPTER 4, "TREE PLANTING AND PROTECTION," SECTION 13-404, "DUTIES OF THE TREE COMMISSION, . SECTION 13-409. "COMMUNITY TREE PLAN," SECTION 13-411. "TREES ON PRIVATE PROPERTY," SECTION 13-419. "APPEAL FROM ANY RECOMMENDATION(S) OF THE TREE COMMISSION."

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 13, "Property Maintenance Regs.", Chapter 4, "Tree Planting and Protection", Section 13-404, "Duties of The Tree Commission" Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendations of the Tree Commission," as follows:

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

Fairview, Tennessee Municipal Code, Title 13, "Property Maintenance Regs.", Chapter 4, "Tree Planting and Protection", Section 13-404, "Duties of The Tree Commission" Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendations of the Tree Commission," is hereby repealed in its entirety and amended and replaced by the following:

Fairview, Tennessee Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection", Section 13-404, "Duties of The Tree Commission" Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendations of the Tree Commission," as amended reads as follows:

13-404 Duties of the Tree Commission. The Duties of the tree commission shall be as follows:

(1) To review and hear applications for and determine by vote a **recommendation** for granting or denial of permits regulating the planting, pruning, maintenance, and removal of trees on streets and other publicly owned

property. Said recommendation to be provided in writing with specifications to the Director of Codes Department of the City of Fairview for final determination.

(2) To review all tree protection plan proposals, relating to subdivision development and site development plans, for submission to the planning commission with recommendations for review and a decision.

(3) To compose and annually review a community tree plan that shall include an authorized tree and specimen list; and a tree protection plan. -To be submitted in April of each year to the Planning Commission for consideration and final determination.

(4) To assist the properly constituted officials of the city, as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the city limits, whether they are on private or public property.

(5) To encourage and promote the City of Fairview as a tree-friendly city by means of education, public relations, and public programs including but not limited to:

- Applying for tree city status with the National Arbor Day Foundation.
- Conduct seminars and public education programs.
- Plan and coordinate an annual Arbor Week Observance.
- Develop a community forest preserve.
- Organize community tree planting projects.
- Establish a heritage tree program.

(6) To engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest, including but not limited to such activities as:

- (a) Apply for tree city status with the National Arbor Day Foundation.
- (b) Conduct seminars and public education programs.
- (c) Plan and coordinate annual Arbor Week Observance.
- (d) Develop a community forest preserve.
- (e) Organize community tree planting projects.
- (f) Establish a heritage tree program.

(7) Operating procedures of the tree commission. (a) Within sixty (60) days after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman) and standing committee chairs, as needed.

(b) A majority of the members shall constitute a quorum for the transaction of business.

(c) The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings, as said commission shall deem advisable and necessary in order to perform the duties set forth.

(d) A journal of the proceedings and activities is to be recorded and maintained by the City of Fairview.

(8) To engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest, including but not limited to such activities as:

- (a) Apply for tree city status with the National Arbor Day Foundation.
- (b) Conduct seminars and public education programs.
- (c) Plan and coordinate annual Arbor Week Observance.
- (d) Develop a community forest preserve.
- (e) Organize community tree planting projects.
- (f) Establish a heritage tree program.

(9) Operating procedures of the tree commission. (a) Within sixty (60) days after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman) and standing committee chairs, as needed.

(b) A majority of the members shall constitute a quorum for the transaction of business.

(c) The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings, as said commission shall deem advisable and necessary in order to perform the duties set forth.

(d) A journal of the proceedings and activities is to be recorded and maintained by the City of Fairview.

(10) Meetings. As needed The "tree commission" shall meet on the first Tuesday of the month only upon the call of the Planning Commission Chairman or the Director of Codes Division.

13-409. Community tree plan. The commission shall have the authority to formulate a community tree plan (See Appendix - item D) with the advice of consultants, city, state and federal agencies, public hearings, and approval of the Planning Commission.

The community tree plan shall include-standard tree maintenance and planting specifications and permit application procedures; an authorized tree specimen list indicating types of trees and procedures for planting on city property; a tree protection plan, including a tree replacement schedule to regulate, any public trees not under the jurisdiction of the City of Fairview Parks Department.

13-411. Trees on private property. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

The tree commission may with concurrence of the city arborist send to the Codes Department a list of trees on private land that cause obstruction, represent an insect or disease problem or otherwise present a danger to public health or safety, and need to be pruned, removed or treated, at owner's expense. The final decision as to removal is with the Director of Codes Department.

13-419. Appeal from any recommendation(s) of the tree commission.

Since the Tree Commission issues only recommendations, to the Director of Codes and/or the Planning Commission, there is no necessity for an appeal process for their recommendation. Once the Director of Codes Department or the Planning Commission renders their decision their action may be appealed to the City Manager or the Board of Commissioners whichever is appropriate. The decision of either the City Manager or Board of Commissioners may be appealed to the appropriate State Court of Tennessee in accordance with applicable State of Tennessee Statute(s).

