# CITY OF FAIRVIEW BOARD OF COMMISSIONERS

**NOVEMBER 7, 2019** 

7:00 P.M.

## **AGENDA**

- 1. Roll Call
- 2. Call to Order
- 3. Prayer and Pledge
- 4. Approval of Agenda and Executive Session Announcements
- 5. Public Hearing(s)
  - A. Item 9B
  - B. Item 9C
  - C. Item 9D
  - D. Item 9E
  - E. Item 9F
  - F. Item 9G
  - G. Item 9H
- 6. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each)
- 7. Public Announcements, Awards and Recognitions
- 8. Staff Comments and Monthly Reports
  - A. Police Report
  - B. Fire Report
  - C. Public Works Report
  - D. City Manager Report
- 9. Consent Agenda (Any Item May be Removed for Individual Consideration)
  - A. Minutes from the October 17, 2019, Board of Commissioners Meeting
  - B. Resolution 35-19, A Resolution to Annex Certain Territory Upon Written Consent of the Owners and to Incorporate the Same Within the Boundaries of the City of Fairview, Tennessee (Taylor Rd)
  - C. Ordinance 2019-26, An Ordinance Establishing Operational Rules and Guidelines for Leaves and Foliage to be Collected Through the Residential Leaf Pickup Service
  - D. Ordinance 2019-27, An Ordinance Amending City of Fairview Municipal Code Section 17-101, Entitled "Definitions", to Include Paragraph (8) Defining "Leaf and Foliage Waste"
  - E. Ordinance 2019-28, An Ordinance Amending City of Fairview Municipal Code Section 17-110, Entitled "Violations", to Include "Leaf and Foliage Waste"
  - F. Ordinance 2019-29, An Ordinance Establishing Operational Rules and Guidelines for Brush, Materials and Debris to be Processed by the City's Chipper Service
  - G. Ordinance 2019-30, An Ordinance of the City of Fairview, Tennessee, to Amend the Zoning Ordinance as it Pertains to Article XVII "Administration and Enforcement", Section 17-102.2 "Zoning Permits", Subsection 102.2 "Grading Permits".
  - H. Ordinance 2019-31, An Ordinance of the City of Fairview, Tennessee, to Amend the Zoning Ordinance as it Pertains to Article XVII "Administration and Enforcement", Section 17-10 "Required Plans", Subsection 103.32 "Master Development Plans"

### 10. Old Business

- A. Lease Agreement on Property Located at 7061 City Center Way
- 11. New Business

# 12. Communications from the Mayor and Commissioners A. Commissioner

- B. Commissioner
- C. Commissioner
  D. Vice Mayor
  E. Mayor

## 13. Adjournment

RESOLUTION 35-19

# A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRIT CONSENT OF THE OWNERS AND TO INCORPORATE THE SAN WITHIN THE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE

Tax Map 42, Parcel 77.03 0 Taylor Road

Owner: Innovated Construction Co., LLC

WHEREAS, the City of Fairview, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries; and

WHEREAS, the owners of all property within the territory proposed for annexation have given their written consent by notarized petition so that a referendum is not required; and

WHEREAS, a copy of this Resolution, describing the territory proposed for annexation, was promptly sent by the City of Fairview to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation, with such being sent by first class mail and mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on the proposed annexation by owner consent; and

WHEREAS, this Resolution was also published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Fairview, and by publishing notice of the Resolution at or about the same time in the Observer, a newspaper of general circulation in such territory and the City of Fairview; and

WHEREAS, a Plan of Services for the area proposed for annexation is attached as Exhibit A hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

WHEREAS, the proposed annexation and Plan of Services were submitted to the Fairview Planning Commission for study, and it has recommended the same; and

WHEREAS, notice of the time, place and purpose of a public hearing on the proposed annexation and the Plan of Services was published in a newspaper of general circulation in the City of Fairview not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on November 1, 2018

NOW, THEREFORE, BE IT RESOLVED by the City of Fairview, Tennessee as follows:

A. That the following territory is hereby annexed and incorporated into boundaries of the City of Fairview, to be effective as of November 7, 2019, to wit:

Said tract lies wholly within the 1<sup>st</sup> Civil District of Williamson County, Tennessee and is bound in general on the North by Taylor, on the East by Jones, on the South by Sanders, on the West by Taylor Road.

