

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

AUGUST 17, 2017

7:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Call to order by Mayor Carroll**
 - A. Prayer and Pledge
- 3. Approval of the Agenda**
- 4. Public Hearing**
- 5. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
- 6. Awards and/or Recognitions**
- 7. Public Announcements**
- 8. Staff Comments**
- 9. Approval of the Minutes**
- 10. Consent Agenda Consisting of Items as Follows**
 - A. Minutes from the August 3, 2017 Board of Commissioners Meeting
- 11. Old Business**
 - A. Second and Final Reading of Ordinance No. 2017-21, An Ordinance to Modify the Hours of Public Park Use by Making it Unlawful to Occupy the Park by any Person or Persons After Designated Hours with the Exception of City Sanctioned Events. Individuals Found in Violation of this Ruling Shall be Subject to Prosecution
- 12. New Business**
 - A. Off-Premises Beer Permit for Fred's Stores of Tennessee, Inc, located at 2415 Fairview Blvd, Fairview, Tennessee
 - B. Appointments to Open Seats
 1. Board of Zoning Appeals - Citizen Seat Expiring 6-30-2018 (John Blade)
 2. Industrial Development Board - Citizen Seat Expiring 6-30-2020
 - C. Request to Waive Compliance with Conditions Specified in the Evergreen Industrial Park Covenants and Restrictions for Lot 21 on Behalf of Junae Ficken – Constanzo
 - D. First Reading of Ordinance No. 2017-18, An Ordinance to Amend a PUD Previously Approved with Ordinance No. 948, with the Addition of Tax Map 22, Parcel 15.02, Consisting of 1.1 Acres, Located at 7716 Horn Tavern Road, and Tax Map 2, Parcel 15.01, Consisting of 1.40 Acres, Located at 7712 Horn Tavern Road, From a RS-40 (Low-Density Residential) Zoning District to a RS-15 PUD (Planned Unit Development Zoning District) - Crutcher
 - E. Broadcast BOC Meetings on Facebook Live – Lucas
 - F. Ordinance 2017-22, An Ordinance to Amend Ordinance No. 852, Fund Balance Policy – Collins
 - G. Resolution 17-17 Variance Granted from Evergreen Industrial Park Restrictive Covenants – Costanzo
 - H. Allowed Distances Between PUD's – Burks
 - I. Resolution 14-17, A Resolution Approving an Employment Contract for a City Manager – Lucas
- 13. City Manager Items for Discussion**
 - A. Miscellaneous Updates
 - B. City Attorney Comments
- 14. Communications from the Mayor and Commissioners**
- 15. Executive Session**
- 16. Adjournment**

CITY OF FAIRVIEW

ORDINANCE NO. 2017-21



AN ORDINANCE TO MODIFY THE HOURS OF PUBLIC PARK USE BY MAKING IT UNLAWFUL TO OCCUPY THE PARK BY ANY PERSON OR PERSONS AFTER DESIGNATED HOURS WITH THE EXCEPTION OF CITY SANCTIONED EVENTS. INDIVIDUALS FOUND IN VIOLATION OF THIS RULING SHALL BE SUBJECT TO PROSECUTION.

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

WHEREAS, Fairview Municipal code §11-901 currently prohibits use of Fairview park properties from sunset to sunrise, without first obtaining permission from the park director or park department designee and,

WHEREAS, it appears that the hours of use of the park by the public should be less restrictive,

WHEREAS, city sanctioned events should be excluded from this regulation and,

WHEREAS, individuals found in violation of this ruling shall be subject to prosecution and,

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

Section 1. Fairview Municipal Code §11-901 Amended currently reads:

It shall be unlawful for any person or persons to occupy the public parks at any time between the hours of sunset to sunrise, without first obtaining the written permission from the park director or the parks department designee. Such written permission must be retained and displayed upon request by proper authorities by the person or persons granted the exception while they occupy the public parks at any time other than the normal authorized times. (1973 Code § 10-301, as amended by Ord. #419, §1, June 1997, Ord. #512, Oct. 2001, and Ord. #638, Aug. 2006)

As amended, Fairview, Tennessee, Municipal Code §11-901 shall read as follows:

§11-901. Hours of public park use. It shall be unlawful for any person or persons to occupy the public parks at any time during the hours 10:00 p.m. until 5:00 a.m. with the exception of city sanctioned events. Individuals found in violation of this ruling shall be subject to prosecution.