BE IT FURTHER ORDAINED, That the remaining Sections of Title 13, Chapter 4 of the Municipal Code of Fairview, Tennessee shall remain unchanged and are not amended or changed in any manner or form by this Ordinance and remain in full force and effect.

BE IT FURTHER ORDAINED, by the Fairview Board of Commissioners that the Fairview 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

Passed Second Reading

10B

RESOLUTION # 13-15

A RESOLUTION RATIFYING THE AUTHORIZATION OF THE ISSUANCE OF INTEREST-BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2012 OF CITY OF FAIRVIEW, TENNESSEE, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE HUNDRED SEVENTY-EIGHT THOUSAND SEVEN HUNDRED FORTY-SIX DOLLARS (\$178,746); RATIFYING THE ISSUANCE, SALE AND PAYMENT OF SAID NOTES, RATIFYING THE TERMS THEREOF AND RATIFYING THE DISPOSITION OF PROCEEDS THEREFROM; AND RATIFYING THE LEVY OF TAX FOR THE PAYMENT OF PRINCIPAL THEREOF AND INTEREST THEREON.

WHEREAS, pursuant to authority granted by Sections 9-21-101 *et seq.*, Tennessee Code Annotated, subject to the approval of the Director of State and Local Finance, counties in Tennessee are authorized to issue interest-bearing capital outlay notes for a period of not to exceed twelve (12) years for all City purposes for which general obligation bonds can be legally authorized and issued; and

WHEREAS, on November 15, 2012, the Governing Body of the City, having previously determined, that it is necessary, desirable and advantageous to issue the Notes to provide funds for the purposes of: (i) purchasing the Asset, and (ii) paying costs incident to the issuance and sale of the Notes, voted unanimously to authorize the issuance of the Notes; and

WHEREAS, the Governing Body of the City submitted the Report on Debt Obligation Form CT-0253 to the Tennessee Comptroller of the Treasury Office of State and Local Finance on January 25, 2013 relating to the Notes; and

WHEREAS, it is the intention of the Governing Body of the City to ratify the authorization of the Notes, ratify the terms thereof, ratify the issuance, sale and payment of the Notes and disposition of proceeds therefrom, and ratify the levy of a tax for the payment of principal thereof and interest thereon, as set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City as follows:

Section 1. Authority to Issue Notes. The Notes authorized by this resolution are issued pursuant to Sections 9-21-101 *et seq.*, Tennessee Code Annotated, including Section 9-21-608, and other applicable provisions of law.

Section 2. Definitions. The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Asset" shall mean the fire pump truck, Model 348, Year 2012, manufactured by Peterbilt with Vehicle Identification Number 2NP3HN8XOCM156107;

(b) "Code" shall mean the Internal Revenue Code of 1986, as amended, and all regulations promulgated or proposed thereunder;

(c) "City" shall mean the City of Fairview, Tennessee;

(d) "Governing Body" shall mean the Board of Commissioners of the City;

(e) "Notes" shall mean the not to exceed \$178,746 General Obligation Capital Outlay Notes, Series 2012 of the City, to be dated their date of issuance, or having such other designation or such other dated date as shall be determined by the City Mayor, pursuant to Section 8 hereof;

(g) "Registration Agent" shall mean the City's Finance Director who shall serve as registration and paying agent or any successor registration agent and paying agent appointed by the Governing Body.

Section 3. Findings of the Governing Body; Compliance with Debt Management Policy. (a) The City has heretofore adopted its Debt Management Policy and hereby finds that the issuance and sale of the Notes, as proposed herein, is consistent with the City's Debt Management Policy.

(b) The term of the Notes will not exceed the useful economic life of the Asset.

Section 4. Authorization and Terms of the Notes. (a) For the purpose of funding the Asset and paying the costs incident to the issuance and sale of the Notes, there are hereby authorized to be issued interest bearing capital outlay notes of the City, in certificated form, in an aggregate principal amount of not to exceed \$178,746. Subject to the adjustments permitted in Section 8 hereof, the Notes shall be issued in one or more emissions, in fully registered form, without coupons, shall be known as "General Obligation Capital Outlay Notes, Series 2012" and shall be dated their date of issuance, or having such other designation or such other dated date as shall be determined by the City Mayor; and shall bear interest at a rate or rates not to exceed the maximum interest rate permitted by applicable Tennessee law, payable, subject to the adjustments permitted pursuant to Section 8 hereof, semi-annually on June 1 and December 1, commencing June 1, 2013, until the Notes mature or are redeemed. The Notes shall be issued initially in \$5,000 denominations or integral multiples of \$0.01 in excess thereof, as shall be requested by the original purchaser thereof. Subject to the adjustments permitted by Section 8 hereof, the Notes shall mature serially or be subject to mandatory redemption and be payable on December 12 of each year, in the years 2013 through 2016.

