

**CITY OF FAIRVIEW
BOARD OF COMMISSIONERS**

SPECIAL CALLED MEETING

OCTOBER 25, 2018

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 October 4, 2018 Board of Commissioners Meeting
 - B. Minutes from the October 4, 2018 Board of Commissioners Work Session
- 11. Old Business**
 - A. Second and Final Reading of Ordinance 2018-19, An Ordinance Amending Fairview Municipal Ordinances 76, 101, 5298, 552 and 557 Regarding the City's Park Board and the City's Tree Board
- 12. New Business**
 - A. On-Premise Beer Permit for Oscar's Taco Shop Located at: 7008 City Center Way, New Owner: Javier Sanchez
 - B. Resolution 34-18, A Resolution of the City of Fairview Acknowledging the Receipt of Form CT-0253 Regarding the Bank Loan Financing of the City's 2018 Spartan Fire Truck
 - C. Operational Status Report - Rainey
- 13. Manager Items for Discussion**
 - A. Miscellaneous Updates
 - B. City Attorney Comments
- 14. Communications from the Mayor and Commissioners**
- 15. Meeting Adjournment**

ORDINANCE NO. 2018-19

11A

AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL ORDINANCES 76, 101, 528, 552 AND 557 REGARDING THE CITY'S PARK BOARD AND CITY'S TREE BOARD.

WHEREAS, at its September 6, 2018, the City of Fairview board of commissioners adopted a Resolution creating the City of Fairview Parks and Landscaping Board, and

WHEREAS, the Resolution assigned and conferred all tasks, duties and responsibilities of the park board and of the tree board to the newly created parks and landscaping board, and

WHEREAS, the tasks, duties and responsibilities of the park board are codified in municipal ordinances 76 and 101, and

WHEREAS, the tasks, duties and responsibilities of the tree board are codified in municipal ordinances 528, 552 and 557, and

WHEREAS, the board of commissioners, in its parks and landscaping board enabling Resolution, resolved that the park board and tree board be abolished, and

WHEREAS, the city desires to amend ordinances such that the stated duties of the park board and the tree board therein are removed and invalid within said ordinances,

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

BE IT ORDAINED, that the park board referenced in Ordinances 76 and 101 and the tree board referenced in Ordinances 528, 552 and 557 are hereby abolished, and

BE IT FURTHER ORDAINED, that Ordinances 76, 101, 528, 552 and 557 remain otherwise unchanged.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

October 4, 2018

Passed Second Reading

12A

Application for (check one):

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 57-5-101 ET SEQ. AND BASE MY APPLICATION UPON THE ANSWERS TO THE FOLLOWING QUESTIONS.

- _____
- _____

5. Date of birth. Home telephone No.

6. Under what name will this business operate? Oscar's Taco Shop

7. Telephone number and location of business by street address: 615-266-2474
7008 City Center Way, Fairview TN 37062

8. Specify the identity and address of the person to receive the annual privilege tax notices and any other communication from the City:

Javier Sanchez

9. Provide name and address for: Legal Representative: Javier Sanchez

10. Name and address of property owner, if other than business owner:

PGM Realty, 9019 Overlook Blvd Ste C-2 Brentwood

11. Will the permit be used to operate two or more restaurants or other businesses within the same building? (As provided by T.C.A. Section 57-5-103 (a)(4).

Yes No X If so, specify number
Attach a list of the restaurants or other businesses and provide the locations.

12. List name of any manager, other than the owner. Also provide date of birth, address, social security number, and driver license number. Applicant must notify the city when there is change of manager and provide all information.

Judith Ochoa De Sanchez

13. Has any person having at least a 5% ownership interest, any manager listed in question 11, or any employee of the business been convicted of a violation of the beer or alcohol beverage laws or any other crime (other than minor traffic violation) within the past ten (10) years? Yes No X
If so, specify list who, in which court, the date of each conviction and particulars of each charge. (Attach a separate list).

14. Has the owner, or any person with a 5% ownership interest, ever had a beer permit revoked, suspended, or denied in the State of Tennessee? Yes No X If so, attach a list of who, where, when and why.

15. List the name of the previous beer permit holder at this location and any relationship, if applicable. N/A

16. List the name, address and distance of the church (or other place of worship), school, day care or nursery, or public park nearest to your business. (The City of Fairview prohibits the sale, storage, and manufacturing of beer and like beverages within 100 feet of schools, churches, day care center, nurseries, or public parks (for off premises sales) and prohibits the sale, storage, and manufacturing of beer and like beverages within 500 feet of schools, churches, day care center, nurseries, or public parks (for on site sales). Any application for either type of sales that are closer than the prescribed distances must be accompanied by a duly executed waiver by the owner of the business that is too close to the business submitting the application. Distances shall be measured using the straight-line method from building to building).*

Name: _____

Address: _____

Distance: _____

***A certified statement from a licensed surveyor of the distance must accompany this application.**

17. Will you operate a dance hall in connection with or adjacent to your business?

Yes _____, No X, If Yes, what is the floor space _____.