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

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 August 3, 2017

Passed Second Reading _____

#1570

12A

APPLICATION FOR BEER PERMIT
STATE OF TENNESSEE

CITY OF FAIRVIEW

Application for (check one):

- ON PREMISES PERMIT
- OFF PREMISES PERMIT (PACKAGE SALES ONLY)
- ON AND OFF PREMISES PERMIT
- MANUFACTURER'S OR DISTRIBUTOR'S PERMIT
- SPECIAL EVENTS PERMIT

I HEREBY MAKE APPLICATION FOR A PERMIT TO SELL, STORE, MANUFACTURE, OR DISTRIBUTE BEER OR OTHER BEVERAGES AUTHORIZED TO BE SOLD, STORED, MANUFACTURED OR DISTRIBUTED UNDER THE PROVISIONS OF TENNESSEE CODE ANNOTATED SECTION 57-6-101 ET SEQ. AND BASE MY APPLICATION UPON THE ANSWERS TO THE FOLLOWING QUESTIONS.

1. Full name of applicant (owner)

Freds Stores of Tennessee, Inc

Person Firm Corporation Joint Stock Co.

Syndicate Association

2. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business (attach additional sheets, if needed). List the social security number and drivers license number for EACH PERSON.

Freds Inc 100%

3. What is your present home address? N/A

4. Previous addresses within the last ten (10) years?

N/A

RECEIVED
JUL 28 2017

BY: ...MMA.....


CITY OF FAIRVIEW

BEER PERMIT PACKET FOR FRED'S

- ① APPLICATION FOR BEER PERMIT.
- ② PAID RECEIPT OF \$250.
- ③ THE TBI REPORT.
- ④ PROOF OF SALES TAX REGISTRATION.
- ⑤ CERTIFIED STATEMENT FROM A LICENSED SURVEYOR.

THIS PACKET WAS COMPLETED IN FULL AS OF 7/28/17

MEETING REQUESTED 8/17/17



BRANDY JOHNSON
CITY RECORDER

12B

CITY OF FAIRVIEW

AVAILABLE BOARD SEATS
AS OF 8/14/2017

BOARD OF ZONING APPEALS:

1. Citizen seat expiring 6-30-2018

Application from John Blade

INDUSTRIAL DEVELOPMENT BOARD:

1. Citizen seat expiring 6-30-2020

No applications as of 8/14/2017

12D

ORDINANCE #2017-18

AN ORDINANCE TO AMEND A PUD PREVIOUSLY APPROVED WITH ORDINANCE NO. 948, WITH THE ADDITION OF TAX MAP 22, PARCEL 15.02, CONSISTING OF 1.1 ACRES, LOCATED AT 7716 HORN TAVERN ROAD, AND TAX MAP 22, PARCEL 15.01, CONSISTING OF 1.40 ACRES, LOCATED AT 7712 HORN TAVERN ROAD, FROM A RS-40 (LOW-DENSITY RESIDENTIAL) ZONING DISTRICT TO A RS-15 PUD (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT.

WHEREAS, a request has been made by Duke & Duke, LLC, to rezone property located within the City of Fairview; and

WHEREAS, the City of Fairview Planning Commission, on June 13, 2017, made a favorable recommendation to the Board of Commissioners that this request be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW BOARD OF COMMISSIONERS THAT:

SECTION 1. That the Zoning Ordinance be and is hereby amended by making certain changes to the Official Zoning Map for the City of Fairview, by changing the property identified as Tax Map 22, Parcel 15.02 and Tax Map 22, Parcel 15.02 from a RS-40 Zoning District to a RS-15 PUD Zoning District. This property consists of approximately 1.5 acres and is owned by Ronnie Pruitt, Jr., who has authorized the submittal of the application for the rezoning of this parcel, which is attached to and made a part of this ordinance as though copied herein.

SECTION 2. BE IT FURTHER ORDAINED, that the Codes and Planning Department is hereby authorized and directed, upon approval of this Ordinance, to cause the change to be made on the Official Zoning Map, as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the City of Fairview requiring it.

LEGAL STATUS PROVISIONS

Approved and certified by the Planning Commission:

Chairman

Date

Published in the Fairview Observer on _____

1st Reading: _____

2nd Reading: _____

Public Hearing Held: _____

Approved by the Board of Commissioners:

Patti Carroll, Mayor

ATTEST:

Brandy Johnson, City Recorder

APPROVED AS TO FORM:

City Attorney

City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

RECOMMENDATIONS

2017-7

DATE: JUNE 13, 2017

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

7.1/7.2 DISCUSS AND/OR TAKE ACTION ON REZONING REQUEST FOR 7116 HORN TAVERN ROAD (TAX MAP 022, PARCEL 15.02), 1.08 ACRES AND OWNED BY RONNIE PRUITT, JR., AND 7112 HORN TAVERN ROAD (TAX MAP 022, PARCEL 15.01), 1.40 ACRES AND OWNED BY RONNIE PRUITT, JR., FROM AN RS-40 TO RS-15 RPUD.

Carroll made a motion to send a favorable recommendation to the Board of Commissioners, which was seconded by Mitchell and all were in favor.