(b) Subject to the adjustments permitted by Section 8 hereof, the Notes shall be subject to redemption prior to maturity at the option of the City, as a whole or in part, at any time at the redemption price of par plus accrued interest to the redemption date. If less than all the Notes shall be called for redemption, the maturities to be redeemed shall be designated by the Governing Body, in its discretion, and, if less than all of the Notes of a maturity shall be called for redemption, the Notes within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine; provided, however, notwithstanding the foregoing, if the Notes are sold as Term Notes, as defined below, the Governing Body may designate the mandatory redemption payment to be redeemed.

(c) Pursuant to Section 8 hereof, the City Mayor is authorized to sell the Notes, or any maturities thereof, as term Notes ("Term Notes") with mandatory redemption requirements as determined by the City Mayor. In the event any or all the Notes are sold as Term Notes, the City shall redeem Term Notes on redemption dates in aggregate principal amounts equal to the maturity amounts determined by the City Mayor at a price of par plus accrued interest thereon to the date of redemption. The Term Notes to be redeemed within a single maturity shall be selected in the manner described in subsection (b) above.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the City may (i) deliver to the Registration Agent for cancellation Notes to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Notes of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the

operation of a mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Every Notes so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the City on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Notes to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The City shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

(d) Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the City not less than ten (10) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Notes to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Notes registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Notes for which proper notice was given. This notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). The Registration Agent shall mail said notices as and when directed by the City pursuant to written instructions from an authorized representative of the City (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates determined by the City Mayor) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Notes called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein. In the case of a Conditional Redemption, the failure of the City to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the affected Notesholder(s) that the redemption did not occur and that the Notes called for redemption and not so paid remain outstanding.

(e) The City hereby authorizes and directs the Registration Agent to maintain Notes registration records with respect to the Notes, to authenticate and deliver the Notes as provided herein, either at original issuance or upon transfer, to effect transfers of the Notes, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Notes as provided herein, to cancel and destroy Notes which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the City at least annually a certificate of destruction with respect to Notes canceled and destroyed, and to furnish the City at least annually an audit confirmation of Notes paid, Notes outstanding and payments made with respect to interest on the Notes.

(f) The Notes shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Notes by check or draft on each interest payment date directly to the registered owners as shown on the Notes registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Notes registration records, without, except for final payment, the presentation or surrender of such registered Notes, and all such payments shall discharge the obligations of the City in respect of such Notes to the extent of the payments so made. Payment of principal of and premium, if any, on the Notes shall be made upon presentation and surrender of such

Notes to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. If requested by the Owner, payment of interest on such Notes shall be paid by wire transfer to a bank within the continental United States and written notice of any such election is given to the Registration Agent prior to the record date.

(g) Any interest on any Notes that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the City to the persons in whose names the Notes are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the City shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Notes and the date of the proposed payment, and at the same time the City shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Notes registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Notes shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the City to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Notes when due.

(h) The Notes are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Notes(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Notes(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Notes(s) in such form and with such documentation, if any, the Registration Agent shall issue new Notes or the Notes to the assignee(s) in \$5,000 denominations, or integral multiples of \$0.01 in excess thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Notes during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Notes, nor to transfer or exchange any Notes after the notice calling such Notes for redemption has been made, nor to transfer or exchange any Notes during the period following the receipt of instructions from the City to call such Notes for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Notes, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Notes shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the City nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Notes shall be overdue. The Notes, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Notes of the same maturity in any authorized denomination or denominations.

(i) The Notes shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the City with the manual or facsimile signature of the City Mayor and with the official seal, or a facsimile thereof, of the City impressed or imprinted thereon and attested by the manual or facsimile signature of the City Recorder.

(j) The Registration Agent is hereby authorized to authenticate and deliver the Notes to the original purchaser, upon receipt by the City of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes(s) to be transferred in proper form with proper documentation as hereinabove described. The Notes shall not be valid for any purpose unless authenticated by the Registration Agent on the certificate set forth herein on the Notes form.

(k) In case any Notes shall become mutilated, or be lost, stolen, or destroyed, the City, in its discretion, shall issue, and the Registration Agent, upon written direction from the City, shall authenticate and deliver, a new Notes of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Notes, or in lieu of and in substitution for such lost, stolen or destroyed Notes, or if any such Notes shall have matured or shall be about to mature, instead of issuing a substituted Notes the City may pay or authorize payment of such Notes without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the City and the Registration Agent of the destruction, theft or loss of such Notes, and indemnity satisfactory to the City and the Registration Agent; and the City may charge the applicant for the issue of such new Notes an amount sufficient to reimburse the City for the expense incurred by it in the issue thereof.