(Note: If the answer to Item 16 is "Yes" then an additional fee of \$100.00 must accompany this application.)

18. Please provide your sales tax number for this business: 1000493929-SLC

19. No permit will be issued unless the person(s) named on the application is present when the application is considered.

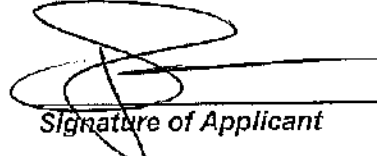
20. The Beer Board may require the applicant to secure a certificate or a statement from the Tennessee State Department of Conservation, Division of Hotel and Restaurant Inspections for the premises.

21. I agree to provide proof of ownership or applicable business interest of or in the business at the time the Beer Permit is delivered. I understand that no Beer Permit will be delivered without the required proof. Examples of documents that are acceptable include but are not limited to (Warranty Deed for business property in the name of the Beer Permit Applicant. Bill of sale for the business in the name of the Beer Permit Applicant).

22. I agree that I will sell no Beer at the business for which the Beer Permit application is made unless and until such time as the Beer Permit is delivered to me (Applicant).

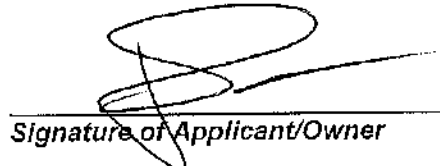
23. I understand that in the event any Beer is sold by me prior to receiving the Beer Permit that is the subject of this application. I may be engaging in the unlawful sale of Beer without a Beer Permit and my actions may result in a hearing before the Beer Board for the City of Fairview, Tennessee. I understand that the Said Beer Board for the City of Fairview, Tennessee may assess penalties for any such violation including but not limited to fines and or suspension of my Beer Permit.

24. I hereby state that I am knowledgeable of the laws prohibiting the sale of beer to minors. I certify that no person having at least a 5% ownership interest, nor any person to be employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcohol beverage laws or any crime involving moral turpitude, within the past ten (10) years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes congestion or interferes with schools, churches, or public parks, or otherwise interferes with public health, safety or morals. I also understand that the application fee is not refundable whether the permit is granted or denied.

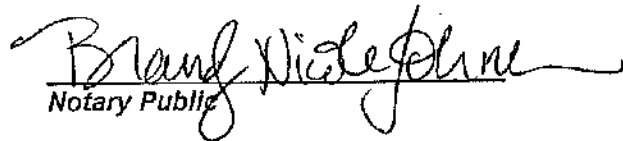

Signature of Applicant

STATE OF TENNESSEE
COUNTY OF WILLIAMSON
CITY OF FAIRVIEW

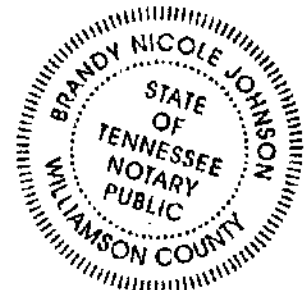
Applicant hereby solemnly swears that each and every statement in the application is true and agrees that if any statement therein is false, the permit may be revoked by Beer Board upon notice and hearing in which event the burden shall be on the permit holder to prove the correctness of all statements in this application.


Signature of Applicant/Owner

Sworn to and subscribed before me this the 11 day of Oct, 2018


Notary Public

My Commission Expires: April 3, 2022





Bill Haslam
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

10/08/2018

JAVIER SANCHEZ
5901 HUNT VALLEY DRIVE
SPRING HILL TN 37174

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.

NOTE: All aliases submitted have been searched.

JAVIER SANCHEZ

Please be aware that, unless a fingerprint comparison is performed, it is impossible for the Tennessee Bureau of Investigation to be sure the record belongs to the individual you requested . A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found no Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

Initial Point

Land Surveying, Inc.



May 15, 2017

Mr. Wayne Hall, City Manager
City of Fairview, TN Planning and Codes Department
7100 City Center Circle
P.O. Box 69
Fairview, TN 37062

Re: **Oscar's Taco Shop (Formerly Gary's Place)**
Oscar Ruiz, Owner (615.491.0473)
Bowie Commons
7006 City Center Way
Fairview, TN 37062-9048

Dear Mr. Hall:

Attached is a list of the names, addresses and distances of the nearest church, school, day care/nursery and public park to **Oscar's Taco Shop (formerly Gary's Place)** located in Bowie Commons, 7006 City Center Way Fairview, Tennessee. This list was compiled from our research and site investigation and shows that in my opinion the referenced site is in compliance with the City of Fairview's prohibition of the sale, storage and manufacturing of beer and like beverages within 100 feet of schools, churches, day care/nurseries and public parks.