Beginning at an iron pin in the East margin of Taylor, said point being the southwest corner of said Tract; thence with the east margin of said Road, N. 4 deg. W. 200 feet to an iron pin; thence with a new line 85 deg. E. 300 feet to a point in Jones' west fence line; thence with said fence liens 6 deg. W. 200 feet to a point being the southeast corner of said tract and Sanders' northeast corner; thence with Sanders' north line N. 84 deg. 30 min. W. 295 feet to the point of beginning, containing 1.42 acres, more or less, according to survey by Billy Carl Tomlin, dated 3/23/82.

Being the same property conveyed to Tommy R. Sanders and wife, Frances E. Taylor by Warranty deed from Carl J.B. Taylor and wife, Aretta Taylor of record in Book 940, page 7078, Register's Office for Williamson County, Tennessee, dated December 8, 1991 and recorded on December 9, 1991.

Tommy R. Sanders died on December 10, 2008 and said property vested to his wife, Frances E. Taylor as surviving tenant by the entireties. The sad Frances is since deceased (04/01/2017) and was survived by her sole heirs, her daughters Cheryl Denise Bates and Michelle Sanders Brinson.

Being also known as Taylor Road Fairview, Tennessee 37062.

- B. That the Plan of Services for this territory which is attached as Exhibit A hereto is approved and the same is hereby adopted.
- C. That the City Recorder will cause a copy of this Resolution to be forwarded to the Mayor of Williamson County including the Plan of Services.
- D. That a copy of this Resolution shall be recorded with the Williamson County Register of Deeds, and a copy shall also be sent to the Tennessee Comptroller of the Treasury and the Williamson County Assessor of Property.
- E. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district following certification by the election commission that the annexation was approved.

**WHEREUPON**, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Mayor		
City Recorder		
Approved as to Form and Legality this	_day of	 _, 2019
City Attorney		

# EXHIBIT A PLAN OF SERVICES TO ACCOMPANY RESOLUTION 35-19

WHEREAS, TCA 6 –51 – 102, as amended requires that a Plan of Services be adopted by the governing body of a City prior to the passage of an annexation resolution of any territory or territories.

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

**Section 1**. Pursuant to the provisions of **TCA 6** -51 - 102, there is hereby adopted, for the area bounded as described above, the following plan of Services:

## A. Police

- 1. Patrolling, radio response to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
- 2. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards.

## B. Fire

1. Fire protection by the present personnel and equipment of the Fairview City Fire Department, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.

## C. Water

- 1. Water for domestic, commercial, and industrial use will be provided by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. The City of Fairview, Tennessee, does not provide this service.
- 2. Water for fire protection will be provided and water lines and fire hydrants will be installed by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. The City of Fairview, Tennessee, does not provide this service.

## D. Sanitary Sewers

1. Sanitary Sewer Service is available and the necessary intercepting and trunk sewers to serve the annexed area will be installed by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures.

The City of Fairview, Tennessee does not provide this service.

## E. Refuse Collection

1. Private haulers or the county convenience center will handle refuse collection in the annexed area.

## F. Streets

1. The State Highway Commission under the standards currently prevailing by the State of Tennessee will serve the State Controlled Streets in the annexed area. The County of Williamson under the standards currently prevailing in Williamson County, Tennessee will serve the County Controlled Streets in the annexed area. The City of Fairview, Tennessee under the standards currently prevailing in the City will serve the City Controlled Streets in the annexed area.

## G. Schools

1. The annexed area will be served by the Williamson County School system that serves the entire City of Fairview, Tennessee.

## H. Inspection Services

1. Any inspection services now provided by the City will begin in the annexed area on the effective date of annexation.

## I. Planning and Zoning

1. The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City Planning will thereafter encompass the annexed area.

## J. Public Works

1. Services provided by the Public Works department will be extended to the annexed area on the effective date of annexation to include chipper and leaf pick up. The proposed property is in Zone 4, indicating pick-up on the fourth Tuesday of each month.

## K. Street Lighting

1. The State, County or City under the standards currently prevailing for the appropriate authority will serve the annexed area.

## L. Recreation

1. Residents of the annexed area may use all City and County parks on and after the effective date of annexation.

## M. Miscellaneous

- 1. Where they are needed, street name signs will be installed as soon as, the need for emergency services to the annexed area are deemed necessary by the current policies of the City of Fairview, Tennessee.
- 2. Any other service(s) not classified under the foregoing headings will be in accordance with the standards prevailing in the City of Fairview, Tennessee.

