

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS

NOVEMBER 17, 2016

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 November 17, 2016 Board of Commissioners Meeting
 - B. Second and Final Reading of Bill #2016-30, Ordinance No. 944, An Ordinance to Repeal in its Entirety Ordinance No. 938, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2016-2017 Budget (Un-Appropriate Impact Fee)
 - C. Second and Final Reading of Bill #2016-31, Ordinance No. 945, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2016-2017 Budget (Bowie Park Interstate Signs)
9. **Old Business**
10. **New Business**
 - A. Discuss and/or Take Action on Certificate of Compliance for Sister's Cellar - Cantrell
 - B. Discuss and/or Take Action on Recommendation from Planning Commission for Rezoning of Property Located at 2480 Fairview Blvd from RS-40 (Residential) to CG (Commercial General), Map 46, Parcel 69.00, 13.39 Acres, Owners: Craig and Janet Cropper - Hall
 - C. Discuss and/or Take Action on Resolution No. 12-16, A Resolution Adopting a Plan of Services for the Annexation of Property Belonging to Erick Allen Maggart and Wife Kelly Lenore Lampley Maggart and to Incorporate the Same Within the Corporate Boundaries of the City of Fairview, Tennessee. The Property is Located at 7338 Overby Road, Fairview, Tennessee and is Shown on City of Fairview, Tennessee, Geological Listing of Assessment Roll Map 46, Parcel 44.06 – Hall
 - D. Discuss and/or Take Action on Resolution No. 13-16, A Resolution to Annex Certain Property, Located at 7338 Overbey Road, Map 46, Parcel 44.06, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee; Belonging to Erick Allen Maggart and Wife Kelly Lenore Lampley Maggart. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary, Containing 2.17 Acres - Hall
 - E. Discuss and/or Take Action on Walmart Grant - Smith
11. **City Manager Items for Discussion**
 - A. Miscellaneous Updates

B. City Attorney Comments

12. Communications from the Mayor and Commissioners

13. Adjournment



Bill # 2016-30

ORDINANCE NO. 944

AN ORDINANCE TO REPEAL IN ITS ENTIRETY, ORDINANCE NO. 938, AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2016 – 2017 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 2016 - 2017 (beginning July 1, 2016 and running through June 30, 2017) 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 2016 – 2017 budget by passage of Ordinance Number 930 on June 23, 2016, 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, the Board of Commissioners of the City of Fairview, Tennessee adopted Ordinance 938 September 1, 2016, and

WHEREAS, none of the funds authorized to be expended in Ordinance 937 have been expended, and

WHEREAS, the Board of Commissioners have determined that the funds appropriated in Ordinance 938 need to be utilized to fund other budget items, 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 ORDINANCE 938, ENACTED SEPTEMBER 1, 2016 IS HEREBY REPEALED IN ITS ENTIRETY.

BE IT FINALLY ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2016-2017 BUDGET AS FOLLOWS:

Section 1. Ordinance 930 is hereby amended to reverse appropriations of \$30,000 from the five cent fund for Streets for an Impact Fee Study.

Un-Appropriate From

Account #	Current Budget	Un-Appropriation Amt.	New Budget
110-41000-201	\$ 30,000.00	\$ 30,000.00	\$ 0

Return To

Account #	Current Balance	Returned Amt	New Balance
110-27100	\$55,000.00	\$ 30,000.00	\$85,000.00

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

November 3, 2014

Passed Second Reading _____



Bill # 2016-31

ORDINANCE NO. 945

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2016 – 2017 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 2016 - 2017 (beginning July 1, 2016 and running through June 30, 2017) 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 2016 – 2017 budget by passage of Ordinance Number 930 on June 23, 2016, 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 2016-2017 BUDGET AS FOLLOWS:

Section 1. Ordinance 930 is hereby amended to appropriate \$1,200.00 from the Property Tax Revenue set aside for Parks to pay for Bowie Park Interstate Signage.