Section 5. Source of Payment. The Notes shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the City. For the prompt payment of principal of and interest on the Notes, the full faith and credit of the City are hereby irrevocably pledged.

Section 6. Form of Notes. The Notes shall be in substantially the following form, the omissions to be appropriately completed when the Notes are prepared and delivered:

(Form of Notes)

REGISTERED Number _____		REGISTERED \$ _____
UNITED STATES OF AMERICA STATE OF TENNESSEE CITY OF FAIRVIEW GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2012		
Interest Rate:	Maturity Date:	Date of Notes: [CUSIP No.:]
Registered Owner:		
Principal Amount:	DOLLARS	

KNOW ALL MEN BY THESE PRESENTS: That the City of Fairview, Tennessee (the "City"), for value received hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity

date hereinabove set forth, and to pay interest (computed on the basis of a 360 day year of twelve 30 day months) on said principal amount at the rate of interest hereinabove set forth from the date hereof until this Notes matures or is redeemed, said interest being payable on June 1, 2013, and semi-annually thereafter on June 1 and December 1. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the office of the City's Finance Director, Fairview, Tennessee as registration and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Notes on each interest payment date directly to the registered owner hereof shown on the Notes registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said Notes registration records, without, except for final payment, the presentation or surrender of this Notes, and all such payments shall discharge the obligations of the City to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Notes is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Notes of the issue of which this Notes is one not less than ten (10) days prior to such Special Record Date. Payment of principal hereof shall be made upon presentation and surrender of this Notes to the Registration Agent when due.

The Notes shall be subject to redemption prior to maturity at the option of the City, as a whole or in part, at any time at the redemption price of par plus accrued interest to the redemption date.

If less than all the Notes shall be called for redemption, the maturities to be redeemed shall be designated by the Board of Commissioners of the City, and, if less than all of the Notes of a maturity shall be called for redemption, the Notes within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine; provided, however, notwithstanding the foregoing, if the Notes are sold as Term Notes, the Governing Body may designate the mandatory redemption payment to be redeemed.

Subject to the credit hereinafter provided, the City shall redeem Notes maturing _____ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. The Notes to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Notes to be redeemed on said dates are as follows:

<u>Final Maturity</u>	<u>Redemption Date</u>	<u>Principal Amount of Notes Redeemed</u>
---------------------------	----------------------------	-------------------------------------------------------

*Final Maturity

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the City may (i) deliver to the Registration Agent for cancellation Notes to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Notes of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Notes so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the City on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Notes to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The City shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the City not less than ten (10) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Notes to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Notes registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Notes for which proper notice was given. This notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). The Registration Agent shall mail said notices as and when directed by the City pursuant to written instructions from an authorized representative of the City (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates determined by the City Mayor) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Notes called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein. In the case of a Conditional Redemption, the failure of the City to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the affected Notesholder(s) that the redemption did not occur and that the Notes called for redemption and not so paid remain outstanding.

This Notes is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Notes. Upon such transfer a new Notes or Notes of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Notes is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the City nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Notes shall be overdue. Notes, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Notes of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Notes during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Notes, nor to transfer or

exchange any Notes after the notice calling such Notes for redemption has been made, nor during a period following the receipt of instructions from the City to call such Notes for redemption.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Notes exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Notes does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

This Notes is one of a total authorized issue aggregating \$_____ to provide funds for the purpose of: (i) purchasing a fire pump truck and (ii) the payment of costs incident to the issuance and sale of the Notes and issued by the City for the purpose of providing funds to finance under and in full compliance with the constitution and statutes of the State of Tennessee, including Sections 9-21-101 et seq., Tennessee Code Annotated, and pursuant to a resolution (the "Resolution") duly adopted by the Board of Commissioners of the City.

This Notes is payable from unlimited ad valorem taxes to be levied on all taxable property within the City. For the prompt payment of principal of and interest on this Notes, the full faith and credit of the City are irrevocably pledged. For a more complete statement of the general covenants and provisions pursuant to which this Notes is issued, reference is hereby made to said Resolution.

This Notes and the income therefrom are exempt from all present state, City and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, (b) Tennessee excise taxes on interest on the Notes during the period the Notes is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Notes in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

IN WITNESS WHEREOF, the City of Fairview, Tennessee, has caused this Notes to be signed by its City Mayor with his manual facsimile signature and attested by its City Recorder with his manual [facsimile] signature under an impression [facsimile] of the corporate seal of the City, all as of the day and date hereinabove set forth.

CITY OF FAIRVIEW, TENNESSEE

BY: _____
City Mayor

(SEAL)

ATTESTED:

City Recorder

Transferable and payable at the principal office of:

City of Fairview, Tennessee

Date of Registration: _____

This Note is one of the issue of Notes issued pursuant to the Resolution hereinabove described.

