The seal of the City of Fairview is a circular emblem with a decorative, sunburst-like border. Inside the seal, the text is arranged in a centered, stacked format.

CITY OF FAIRVIEW
**BOARD OF COMMISSIONERS/
FINANCE REVIEW COMMITTEE**
SPECIAL MEETING
FAIRVIEW CITY HALL
MAY 21, 2015
5:00 P.M.

AGENDA

- 1. Call to order by Mayor Carroll**
- 2. Approval of the Agenda**
- 3. New Business**
 - A. Discuss and/or Take Action on First Draft of Budget for 2015-2016 Fiscal Year
 - B. Discuss and/or Take Action on Employee Health Plan for 2015-2016 Fiscal Year
- 4. Adjournment**

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

MAY 21, 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 May 4, 2015 Special Board of Commissioners/Finance Review Committee meeting
 - B. Approval of the Minutes from the May 7, 2015 Board of Commissioners Meeting
 - C. Second Reading of 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)
9. **Old Business**
10. **New Business**
 - A. Discuss and/or Take Action on Bill #2015-21, Ordinance No. 886, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (appropriate funds from State Street Aid for Emergency Street Repair on Horn Tavern Rd) - Bissell
 - B. Discuss and/or Take Action on Recommendation from the Planning Commission for Rezoning Application with Preliminary Master Development Plan for Property Located on Cox Pike, Map 43, Parcels 30.01 and 31.00, 32.19 Acres from RS-40 (Residential) to RPUD (Residential Planned Unit Development) with a Base Density of RS-15, Denny, Proctor & Welch, owners – Sutton
 - C. Discuss and/or Take Action on Recommendation from the Planning Commission for Annexation Request of Properties Located on Horn Tavern Road, Map 22, Parcels 64.00 and 65.00, 9 Acres, Priscilla Lampley, owner – Sutton
 - D. Discuss and/or Take Action on Recommendation from the Tree Commission to Adopt an Exclusion of the Use of Shrubs on the Tennessee "Stop Grow" List for Commercial Developments – Sutton
 - E. Discuss and/or Take Action on Safer Grant Firefighter Open Position – Sutton
 - F. Discuss Open Meetings Act & Open Records Act - Crutcher
11. **City Manager Items for Discussion –**
 - A. Miscellaneous Updates –
 - B. City Attorney Comments -
12. **Communications from the Mayor and Commissioners –**
13. **Adjournment.**



Bill # 2015-18

ORDINANCE NO. 883

**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 transfer in funds from State Street Aid for the Road Loan #80277537 in lieu of Unassigned General Fund Expenditure. \$63,000.00 principal + \$9,785.70 interest = \$72,785.70 total.

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 28, 2015

Passed Second Reading

10A

Bill # 2015-21

ORDINANCE NO. 886

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 \$3,000 from State Street Aid to fund the Emergency Street Repair on Horn Tavern Road

General Fund

Transfer From			
Account #	Current Balance	Transfer Amount	New Balance
110-37940	\$138,735.00	\$ 4,000.00	\$134,735.00

Expenditures			
Account #	Current Budget	Amendment Amt	New Budget Amt
110-43190-931	\$ 64,000.00	\$ 4,000.00	\$ 68,000.00

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

City of Fairview

10B

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-799-1111
Email: codes@fairview-tn.org

RECOMMENDATIONS

2015 - 2

DATE: May 12, 2015

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On May 12, 2015 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.

This application was recommended for denial by the Planning Commission. Applicant is appealing to the Board of Commissioners.

8.2 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR PROPERTIES LOCATED ON HORN TAVERN ROAD. MAP 22, PARCELS 64.00 AND 65.00, 9 ACRES. PRISCILLA LAMPLEY, OWNER.

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

14 MAY 2015

Frank Humber
Director, Planning Department
City of Fairview

DELIVERED BY HAND

Dear Mr Humber,

I am submitting this letter to **appeal the recent decision by the Planning Commission to turn down my request for a rezoning of the 32 acres on Cox Pike as a single PUD (M43, P 30.01 & 31.0)**. This took place on Tuesday evening, May 12th, and was the third meeting in as many months involving this particular issue.