Appropriate From			
Account #	Current Balance	Appropriation Amt.	New Balance
110-27100	\$39,250.00	\$ 1,200.00	\$38,050.00
Appropriate To			
Account #	Current Budget	Amended Amt	New Budget
110-44700-342	\$ 1,000.00	\$ 1,200.00	\$ 2,200.00

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

November 3, 2014

Passed Second Reading

CERTIFICATE OF COMPLIANCE
RETAIL PACKAGE STORE

10A

Pursuant to Tennessee Code Annotated, Title 57, Section 57-3-208 and 57-3-213,
this is to certify that:

Name of Applicant: Sherrill Lynn KARDEN LEVINS

Home Address: 9959 Poplar Leona Lane

Date of Birth: _____ SSN: _____

Has made application for renewal of a Certificate of Compliance to sell retail alcoholic
beverages in the County of WILLIAMSON, State of Tennessee, at _____

SISTER'S CELLAR 1518 Hwy 96 N. FAIRVIEW TN 37012
(Name and Street Address of Liquor Store)

and that an investigation has been undertaken of the applicant's criminal record and of the
compliance of said business with local law, ordinances or resolutions, and from said
investigation of the undersigned certified:

1. That the applicant or applicants who are to be in actual charge of said business have not
been convicted of a felony within a ten-year period immediately preceding the date of the
application and, if a corporation, that the executive officers or those in control have not
been convicted of a felony within a ten year period immediately preceding the date of the
application; and further, that it is the undersigned's opinion that the applicant will not
violate any provisions of Tennessee Code Annotated, Title 57, Chapter 3;
2. That the applicant has secured a location which complies with all restrictions of the laws,
ordinances and resolutions;
3. That the applicant or applicants have complied with the residency provisions;
4. That the renewal of this license will not exceed the numerical limit.

This the 2 day of NOVEMBER, 2006.

Mayor or Other Official Head of Municipality

MAJORITY OF CITY COUNCIL OR COMMISSION MEMBERS

Member of Legislative Body of Municipality

MAIL TO:
Tennessee Alcoholic Beverage Commission
226 Capitol Boulevard Building
Suite #300
Nashville, TN 37243-0755

7100 City Center way
Fairview, TN 37062
PHONE: (615) 799-2484

Rcpt Date: 11/10/2016
Cash Acct: 110-11100
Received Of: SISTER'S CELLAR
Cmt: CERTIFICATE OF COMPLIANCE

Rcpt #: 00017212

Tendered Amount: 250.00
Receipt Amount: 250.00

Change Due: 0.00

R E C E I P T		D I S T R I B U T I O N	
FUND	FUNCT-OBJ	DESCRIPTION	AMOUNT
110	31720	WHOLESALE LIQUOR TAX	250.00

P A Y M E N T		D I S T R I B U T I O N	
PAYMENT DESCRIPTION		REFERENCE NUMBER	AMOUNT
CHECK		1672	250.00

CUSTOMER COPY

Received By: COUNTER1

CITY OF FAIRVIEW
7100 City Center Way
Fairview, TN 37062
PHONE: (615) 799-2484

Rcpt Date: 11/10/2016
Cash Acct: 110-11100
Received Of: SISTER'S CELLAR
Cmt: CERTIFICATE OF COMPLIANCE

Rcpt #: 00017212

Tendered Amount: 250.00
Receipt Amount: 250.00

Change Due: 0.00

R E C E I P T		D I S T R I B U T I O N	
FUND	FUNCT-OBJ	DESCRIPTION	AMOUNT

P A Y M E N T		D I S T R I B U T I O N	
PAYMENT DESCRIPTION		REFERENCE NUMBER	AMOUNT
CHECK		1672	250.00

ORIGINAL COPY

Received By: COUNTER1

City of Fairview

JOB

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-795-1300

Email: codes@fairview-tn.org

RECOMMENDATIONS

2016 - 7

DATE: NOVEMBER 07, 2016

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On November 07, 2016 the following item was voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

8.2 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY LOCATED AT 2480 FAIRVIEW BLVD. FROM RS-40 (RESIDENTIAL) TO CG (COMMERCIAL GENERAL). MAP 46, PARCEL 69.00, 13.39 ACRES. CRAIG & JANET CROPPER OWNERS.

Craig & Janet Cropper owners present. Sutton made a motion for approval. Mangrum Seconded. Beata read Engineers report, which will become part of these minutes. Exhibit B. Rowe asked do they have a contract on this property. Mr. Cropper stated no. Rowe stated he has a concern about the residential houses that will back up to this property, if it becomes Commercial. Good planning practices are to provide a transition zoning between residential and commercial. Anderson asked for roll call vote. Sutton yes, Mangrum yes, Blied yes, Anderson yes, Dowdy yes, Rowe no, Beata no, Butler no, Lowman no. Motion passes.

**CITY OF FAIRVIEW
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 7, 2016**

CITY STAFF REPORT

5. RECOMMENDATIONS – No AGENDA ITEMS

6. BONDS

ITEM 6.1 UTILITY OPEN CUT ON CROW CUT ROAD LETTER OF CREDIT FOR \$10,000.00. LETTER OF CREDIT EXPIRES DECEMBER 09, 2016. TONY CAVENDER ASKING FOR THIS TO BE RELEASED.