This Resolution Referred to City of Fairview, Tennessee Municipal Planning Commission for recommendation by the Fairview, Tennessee Board of Commissioners the 19th day of September, 2019.

This Resolution Considered by the City of Fairview, Tennessee Municipal Planning Commission this 8th day of October, 2019.

The Fairview, Tennessee Municipal Planning Commission voted upon this Resolution as Follows:

Aye , Nay , Not voting .

This Resolution was returned to the City of Fairview, Tennessee Board of Commissioners with a Recommendation from the City of Fairview, Tennessee Municipal Planning Commission for Approval \_\_\_\_\_\_, No Recommendation \_\_\_\_\_\_.

City of Fairview, Tennessee, Municipal Planning Commission this the  $8^{\text{th}}$  day of October, 2019.

Chairman



# Tools & Features Demonstration Site

BRENTWOOD

FRANKLIN







AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND GU FOR LEAVES AND FOLIAGE TO BE COLLECTED THROUGH THE RESIDENTIAL LEAF PICKUP SERVICE.

WHEREAS, the City of Fairview operates a leaf collection service for the removal of certain organic materials from residential home sites within the city limits of the City of Fairview, and

WHEREAS, the City of Fairview desires to establish a standardized scope of services for its residential leaf pickup service, and

WHEREAS, leaf pickup services provided by the City of Fairview shall not serve commercial, retail or industrial sites, locations or addresses and shall not service vacant homes under construction or remodel, and

WHEREAS, this ordinance shall govern the guidelines and restrictions for the leaf pickup service and the materials intended to be processed by the service, and

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

**BE IT ORDAINED**, Section 17-112 of the City of Fairview municipal code shall be created and shall be entitled "Residential Leaf Pickup Service Guidelines and Restrictions", and

**BE IT FURTHER ORDAINED**, that Section 17-112 of the City of Fairview municipal code shall state the following: "The proper placement of leaf and foliage waste, the amount of leaf and foliage waste, the types of materials that are acceptable and examples of materials not acceptable are as follows":

- All leaves and foliage for pickup must be placed in a biodegradable bag.
- No more than 10 biodegradable bags of leaf and foliage waste will be picked up per residence, per month.
- 3. Bags shall not be placed in any roadway median.
- Leaf and foliage waste to be processed must be residential landscaping waste resulting from general landscaping maintenance.
- Bags shall be placed at the roadside of the residential address at which it was produced, and may not be left for a time greater than 14 days before scheduled pickup.
- No limbs, sticks, vines, root balls, dirt, loose leaves, hay or straw will be processed.
- 7. No household materials, appliances or similar items will be processed.
- 8. No lot clearing debris will be processed.
- No leaves or foliage waste produced by commercial or professional landscaping services or professional tree trimming will be processed.

ATTEST:	
CITY RECORDER	
APPROVED AS TO FORM:	
CITY ATTORNEY	
Passed First Reading	October 17,2019
Passed Second Reading	



AN ORDINANCE AMENDING CITY OF FAIRVIEW MUNICIPAL COI SECTION 17-101, ENTITLED "DEFINITIONS", TO INCLUDE PARA (8) DEFINING "LEAF AND FOLIAGE WASTE".

WHEREAS, the City of Fairview is considering codifying Title 17, Section 17-112, entitled "Residential Leaf Pickup Service Guidelines and Restrictions", as a section of its municipal code, and

WHEREAS, the addition of this code section will require a definition of "Leaf and Foliage Waste", and

WHEREAS, the definitions for Title 17 of the city's municipal code are specified in Section 17-101 and this section is the proper placement for the definition of "Leaf and Foliage Waste", and

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

**BE IT ORDAINED**, that Section 17-101 of the City of Fairview municipal code is hereby amended to include paragraph (8), entitled "Brush and Chipper Waste, and

**BE IT FURTHER ORDAINED,** that Section 17-101(8) of the City of Fairview municipal code shall read as follows: "Leaf and Foliage Waste." The term "leaf and foliage waste" as herein referred to in this chapter shall include fallen leaves and foliage, not including: sticks, limbs, branches, growths, trimmings, woody plant material and woody plant debris, produced from homeowner maintenance of residential landscaping.