Our investigation utilized distances measured by straight-line method using Google Earth and City of Fairview street maps and shows that **Oscar's Taco Shop** is located beyond the required 100 foot distance from any church, school, day care/nursery and public park.

If you have any questions or require any additional information please do not hesitate to contact me.

Sincerely,
Initial Point Land Surveying, Inc. by:

L. Kevin Morehead
Tennessee Professional Surveyor No. 2315

3324 Carl Road | Franklin, TN 37064
Email: initialpoint@bellsouth.net
Office: 615.790.4240
Mobile: 615.948.5852
www.initialpoint.org

Surveying Services

Consulting

Rule 31 Listed General Civil Mediator

Nearest Church

5,220 Feet (1.55 miles)

Fairview Community Church
7116 Cumberland Drive
Fairview, TN 37062

Nearest School

5,455 Feet (1.03 miles)

Westwood Elementary School
7200 Tiger Trail
Fairview, TN 37062

Nearest Day Care/Nursery

11,510 Feet (1.44 miles)

Miss Teresa's Day Care - Day Care Center
7201 Sugar Maple Drive
Fairview, TN 37062

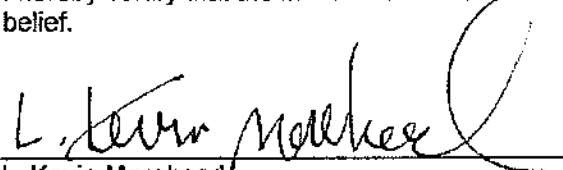
Nearest Public Park

2,250 Feet (0.43 miles)

Bowie Nature Park
Bowie Lake Road
Fairview, TN 37062

Surveyors Certification

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.



L. Kevin Morehead
Tennessee Professional Surveyor No. 2315

05.15.2017
Date



CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 34-18

12B

A RESOLUTION OF THE CITY OF FAIRVIEW ACKNOWLEDGING THE RECEIPT OF FORM CT-0253 REGARDING THE BANK LOAN FINANCING OF THE CITY'S 2018 SPARTAN FIRE TRUCK.

WHEREAS, the loan documents for the 2018 Spartan fire truck pumper were signed on October 5, 2018, and

WHEREAS, disclosure of the execution of these loan documents is required to be made to the governing body (board of commissioners), and

WHEREAS, Form CT-0253 must be submitted to the Director of the Office of State and Local Finance within 45 days after the execution of the loan documents, and

WHEREAS, the annual debt service for this ten-year financing is \$49,922.90 beginning October 5, 2019, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview, Tennessee, Board of Commissioners hereby accepts notice that the previously approved financing for its 2018 Spartan fire truck pumper unit is complete, all loan documents have been signed, and that Form CT-0253 will be submitted to the Director of the Office of State and Local Finance on October 26, 2018.

Approved and adopted this _____ day of _____, 2018.

Mayor

Attest:

City Recorder

APPROVED AS TO FORM:

City Attorney

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

1. Public Entity:	
Name:	CITY OF FAIRVIEW
Address:	7100 CITY CENTER WAY FAIRVIEW, TN 37062
Debt Issue Name:	SPARTAN FIRE PLUMPER TRUCK CAPITAL OUTLAY NOTES, SERIES 2018
If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.	

2. Face Amount:	\$ 426,000.00
Premium/Discount:	\$ 0.00

3. Interest Cost:	2.9500 %	<input checked="" type="checkbox"/> Tax-exempt	<input type="checkbox"/> Taxable
<input type="checkbox"/> TIC	<input type="checkbox"/> NIC		
<input type="checkbox"/> Variable:	Index _____ plus _____ basis points; or		
<input type="checkbox"/> Variable: Remarketing Agent	_____		
<input type="checkbox"/> Other:	_____		

4. Debt Obligation:		
<input type="checkbox"/> TRAN	<input type="checkbox"/> RAN	<input type="checkbox"/> CON
<input type="checkbox"/> DAN	<input type="checkbox"/> CSAN	<input type="checkbox"/> GAN
<input type="checkbox"/> Bond	<input checked="" type="checkbox"/> Loan Agreement	<input type="checkbox"/> Capital Lease
If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Office of State and Local Finance ("OSLF").		