No Staff Comments

ITEM 6.2 HEARTLAND RESERVE, INC. SECTION 4 – LETTER OF CREDIT TO COVER THE ROAD, SIDEWALKS, AND STORM DRAINAGE. PLANNING COMMISSION SET THE AMOUNT FOR \$609,000.00 ON OCTOBER 13, 2015. PLANNING COMMISSION VOTED TO REDUCE THE BOND TO \$365,400.00 ON OCTOBER 11, 2016. DEVELOPER RENEWED BOND BUT ASKING FOR BOND TO BE REDUCED. LETTER OF CREDIT EXPIRES DECEMBER 01, 2016.

No Staff Comments

7. OLD BUSINESS – No AGENDA ITEMS

8. NEW BUSINESS

ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR HORN TAVERN ROAD SUBDIVISION. MAP 22, PARCEL 15.00, 22.98 ACRES. DUKE & DUKE, LLC OWNERS

1) Please revise Sheet C1.0 to include the appropriate number of proposed lots which is 17.

If the PC desires to set bond amounts for this development, it is recommended that the reclamation bond amount be \$386,000 and the performance bond amount be \$914,000 (which is 125% of the engineer's estimate of 731,000).

ITEM 8.2 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY LOCATED AT 2480 FAIRVIEW BLVD. FROM RS-40 (RESIDENTIAL) TO CG (COMMERCIAL GENERAL). MAP 46, PARCEL 69.00, 13.39 ACRES. CRAIG & JANET CROPPER OWNERS.

1) The proposed zoning change to CG (Commercial General) is different from the designation shown on the Proposed Land Use Map. The Proposed Land Use Map categorizes the subject parcel as RM (Medium Density Residential). If the PC recommends for approval, an amendment to the Proposed Land Use Map would need to occur.