Specifically, I have been given no clear instructions from the Planning Commission after three meetings. I am trying to develop this subdivision to the urban standard requested: a full curb and gutter neighborhood, sidewalks to either side, with street lamps, with a fully approved and operable on-site sewer system, with a self-governing HOA, and with more than 50% open space dedicated to these ends: all at entry level price points of \$225,000.

I AM SUGGESTING FURTHER CHANGES TO THIS LAYOUT THAT SHOULD MAKE EVERYONE MORE COMFORTABLE WITH THE PROJECT:

1) **A Lower Density of 2.5 units per acre: 80 lots, instead of 93.** Originally in the first meeting the Board wanted my density lowered to R15, a density of 2.9 units. In the last meeting, several suggested that they wanted to go back to R20, a density of 2.2 units (70 lots).

2) **A Larger Lot of 7200 SF, instead of 5000 SF.** The lots are now 60 x 120 with 30' front yard setbacks and 5/10 side-yard setbacks. The lots are 10' wider and 20' longer, (44% larger): septic tanks can now be installed in a variety of ways: this reduces the 93 lot format to 80 lots, a compromise that answers all objections raised. The new plan is attached.

Sincerely,

T A Smythe, developer
615 300-0438

**CITY OF FAIRVIEW
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING
MAY 12, 2015**

ENGINEERING REPORT

7. OLD BUSINESS

ITEM 7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.

- 1) It is important to note that the Concept Plan that is being submitted as a part of the rezoning application does not include detailed engineering design for the proposed roads, drainage, or grading. All proposed roadways, drainage components, and grading will be required to meet all City of Fairview standards at the time those detailed plans are submitted for review. The detailed engineered design for the site may warrant the necessity to alter the layout of the concept plan in order for the site to be compliant with all technical design standards for roadways, drainage and grading.
- 2) A traffic study will be required to determine the impact the proposed development will have on the existing roads in the area. Improvements to the existing roads that are recommended in the traffic study will be required to be constructed by the developer/applicant.
- 3) It is recommended that proposed driveway widths be a minimum of 20' wide.
- 4) Please note that the layout of the submitted conceptual plan is wholly dependent on the applicant receiving TDEC approval for the proposed decentralized sanitary sewer treatment and disposal system.
- 5) It is recommended that septic tanks not be located in the public R.O.W. as outlined in section 2a/ii of the descriptive narrative provided with the rezoning request application.
- 6) It is also important to note that if the proposed RPUD rezoning and associated Preliminary Master Development Plan is approved by the BOC, the Planning Commission will have authority to review the final Master Development Plan and require any and all changes to the final plan that ensures compliance with all other standards for development that were not considered when the preliminary plan was approved.

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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

Municipal Planning Commission

Regular Meeting
May 12, 2015
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Pattie Carroll, Mayor
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Butler, Carroll, Sutton, Lowman, Mangrum, Dowdy

Absent: Beata, Mitchell

Others Present: City Manager Wayne Hall, Planning/Codes Director Frank Humber
City Attorney Larry Cantrell, Engineer Will Owen, Codes Clerk Sharon Hall

- 7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.

Butler read Engineers report, which will become part of these minutes. Exhibit A. Mr. Smythe present to answer questions. Mangrum recused himself from voting, but will take part in the discussion. Sutton asks how he was going to remedy these problems from the Engineer. Smythe stated he has to get approval from the WADC for the placement of their onsite system. Smythe stated he has read through their eight pages of regulations and he has allocated land in accordance with their demand for the 5 & ½ acres of drip field. Smythe stated Mike Adams of WADC has assured him once he has a concept approval with the appropriate density, he will look at this. Humber stated is this enough information for them to make a recommendation to the BOC on his rezoning? Mangrum stated with a PUD rezoning this becomes his zoning. Humber stated so he will have to have a complete Master Plan before you recommend zoning, he thought what they wanted to do was to get