5. Ratings:	
<input checked="" type="checkbox"/> Unrated	Moody's _____ Standard & Poor's _____ Fitch _____

6. Purpose:							
<input checked="" type="checkbox"/> General Government 100.00 % <input type="checkbox"/> Education _____ % <input type="checkbox"/> Utilities _____ % <input type="checkbox"/> Other _____ % <input type="checkbox"/> Refunding/Renewal _____ %	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">BRIEF DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">PUBLIC SAFETY</td> </tr> <tr><td style="padding: 5px;"> </td></tr> <tr><td style="padding: 5px;"> </td></tr> <tr><td style="padding: 5px;"> </td></tr> <tr><td style="padding: 5px;"> </td></tr> </tbody> </table>	BRIEF DESCRIPTION	PUBLIC SAFETY				
BRIEF DESCRIPTION							
PUBLIC SAFETY							

7. Security:	
<input type="checkbox"/> General Obligation <input type="checkbox"/> Revenue <input type="checkbox"/> Annual Appropriation (Capital Lease Only)	<input type="checkbox"/> General Obligation + Revenue/Tax <input type="checkbox"/> Tax Increment Financing (TIF) <input checked="" type="checkbox"/> Other (Describe): FIRE TRUCK

8. Type of Sale:	
<input type="checkbox"/> Competitive Public Sale <input type="checkbox"/> Negotiated Sale <input checked="" type="checkbox"/> Informal Bid	<input type="checkbox"/> Interfund Loan _____ <input type="checkbox"/> Loan Program _____

9. Date:	
Dated Date: 10/05/2018	Issue/Closing Date: 10/05/2018

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
1	\$37,181.35	2.9500 %		\$	%
2	\$38,261.35	2.9500 %		\$	%
3	\$39,437.83	2.9500 %		\$	%
4	\$40,617.40	2.9500 %		\$	%
5	\$41,832.25	2.9500 %		\$	%
6	\$43,064.71	2.9500 %		\$	%
7	\$44,371.50	2.9500 %		\$	%
8	\$45,698.64	2.9500 %		\$	%
9	\$47,085.47	2.9500 %		\$	%
10	\$48,469.28	2.9500 %		\$	%
	\$	%		\$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source MUST BE PREPARED AND ATTACHED. For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

☐ No costs or professionals

	AMOUNT (Round to nearest \$)	FIRM NAME
Financial Advisor Fees	\$ 0	
Legal Fees	\$ 0	
Bond Counsel	\$ 0	
Issuer's Counsel	\$ 0	
Trustee's Counsel	\$ 0	
Bank Counsel	\$ 0	
Disclosure Counsel	\$ 0	
Paying Agent Fees	\$ 0	
Registrar Fees	\$ 0	
Trustee Fees	\$ 0	
Remarketing Agent Fees	\$ 0	
Liquidity Fees	\$ 0	
Rating Agency Fees	\$ 0	
Credit Enhancement Fees	\$ 0	
Bank Closing Costs	\$ 1,065	FIRSTBANK, FAIRVIEW TN
Underwriter's Discount _____%		
Take Down	\$ 0	
Management Fee	\$ 0	
Risk Premium	\$ 0	
Underwriter's Counsel	\$ 0	
Other expenses	\$ 0	
Printing and Advertising Fees	\$ 0	
Issuer/Administrator Program Fees	\$ 0	
Real Estate Fees	\$ 0	
Sponsorship/Referral Fee	\$ 0	
Other Costs	\$ 0	
TOTAL COSTS	\$ 1,065	

REPORT ON DEBT OBLIGATION

(Pursuant to Tennessee Code Annotated Section 9-21-151)

12. Recurring Costs:☒ No Recurring Costs

	AMOUNT (Basis points/S)	FIRM NAME (If different from #11)
Remarketing Agent		
Paying Agent / Registrar		
Trustee		
Liquidity / Credit Enhancement		
Escrow Agent		
Sponsorship / Program / Admin		
Other		

13. Disclosure Document / Official Statement:☒ None Prepared☐ EMMA link _____ or☐ Copy attached**14. Continuing Disclosure Obligations:**

Is there an existing continuing disclosure obligation related to the security for this debt?

☐ Yes☒ No

Is there a continuing disclosure obligation agreement related to this debt?

☐ Yes☒ No

If yes to either question, date that disclosure is due _____

Name and title of person responsible for compliance _____

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy

07/19/2012

Is the debt obligation in compliance with and clearly authorized under the policy?

☒ Yes☐ No**16. Written Derivative Management Policy:**☒ No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy?

☐ Yes☐ No**17. Submission of Report:**

To the Governing Body:

on 10/25/2018and presented at public meeting held on 10/25/2018

Copy to Director to OSLE:

on 10/26/2018

either by:

☐ Mail to:

OR

☒ Email to:Cordell Hull Building
425 Fifth Avenue North, 4th Floor
Nashville, TN 37243-3400StateAndLocalFinance.PublicDebtForm@cot.tn.gov**18. Signatures:**

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Scott Collins</u>	<u>SCOTT COLLINS</u>
Title	<u>CITY MANAGER</u>	
Firm		
Email	<u>CM@FAIRVIEW-TN.ORG</u>	
Date	<u>10/12/2018</u>	