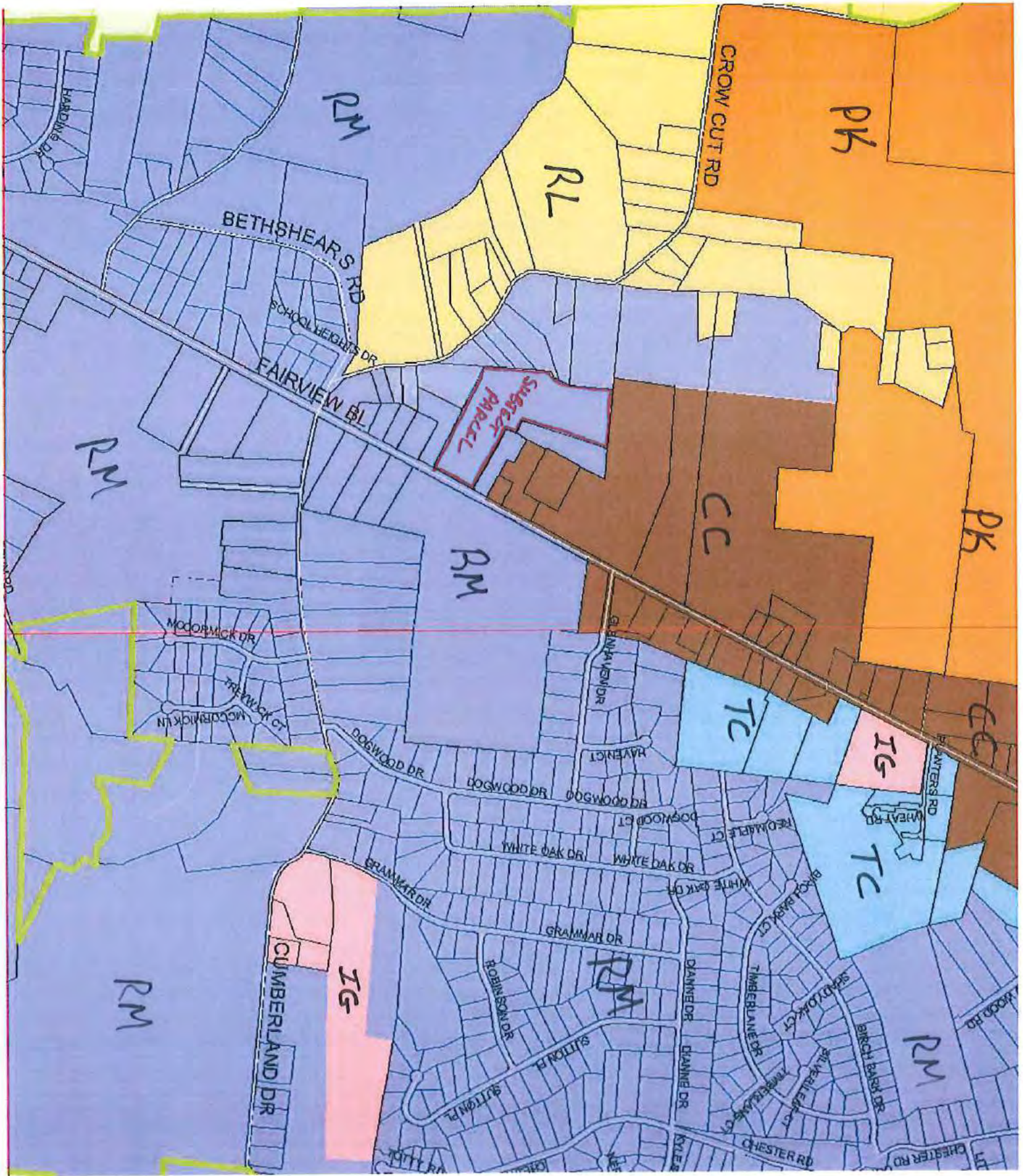


TABLE 2

LAND USE POLICY CLASSIFICATION – ZONING DISTRICT RELATIONSHIP

LAND USE POLICY CLASSIFICATIONS	ZONING CRITERIA	ZONING CLASSIFICATION(S)
AGRICULTURAL		
RE Rural Estate	Agriculture and 5-Acre Single-Family Residential	AR-15 and AR-5
RESIDENTIAL		
RL Residential - Low Density	1-5 Acre Single-Family Residential	AR-5A, RS-40, RSM-40 R-20
RM Residential - Medium Density	¼ and ½ Acre Single and Two-Family Residential	R-20 and RS-15, RS-40
RH Residential - High Density	Mixed Housing Types @ More Than 4 Units/Acre	RM-8, RM-12, R-MHP
COMMERCIAL		
CC Commercial Community/Neighborhood	Convenience Retail and Personal Services	CNS, OPS, CG
CH Commercial Highway	Travel Goods and Services & Large Scale Retail	ICI
INDUSTRIAL		
BP Business Park/Light Industrial	General Office, Distribution & Limited Manufacturing	OPS, CMU, I-R
IG Industrial General	Heavy and/or High - Impact Industry	I-G, I-S
OTHER		
CG Civic Governmental	Public Services and Facilities	All Districts
TC Town Center	Mixed Residential/Commercial PUD	TCOD

100

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 12-16

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. THE PROPERTY IS LOCATED AT 7338 OVERBY ROAD, FAIRVIEW, TENNESSEE AND IS SHOWN ON CITY OF FAIRVIEW, TENNESSEE GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 46, PARCEL 44.06.

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. At present Sanitary Sewer Service is not available, if and when such service becomes, available, the necessary intercepting and trunk sewers to serve the annexed area will be installed in accordance with current policies of 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. Street Lighting

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

K. Recreation

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

L. 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 _____ day of _____, 2016.

This Resolution Considered by the City of Fairview, Tennessee Municipal Planning Commission this _____ day of _____, 2016.

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 _____, Disapproval _____, No Recommendation _____.

City of Fairview, Tennessee, Municipal Planning Commission this the _____ day of _____, 2016.

Chairman

Section 2. This resolution shall be effective from and after the date of its adoption.

Adopted this the _____ day of _____, 2016.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

CITY ATTORNEY

Public Hearing Held on: _____, 2016.

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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

RECOMMENDATIONS 2016 – 5

DATE: MAY 10, 2016

TO: FAIRVIEW BOARD OF COMMISSIONERS

FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On May 10, 2016 the following item was voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

- 8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD. MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART.

Mangrum ask Ms. Maggart do they have any idea of the time frame that the County is looking to get the minor subdivision complete. Ms. Maggart stated not sure at that moment, they've talked it's their understanding their working on the plat to record it. Mangrum stated for her to keep in mind, the City can't annex until that is completed. Hall stated Randy Chapdelaine told him they're in the process of the environmental for the septic, which will take a while. Owen stated the annexation process takes almost three months; his assumption would be that the plat will be recorded before that 2nd and final reading. Anderson stated so they can move forward, without deferring. Owen stated yes, move forward with those two items be addressed. Beata made a motion for approval including the two Engineer comments. Sutton Seconded. All were in favor.