his rezoning to RS-15, is that not correct. Sutton stated as it was. Owen stated his understanding is the item that has been applied for is a rezoning to a residential planned unit development with an RS-15 base density. Owen stated an RS-15 zone is not allowed in your zoning ordinance as a standalone zone, as a free standing district; it has to have a RPUD overlay on top of it. Owen stated his understanding is the request to rezone which is accompanied by the preliminary master development plan. Owen stated shows the lot lay out, the streets, the open space and as Mr. Smythe stated the sanitary sewer provisions conceptually along with the narrative description requirements found in your zoning ordinance for a PUD and the information requirement for a request. Carrol asked what is presented will that meet the requirements for rezoning a PUD, you said there was a list of things. Owen stated he has provided a list of all the bulleted items requesting information for the proposed development, it is up to them if that response is adequate. Owen stated he would not have any reservations on moving forward subject to the final master development plan taking into account his comments in his Engineering report. Smythe stated he is just trying to get this approved so he can move forward. Cantrell stated he would suggest if they want to move forward with this has is to make it subject to the comments from our Engineers report and have exclusively that their recommendation is that no building permits for this be issued until he comes back in with his final, because his final in a PUD will be the zoning in that particular project. Carroll stated as a Board are they wanting to change the Land Use Map to meet this zone. Mangrum stated the problem is on a PUD the plat become part of the zoning. Humber stated RS-15 is required to be a PUD, he is submitting a PUD plan, he is asking for his property to be rezoned RS-15 with PUD, so the question is are you ready to make a recommendation to the BOC based on what he has submitted and in light of what Mr. Owen has said. Smythe stated Cox Pike is one of your main roads into town; he is working under the consumption that Fairview wants to attract homeowners in that \$250,000.00, 2,000 square foot midrange. Carroll stated she would be concerned about the traffic increase on Cox Pike. Smythe stated there was a traffic study being done and he looked at the traffic counts back fifteen years, traffic count today is averaging from 1,900 to 2,000 cars a day. Smythe stated back in 2006 average around 3,000, does not know why this number has went down. Smythe stated he does think that Cox Pike will need to be widen, he thinks the only way that can be widen is for developers to adjoin the cost. Anderson asks number five on the Engineers report how he feels about an alternate to that. Smythe stated that is fine, he had already agreed that they take them out of the public right of way, remember he said he would place them between the homes and they are not going to discharge directly into a blue line. Carroll asks in the description the discharges are going into a drip field, you originally said you were going to discharge in a creek and where is the creek. Smythe stated the creek was on ajoing property, the Tidwell's, they have decided they do not want this going into the creek. Sutton said if you could take it up to a RS-20 that would be a density of 2.2 instead of 2.9, roughly 60 or 70 homes on thirty-two acres. Sutton stated he would be a lot more comfortable with the RS-20 that the RS-15 in this area. Smythe stated one of the issues is cost, he originally asks for 120 lots now they are down to 93 lots. Sutton

stated he had been working with WADC, TDEK and they have looked at the cost efficiency, it is not efficient unless there it is under 50 homes. Sutton stated once you get above 50 homes, it becomes very cost efficient. Owen stated as far as he was concerned the three page narrative is revised to reflect the plan that is before you, he does not have any further issues with that, has been accomplished by Mr. Smythe, will become part of these minutes. Exhibit B. Owen stated if they desire more detail on any of those individual items that is certainly their progetive at this stage. Owen stated there are some vested rights after this preliminary master plan approval that the developer would have. Owen stated anything that's ambiguous now or you don't feel comfortable with he would encourage them to make it very clear that they would like to evoke the privileges of his comment number 6, that says any specific items not discussed at the preliminary stage, you have the ability to revisit those items at the time the final master development plan is submitted. Owens stated if they choose to move forward be very specific as far as the, **Density, Lot Sizes, Building Setbacks, General lay out of the street & lot, required improvement in the proposed open space.** Carroll asks Smythe did he try to get water and sewer with WADC. Smythe state yes they said don't have enough taps; will have to go with the drip system, just waiting on our approval to take to WADC. Cantrell stated he would suggest that their recommendation also have the minutes attached to it so when the BOC gets the recommendation, they will have a chance to read it. Anderson stated she thinks they need to decide if they can accept the density and the lot size because she thinks that is where they are all stuck on making a decision. Sutton made a motion to move forward for discussion the lot size of RS-15 with the five recommendations of the Board that they be satisfied plus the six comments from the Engineers report to be satisfied. Carroll Seconded for discussion, r, with clarification that it will be approved for the RS-15 with the six recommendations from the Engineer and the five points discussed with clarification that the open space can be reviewed when a final plan is brought in. Sutton said he is still more comfortable with the RS-20 than the RS-15. Dowdy stated he wished we would have decided that before instead of give Mr. Smythe the run around. Dowdy stated need the houses that range around the \$250,000.00 range, you want to widen Cox Pike this is the way to get it started. Sutton amended his motion for recommendation to the Board of Commissioners to included items 1-6 of Engineers report (attached) and the 5 items 1) density, 2) lot sizes, 3) building setbacks, 4) general lay out of the street & lot, 5) required improvements in the proposed open space) for discussion, leaving as RS-15. Hall stated these amendments that you are making will become part of the PUD , that is correct Mr. Owen? Owen stated if there is specific amendments required per you recommendation then the BOC can choose to heed those recommendations and require that or they can say no they are happy the way it was originally submitted. Owen stated if they recall the March meeting was the initial submittal for a PUD 125 lots, at that stage it was their opinion that it was too many lots on 32 acres. Owen stated it was vaguely discussed that it would be a higher comfort level with an RS-15 verses 125 lots. Owen stated on the April meeting and the revised conceptual plan was submitted the Friday before your Tuesday Planning Commission meeting, was not in your packets, and believes it was handed out at the meeting. Owen stated he