City Finance Director
Registration Agent

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____, whose address is _____ (Please insert Social Security or Federal Tax Identification Number _____), the within Notes of the City of Fairview, Tennessee and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Notes on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Notes in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member of a medallion program acceptable to the Registration Agent.

Section 7. Levy of Tax. The City, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the City, in addition to all other taxes authorized by law, sufficient to pay principal of and interest on the Notes when due, and for that purpose there is hereby levied a direct tax in such amount as may be found necessary each year to pay principal and interest coming due on the Notes. Principal and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the City and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected. The tax herein provided may be reduced to the extent of direct appropriations from the general funds or other legally available funds of the City to the payment of debt service on the Notes.

Section 8. Sale of Notes. (a) The Notes shall be offered for public sale, pursuant to an informal or competitive bid process, or at negotiated sale, as permitted by law, as shall be determined by the City

Mayor, at a price of not less than ninety-nine percent (99%) of par, plus accrued interest, if any, as a whole or in part from time to time as shall be determined by the City Mayor.

(b) If the Notes are sold in more than one emission, the City Mayor is authorized to designate the series of each emission, to cause to be sold in each emission an aggregate principal amount of Notes less than that shown in Section 4 hereof for each emission, and to make corresponding adjustments to the maturity schedule of each emission, so long as the total aggregate principal amount of all emissions issued does not exceed the total aggregate principal amount of Notes authorized to be issued herein.

(c) The City Mayor is authorized (i) to change the dated date of the Notes to a date other than their date of issuance; (ii) to change the designation of the Notes to a designation other than "General Obligation Capital Outlay Notes, Series 2012"; (iii) to change the first interest payment date on the Notes to a date other than June 1, 2013 but not later than twelve (12) months from the dated date of the Notes; (iv) to adjust the interest payment frequency to a period other than semi-annually; (v) to adjust the principal and interest payment dates and maturity amounts of the Notes, provided that (A) the total principal amount of all emissions of the Notes does not exceed the total amount of Notes authorized herein, (B) the first maturity date of the Notes or any emission thereof is a date not earlier than December 12, 2013, (C) the final maturity date of each emission shall not exceed the end of the third fiscal year following the fiscal year in which the Notes are issued; and (D) such maturity schedule is approved by the Director of State and Local Finance, if required; (vi) to change the City's optional redemption provisions of the Notes, provided that, if the Notes are sold at not less than par, the redemption premium, if any, shall not exceed one percent (1%) of the par amount of the Notes called for redemption; (vii) to sell less than the authorized principal amount of Notes authorized herein; (viii) to sell the Notes, or any emission thereof, or any maturities thereof as Term Notes with mandatory redemption requirements corresponding to the maturities determined by the City Mayor, as he shall deem most advantageous to the City; and (ix) to cause all or a portion of the Notes to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interests of the City and to enter into an agreement with such insurance company with respect to the Notes to the extent not inconsistent with this Resolution.

(d) The City Mayor is authorized to sell the Notes, or any emission thereof, simultaneously with any other bonds or Notes authorized by resolution or resolutions of the Governing Body. The City Mayor is further authorized to sell the Notes, or any emission thereof, as a single issue of Notes with any other general obligation capital outlay Notes with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more emissions or series as he shall deem to be advantageous to the City; provided, however, that the total aggregate principal amount of combined Notes to be sold does not exceed the total aggregate principal amount of Notes authorized by this resolution or Notes authorized by any other resolution or resolutions adopted by the Governing Body.

(e) The City Mayor is authorized to award the Notes, or any emission thereof, to the bidder whose bid results in the lowest true interest cost to the City, as determined by the City Mayor, provided the rate or rates on the Notes does not exceed the maximum rate permitted by applicable Tennessee law at the time of the issuance of the Notes or any series thereof, or to sell the Notes by negotiated sale pursuant to a Notes purchase agreement that complies with the terms of this Resolution. The sale of the Notes by the City Mayor shall be binding on the City, and no further action of the Governing Body with respect thereto shall be required. The form of the Notes set forth in Section 6 hereof, shall be conformed to reflect any changes made pursuant to this Section 8 hereof.

(f) The City Mayor and City Recorder, or either of them, are authorized to cause the Notes to be authenticated and delivered by the Registration Agent to the original purchaser and to execute, publish,

and deliver all certificates and documents, including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Notes.

(g) The Notes, nor any emission thereof, shall be issued until after the approval of the Director of State and Local Finance shall have been obtained as required by Sections 9-21-101 et seq., and 9-21-608, Tennessee Code Annotated.

Section 9. Disposition of Notes Proceeds.