MAYOR	
ATTEST:	
CITY RECORDER	
APPROVED AS TO FORM	
CITY ATTORNEY	
Passed First Reading	October 17, 2019
Passed Second Reading	



AN ORDINANCE AMENDING CITY OF FAIRVIEW MUNICIPAL CO SECTION 17-110, ENTITLED "VIOLATIONS", TO INCLUDE "LEAF FOLIAGE WASTE".

WHEREAS, the City of Fairview municipal code section 17-110 states the following:

Violations. Any person who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any notice issued by the department of health, the superintendent of the refuse collection department, or any official of the City of Fairview with reference to the storage, accumulation, or disposal of garbage/refuse/litter as described in Section 17-101 of this code shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense.

Each day a violation is allowed to continue from the date of the original citation or notice shall constitute a separate offense. And

WHEREAS, code section 17-110 is being renumbered to section 17-120 and must be amended to include brush and chipper waste, and

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

**BE IT ORDAINED**, that Section 17-120 of the City of Fairview municipal code is hereby amended to read as follows:

Violations. Any person who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any written notice issued by the Williamson County Health Department or the City of Fairview with reference to the placement, deposit, storage, accumulation, or disposal of garbage, refuse, litter, leaf and foliage waste, or brush and/or chipping waste, as described in Section 17-101 of this code, shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense.

Each day a violation is allowed to continue from the date of the original citation or notice shall constitute a separate offense.

MAYOR	
ATTEST:	
CITY RECORDER	

APPROVED AS TO FORM	l:
CITY ATTORNEY	
Passed First Reading	October 17, 2019
Public Hearing Held	
Passed Second Reading	



AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND GIFOR BRUSH, MATERIALS AND DEBRIS TO BE PROCESSED BY CITY'S CHIPPER SERVICE.

WHEREAS, the City of Fairview operates a chipper service for the removal of certain organic materials from residential home sites within the city limits of the City of Fairview, and

WHEREAS, the City of Fairview desires to establish a standardized scope of services for its residential chipper service, and

WHEREAS, chipper services provided by the City of Fairview shall not serve commercial, retail or industrial sites, locations or addresses and shall not service vacant homes under construction or remodel, and

WHEREAS, this ordinance shall govern the guidelines and restrictions for the chipper service and the materials intended to be processed by the service, and

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

**BE IT ORDAINED**, Section 17-111 of the City of Fairview municipal code shall be created and shall be entitled "Residential Chipper Service Guidelines and Restrictions", and

**BE IT FURTHER ORDAINED**, that Section 17-111 of the City of Fairview municipal code shall state the following: "The proper placement of brush/chipper waste, the amount of brush/chipper waste, the size of brush/chipper waste to processed, the types of materials that are acceptable and examples of materials not acceptable are as follows":

- Brush shall not be placed in any roadway median.
- Brush and debris to be processed must be residential landscaping brush and debris resulting from general landscaping maintenance and trimming.
- Brush shall be placed at the roadside of the residential address at which it was produced, and may not be left for a time greater than 14 days before scheduled pickup.
- 4. The maximum brush pile size shall be three (3) feet high and ten (10) feet by ten (10) feet square and no more than one (1) brush pile may be set out for service at any one time.
- 5. No limbs larger than four (4) inches in diameter will be processed.
- 6. No vines, root balls, dirt, loose leaves, hay or straw will be processed.
- Brush intertwined with plastics, fabric, metal, wiring, cable, any fencing or similar foreign materials will not be processed.
- 8. No household materials, appliances or similar items will be processed.
- No lot clearing debris or whole trees will be processed.
- No brush or debris produced by commercial or professional landscaping services, professional tree removal or professional tree trimming will be processed.

MAYOR	
ATTEST:	
CITY RECORDER	
APPROVED AS TO FORM	Л:
CITY ATTORNEY	
Passed First Reading	October 17, 2019
Passad Sacond Reading	

ORDINANCE NO. \_\_\_\_\_2019-30

AN ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE, TO JULIE ZONING ORDINANCE AS IT PERTAINS TO ARTICLE XVII "ADMINISTRATION AND ENFORCEMENT", SECTION 17-102.2 "ZONING PERMITS", SUBSECTION 102.2 "GRADING PERMITS".