believes that is why this has been going on for three months. Owen stated he would certainly suggest that they don't defer anymore. Mangrum stated he believes the biggest hurdle looking at these lots they really got RS-5, because only 5,000 square feet. Owen stated that is correct the density is RS-15; the PUD overlay is a base density of RS-15. Owen stated Mr. Mangrum is correct the actual lot size is a RS-5. Carroll Seconded. Vote was taken. Mangrum recused himself from voting, Beata & Mitchell absent.

For

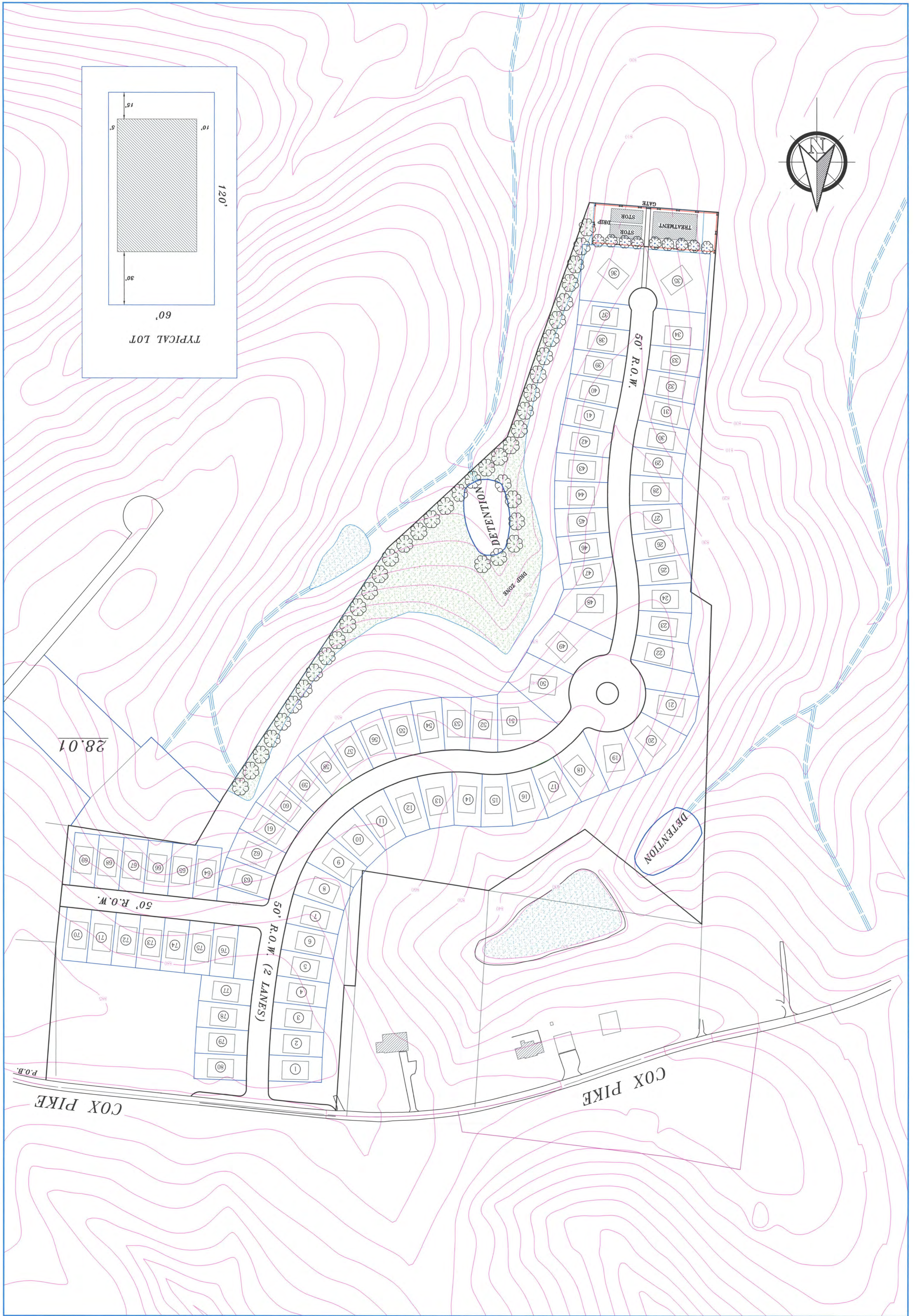
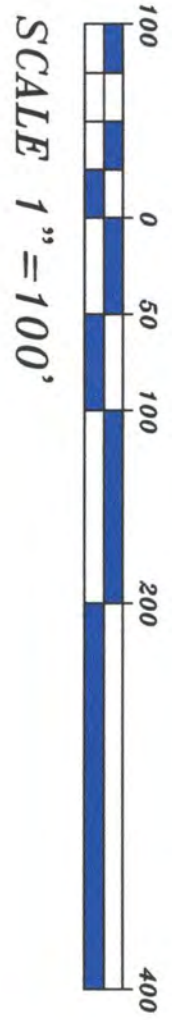
Against