(a) All accrued interest, if any, shall be deposited to the appropriate fund of the City to be used to pay interest on the Notes on the first interest payment date following delivery of the Notes.

(b) The remainder of the proceeds of the sale of the Notes shall be paid to the City's General Fund to be deposited with a financial institution regulated by the Federal Deposit Insurance Corporation or similar or successor federal agency in a special fund known as the 2012 General Obligation Notes Fund (the "Notes Fund") to be kept separate and apart from all other funds of the City. The City shall disburse funds in the Notes Fund to pay costs of issuance of the Notes, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, administrative and clerical costs, bond insurance premiums, if any, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Notes. The remaining monies in the Notes Fund shall be solely used by the City to pay costs of the Asset and, if applicable, to reimburse the City for any funds previously expended for Project costs. Moneys in the Notes Fund shall be invested at the direction of the City Trustee in such investments as shall be permitted by applicable law. Earnings from such investments shall be retained in the Notes Fund unless otherwise approved by the Governing Body. Funds remaining in the Notes Fund after payment of costs of issuance, completion of the Asset and reimbursement to the City for funds previously expended for Project costs, if any, shall be transferred to the City's debt service to be used to pay principal and interest on the Notes.

(c) In accordance with state law, the various department heads responsible for the fund or funds receiving and disbursing funds are hereby authorized to amend the budget of the proper fund or funds for the receipt of proceeds from the issuance of the obligations authorized by this resolution including bond and Notes proceeds, accrued interest, reoffering premium and other receipts from this transaction. The department heads responsible for the fund or funds are further authorized to amend the proper budgets to reflect the appropriations and expenditures of the receipts authorized by this resolution.

Section 10. Federal Tax Matters Related to the Notes. The City recognizes that the purchasers and holders of the Notes will have accepted them on, and paid therefor a price that reflects, the understanding that interest thereon is excluded from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Notes. Accordingly, the City agrees that it shall take no action that may render the interest on any of said Notes subject to federal income taxation. It is the reasonable expectation of the Governing Body that the proceeds of the Notes will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148(a) of the Internal Revenue Code of 1986, as amended (the "Code"), including any lawful regulations promulgated or proposed thereunder, and to this end the said proceeds of the Notes and other related funds established for the purposes herein set out, shall be used and spent expeditiously for the purposes described herein. The Governing Body further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Notes to the United States government, it will make such payments as and when required by said Section and will take such other actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in the gross income for purposes of federal income taxation. The City Mayor and the City Manager are authorized and directed to make such certifications in this regard in connection with the sale of the Notes as any or all

shall deem appropriate, and such certifications shall constitute a representation and certification of the City. Following the issuance of the Notes, the Director of Finance is directed to administer the City's Federal Tax Compliance Policies and Procedures with respect to the Notes.

Section 12. Discharge and Satisfaction of Notes. If the City shall pay and discharge the indebtedness evidenced by any of the Notes in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Notes as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or bank whose deposits are insured by the Federal Deposit Insurance Corporation and which has trust powers ("a Trustee"), in trust, on or before the date of maturity, sufficient money or Federal Obligations, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay such Notes and to pay interest thereon when due until the maturity date;

(c) By delivering such Notes to the Registration Agent, for cancellation by it; and if the City shall also pay or cause to be paid all other sums payable hereunder by the City with respect to such Notes, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Trustee to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Notes when due, then and in that case the indebtedness evidenced by such Notes shall be discharged and satisfied and all covenants, agreements and obligations of the City to the owners of such Notes shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the City shall pay and discharge the indebtedness evidenced by any of the Notes in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and premium, if any, and interest on said Notes; provided that any cash received from such principal or interest payments on such Federal Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the City as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Notes and interest earned from such reinvestments shall be paid over to the City, as received by the Registration Agent. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee Law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

Section 13. Continuing Disclosure. The City hereby covenants and agrees that it will provide annual financial information and event notices if and as required by Rule 15c2-12 of the Securities Exchange Commission for the Notes. The City Mayor is authorized to execute at the Closing of the sale of the Notes, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and event notices to be provided and its obligations relating thereto.

Failure of the City to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Notes to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the City to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Section 14. Reimbursement. It is reasonably expected that the City will reimburse itself for certain expenditures made by it in connection with the Asset by issuing the Notes. This resolution shall be placed in the minutes of the Governing Body and shall be made available for inspection by the general public at the office of the Governing Body. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

Section 15. Qualified Tax-Exempt Obligations. The Governing Body hereby authorizes the City Mayor to designate the Notes as "qualified tax-exempt obligations", to the extent the Notes, or any emission thereof, may be designated, within the meaning of and pursuant to Section 265 of the Internal Revenue Code of 1986, as amended.