WHEREAS, the City of Fairview Planning Staff has recommended to the City of Fairview Board of Commissioners to amend current provisions of the zoning ordinance as they pertain to plans and permits in order to best serve the citizens of Fairview, and

WHEREAS, the Fairview, Tennessee Zoning Articles, Article XVII "Administration and Enforcement", Section 17-102.2 "Zoning Permits", Subsection 102.2 "Grading Permits", currently reads is as follows:

## 17-102.2 Grading Permits

In any instance where no building or construction activity is to take place upon a site, a grading permit may be issued by the City Engineer, provided that a tree inventory and protection plan meeting the requirements for such set out in Article 2, Section 2-103 of the Fairview Design Review Manual, has been approved and the applicant has demonstrated that the use or activity will comply with all provisions of this ordinance.

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

The Fairview, Tennessee Zoning Articles, Article XVII "Administration and Enforcement", Section 17-102.2 "Zoning Permits", Subsection 102.2 "Grading Permits" are hereby amended to read as follows:

## 17-102.2 Grading Permits

Prior to building or construction activity taking place, a grading permit shall be required. Grading permit applications and fees shall be submitted to the City for review, provided:

- The tree inventory and protection plan meets the requirements for such set out in Article 2, Section 2-103 of the Fairview Design Review Manual.
- The applicant demonstrates that the use or activity will comply with all provisions of this ordinance.
- All Erosion Prevention and Sediment Control measures are installed and maintained per the City approved construction plans and in accordance with state and local requirements.

The remaining sections of this Article and Section remain unchanged by this Resolution.

MAYOR	
CITY RECORDER	
APPROVED AS TO FORM	Л:
CITY ATTORNEY	
Passed First Reading	October 17, 2019
Danced Second Boading	

AN ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE, TO ATTHE ZONING ORDINANCE AS IT PERTAINS TO ARTICLE XVII "ADMINISTRATION AND ENFORCEMENT", SECTION 17-103 "REQUIRED PLANS", SUBSECTION 103.2 "MASTER DEVELOPMENT PLANS".

WHEREAS, the City of Fairview Planning Staff has recommended to the City of Fairview Board of Commissioners to amend current provisions of the zoning ordinance as they pertain to plans and permits in order to best serve the citizens of Fairview, and

WHEREAS, the Fairview, Tennessee Zoning Articles Article XVII "Administration and Enforcement", Section 17-103 "Required Plans", Subsection 103.2 "Master Development Plans", currently reads is as follows:

17-103.2 Master Development Plans

Certain uses and activities require approval of a master development plan by the Planning Commission to insure that development occurs in a coordinated manner. The following activities require such plans:

1. Multi-Family Developments

Any development involving two (2) or more multi-family structures located upon the same zone lot.

2. Manufactured Home Parks

Any development of a manufactured home park as defined by this ordinance.

3. Commercial Complexes

Any development of a commercial complex as defined by this ordinance.

4. Plan Content

The master development plan for the proposed development shall be a general concept plan which shall include:

et seq.

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

The Fairview, Tennessee Zoning Articles, Article XVII "Administration and Enforcement", Section 17-103 "Required Plans", Subsection 103.2 "Master Development Plans" are hereby amended to read as follows:

17-103.2 Master Development Plans

Master development plans are required based on the proposed development types defined below and shall include all necessary plan content as detailed in this ordinance.

## 1. <u>Development Types</u>

Development types requiring approval of a master development plan by the Planning Commission to ensure that development occurs in a coordinated manner include:

## A. Multi-Family Developments

Any development involving two (2) or more multi-family structures located upon the same zone lot.

## B. Manufactured Home Parks

Any development of a manufactured home park as defined by this ordinance.

## C. Planned Overlay District

Any development located within a planned overlay district as defined by this ordinance.

## D. Commercial Complexes

Any development of a commercial complex as defined by this ordinance.

## E. Industrial Special Districts

Any development within an industrial special district as defined by this ordinance.

## 2. Plan Content

The master development plan for the proposed development shall be a general concept plan, which shall include:

## A. Sufficient Information to Disclose

et seq.

With holding the renumbering of sections, the remaining sections of this Article and Section remain unchanged by this Resolution.

MAYOD	 
MAYOR	

CITY RECORDER	
APPROVED AS TO FORM	l:
CITY ATTORNEY	
Passed First Reading	October 17,2019
Passed Second Reading	,