Dowdy
Lowman
Carroll
Anderson
Butler
Sutton

Motion denied.

REVISED CONCEPT PLAN: COX PIKE PUD DEVELOPMENT

GRAPHIC SCALE:



DATE	DESCRIPTION	ORG
2-14-15	DRAFT CONCEPT PLANS: 125 LOTS	1
2-24-15	INITIAL SUBMITTAL: 125 LOTS	1
3-27-15	DRAFT REVISED PLANS: 93 LOTS	2
4-15-15	REVISED SUBMITTAL: 93 LOTS	3
5-14-15	REVISED SUBMITTAL: 80 LOTS	4

City of Fairview

7100 CITY CENTER CIRCLE
P.O. BOX 69
FAIRVIEW, TN 37062



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

ANNEXATION REQUEST FORM

DATE: 4/17/2015

APPLICANT NAME: Pricilla Lampley

ADDRESS: _____
STREET CITY STATE ZIP CODE

PROPERTY ADDRESS: Horn Tavern Road
STREET

MAP #: 022 GROUP #: _____ PARCEL #: 06400, 06500

AUTHORIZED AGENT NAME: _____

SIGNATURE OF AUTHORIZED AGENT: _____

- DOES THIS PROPERTY ABUT CITY PROPERTY YES NO
- IS CITY WATER AND SEWER AVAILABLE YES NO

IF NO, GIVE BRIEF EXPLANATION: _____

I AM CURRENTLY THE OWNER OF THE CAPTIONED PROPERTY AND WISH TO APPLY FOR ANNEXATION INTO THE CITY OF FAIRVIEW. THE INTENDED USE OF THE PROPERTY IS FOR, _____

Residential Neighborhood Single Family Homes

OWNER SIGNATURE: Pricilla Lampley
(Walter F. McIntyre Estate)
(PLEASE ATTACH LEGAL DESCRIPTION AND COPY OF DEED)

THERE WILL BE A FEE OF \$100.00 REQUIRED.
DATE FEE PAID: _____