Section 16. Reasonably Expected Economic Life. The "reasonably expected economic life" of the Asset within the meaning of Section 9-21-101 et seq., Tennessee Code Annotated, is greater than nine (9) years.

Section 17. Resolution a Contract. The provisions of this resolution shall constitute a contract between the City and the registered owners of the Notes, and after the issuance of the Notes, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Notes and interest due thereon shall have been paid in full.

Section 18. Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 19. Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 7th day of May, 2015.

City Mayor

City Recorder

10F

Bill # 2015-15

ORDINANCE NO. 880

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE TITLE 11, "MUNICIPAL OFFENSES," CHAPTER 4, "OFFENSES AGAINST THE PEACE AND QUIET," SECTION 11-402(1)(h)," ANTI-NOISE REGULATIONS."

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 Code, Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-401(1)(h)," Anti-Noise Regulations."

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

Fairview, Tennessee Municipal Code, Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-401(1)(h)," Anti-Noise Regulations." As it currently reads is as follows:

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 6:00 A.M. and 10:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 P.M. and 6:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 10:00 P.M. and 6:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

Therefore, Be it Resolved by the City of Fairview Tennessee Board of Commissioners, the Municipal Code of the City of Fairview, Tennessee, Municipal Code, Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-401(1)(h)," Anti-Noise Regulations." be amended to include this Article and Section as amended to read as follows:

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 6:00 A.M. and 10:00 P.M. Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 P.M. and 6:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 10:00 P.M. and 6:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

Passed Second Reading

10 G

Bill # 2015-16

ORDINANCE NO. 881

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE II, "CONSTRUCTION OF LANGUAGE AND DEFINITIONS", SECTION 2-101, "RULES FOR CONSTRUCTION OF LANGUAGE, "PARAGRAPH L.

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 II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language, "Paragraph L."

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

Fairview, Tennessee Municipal Zoning Code, Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language, "Paragraph L. As it currently reads is as follows:

L. All public officials, bodies, and agencies to which reference is made are those of the City of Mount Juliet, Tennessee.

Therefore, Be it Resolved by the City of Fairview Tennessee Board of Commissioners, the Municipal Code of the City of Fairview, Tennessee Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language, "Paragraph L," be amended to include this Article and Section as amended to read as follows:

L. All public officials, bodies, and agencies to which reference is made are those of the City of Fairview, Tennessee.

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 _____

10 H

Bill # 2015-17

ORDINANCE NO. 882

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE TITLE 16, "STREETS AND SIDEWALKS, ETC.," CHAPTER 2, "EXCAVATIONS AND CUTS," SECTION 16-203, "ADMINISTRATION," PARAGRAPH (13), "WORKING HOURS."

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 Code, Title 16, Streets and Sidewalks , ETC.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours."

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

Fairview, Tennessee Municipal Code, Title 16, Streets and Sidewalks , ETC.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours," As it currently reads is as follows:

(13) Working hours. Except for emergency repairs or as approved by the director, working hours shall be between the hours of 8:30 A.M. and 3:30 P.M. prevailing time. Starting or warming up equipment prior to 8:00 A.M. is prohibited. Work on the weekend or legal holidays is prohibited unless specifically authorized by the director. (as added by Ord. #547, July 2003, and amended by Ord. #560, Nov. 2003)

Therefore, Be it Resolved by the City of Fairview Tennessee Board of Commissioners, the Fairview, Tennessee Municipal Code, Title 16, Streets and Sidewalks , ETC.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours," be amended to include this Article and Section as amended to read as follows:

(13) Working hours. Except for emergency repairs or as approved by the director, working hours shall be between the hours of 8:30 A.M. and 3:30 P.M. prevailing time. Starting or warming up equipment prior to 8:00 A.M. is prohibited. Work on Sundays is prohibited unless specifically authorized by the Director

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.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

10I

Bill # 2015-19

ORDINANCE NO. 884

AN ORDINANCE REPEALING RESOLUTION NO. 01 - 15 AND CREATING A CONSENT AGENDA FOR THE CITY FAIRVIEW, TENNESSEE, PURSUANT TO CHARTER PROVISION C – 28 -29, T.C.A. §6-20-215, SECTION 1. (a) AS AMENDED BY TENNESSEE LEGISLATIVE ACTS OF 2015, (2015-04-20), PUBLIC CHAPTER 115.

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

WHEREAS, The City of Fairview, Tennessee, previously at the regular meeting of January 15, 2015, enacted Resolution 01 – 15. Resolution 01 - 15 is hereby repealed and replaced in its entirety by this Ordinance.

WHEREAS, The City of Fairview, Tennessee, Board of Commissioners have determined that adding a Consent Agenda section/item to the City's Agenda at each and every meeting of the Board of Commissioners that contains items on the Agenda that in the unanimous opinion of the Board do not require discussion by the Board of Commissioners of the City, and,

WHEREAS, the addition of such a Consent Agenda will in applicable instances allow for a more efficient and expeditious utilization of the time necessary to address items that require detailed discussion by the City's Board of Commissioners, and;

WHEREAS, the Legislature of the State of Tennessee at the 109 General Assembly Session of that Body amended T.C.A. §6-20-215, **Section 1. (a) in the acts of 2015, (2015-04-20), Public Chapter 115.** The text of said Statute and Charter Provision is as follows:

(a)

(1) Except as provided in subdivision (a)(2). every ordinance shall be read two (2) different days in open session before its adoption. and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-22 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(2) Notwithstanding subdivision (a)(1), the board of commissioners governing any city incorporated under chapters 18-22 of this title may adopt ordinances pursuant to a consent calendar if the board unanimously passes an ordinance approving the consent calendar; provided, the ordinance approving the consent calendar shall require that:

(A) Each ordinance on the consent calendar be considered on two (2) different days in open session before its adoption and that not less than one (1) week shall elapse between first and second consideration;

(B) Copies of each ordinance adopted pursuant to the consent calendar be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading ; and

(C) If any board member objects to an ordinance on the consent calendar, the ordinance shall be removed from the consent calendar and may be adopted pursuant to subdivision (a)(1).

(3) A city that has established a consent calendar pursuant to subdivision (a) (2) may eliminate the consent calendar by passage of an ordinance in the same manner required to create the consent calendar.

THEREFORE BE IT ORDAINED, by the Board of Commissioners of the City of Fairview, Tennessee that a Consent Agenda Item be added to the Agenda of the City of Fairview, Tennessee at all meetings of said Board when in the unanimous opinion of the Board and at the Board's discretion such a Consent Agenda Item will positively affect the conduct of the Principal Agenda. The Consent Agenda item when included in the overall Agenda to be conducted before the Board of Commissioners will be conducted as follows:

1. A Consent Agenda may be placed on the Principal Agenda and presented by the Mayor to the Board of Commissioners at the beginning of a meeting. If any board member objects to an ordinance on the consent calendar, the ordinance shall be removed from the consent calendar and maybe adopted pursuant to subdivision (a)(1). If no objection is received to any items on the Consent Agenda the consent agenda may be adopted by unanimous vote of the Board of Commissioners without any further consideration(s).

2. All items to be considered on the Consent Agenda must comply with the following prior to being considered by the Board of Commissioners:

A. Each ordinance on the Consent Agenda Calendar must be considered on two(2) different days in open session before its adoption and that not less than (1) week shall elapse between first and second consideration;

B. Copies of each ordinance to adopted pursuant to the Consent Agenda Calendar must be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading; and

C. If any board member objects to an ordinance on the Consent Agenda Calendar, the ordinance shall be removed from the Consent Agenda Calendar and may be adopted pursuant to subdivision (a)(1).

3. Citizens of the City of Fairview, Tennessee, who desire any Items removed from the Consent Agenda Calendar for discussion by the Board

of Commissioners, should communicate their desires for removal of any item(s) with any member of the Board of Commissioners or the City Manager prior to the beginning of the scheduled meeting of the Board of Commissioners.

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

First Reading, Board of Commissioners Roll Call Vote:

Roll called and vote recorded by _____
City Recorder

Mayor

Patti L. Carroll: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Vice Mayor

Toney Sutton: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Commissioner

Allen Bissell: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Commissioner

Shannon L. Crutcher: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Commissioner

Stuart L. Johnson: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Second Reading, Board of Commissioners Roll Call Vote:

Roll called and vote recorded by _____
City Recorder

Mayor

Patti L. Carroll: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Vice Mayor

Toney Sutton: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Commissioner

Allen Bissell: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Commissioner

Shannon L. Crutcher: _____, _____, _____, _____
Aye Nay Abstain Present not voting

Commissioner

Stuart L. Johnson: _____, _____, _____, _____
Aye Nay Abstain Present not voting

10J

Bill # 2015-20

ORDINANCE NO. 885

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2014 – 2015 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 2014 - 2015 (beginning July 1, 2014 and running through June 30, 2015) 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 2014 – 2015 budget by passage of Ordinance Number 840 on June 30, 2014, 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 2014-2015 BUDGET AS FOLLOWS:

Section 1. Ordinance 840 is hereby amended to appropriate \$24,000 from State Street Aid to fund the City's 20% obligation of the Cox Pike and Cumberland Drive Resurfacing Grant Project.

General Fund

Transfer From			
Account #	Current Balance	Transfer Amount	New Balance
110-37940	\$162,735.00	\$ 24,000.00	\$138,735.00

Expenditures			
Account #	Current Budget	Amendment Amt	New Budget Amt
110-43190-931	\$ 40,000.00	\$ 24,000.00	\$ 64,000.00

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