PC minutes - May 10, 2014

8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD. MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART.

Beata read Engineers report, which will become part of these minutes. Exhibit A. Kelly Maggart present to answer questions. Beata made a motion for approve to include the Engineers report. Mangrum made a motion for discussion. Mangrum asked Owen can't this be approved in house. Owen stated Mr. Mangrum you are correct, this can be administratively approved. Beata said this is an annexation not a Subdivision, Owen stated correct. Mangrum asked can they subdivide County property, with the City having any say so in it. Owen stated no they can't, other than they need to review at least as a staff that the division of land that is being proposed coincides with the legal description with the annexation boundary. Cantrell asked Owen would he want to defer until this gets recorded. Owen stated no he doesn't think it's necessary to defer, he thinks it can all happen concurrently. Owen stated at the staff review there was some discussion that there was a plat recorded or there was one that was in the process of being recorded through the County and if it is recorded and is in compliance with the description of the annexed area that would be sufficient as well. Mr. Hall gave Owen a plan and stated he doesn't think this has been recorded; it was brought to him that morning. Owen stated it appears that is a minor final plat that's being submitted through the County process to divide 2.17 acres from the parent track then subsequently they are seeking annexation of those 2.17 acres. Mangrum ask Ms. Maggart do they have any idea of the time frame that the County is looking to get the minor subdivision complete. Ms. Maggart stated not sure at that moment, they've talked it's their understanding their working on the plat to record it. Mangrum stated for her to keep in mind, the City can't annex until that is completed. Hall stated Randy Chapdelaine told him they're in the process of the environmental for the septic, which will take a while. Owen stated the annexation process takes almost three months; his assumption would be that the plat will be recorded before that 2nd and final reading. Anderson stated so they can move forward, without deferring. Owen stated yes, move forward with those two items be addressed. Beata made a motion for approval including the two Engineer comments. Sutton Seconded. All were in favor.

May 10, 2016

Engineers Report

ITEM 7.3 DISCUSS AND/OR TAKE ACTION ON DESIGN REVIEW COMPONENTS OF REVISED FINAL SITE PLAN FOR HARDEE'S LOCATED AT 7003 CITY CENTER WAY, MAP 42, PARCEL 168.09, ZONED TCOD/MSMU. (TOWN CENTER OVERLAY DISTRICT/MAIN STREET MIXED USE). BOWIE COMMONS, LLC. OWNER.

Please note that there were minor revisions to the site plan that pertained to slight modifications to the building footprint. These revisions were deemed minor in nature and meeting the criteria outlined in Section 16-103.6 that allows for administrative approval of the revisions. In addition to the minor revisions mentioned above, the applicant is also proposing to revise some of the site plan components pertaining to the design review manual. The design review manual components were not deemed minor and therefore are being presented to the PC for review as an amendment to the previously approved site plan. Specifically, the two revised items for consideration by the PC are as follows:

- 1) The primary structure is now being proposed as an all brick structure with stone accent walls on the left and right sides. The front wall is still deficient in the 70% brick requirement but it will have a brick base below the front windows. The remainder of the front remains mostly unchanged from the previously approved site plan except that exterior tile accents (black in color) have replaced a portion (approximately 40%) of the EIFS surface above the front windows. All other walls are being proposed as 100% brick with stone accents.
- 2) The wall materials for the proposed dumpster and storage room structure has been revised from a faux stone veneer to 8" split face CMU block. This proposed revision meets the requirements found in Section 2-106.3 of the Design Review Manual that commercial dumpster areas be enclosed by a fence of masonry construction.

8. NEW BUSINESS

ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD, MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART

- 1) There does not appear to be a recorded plat at the County Register's Office for the 2.17 acres that is being considered for annexation. As such, a minor final plat should be submitted to and approved by the Planning Commission and properly recorded at the County Register's Office prior to the BOC's consideration of the 2nd and final reading of the annexation resolution.
- 2) At the direction of the BOC, a Plan of Services must be drafted by City staff, reviewed by the PC with recommendations being sent to the BOC for consideration, and a public hearing on the POS held by the BOC prior to the BOC's consideration of the 2nd and final reading of the annexation resolution.

ITEM 8.2 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT FOR HEARTLAND RESERVE – SECTION 4 (26 LOTS) MAP 18, PARCEL 55.01, 18.8 ACRES. HEARTLAND RESERVES, INCORPORATED OWNER.

- 1) The construction plans called for drainage swales across the rear portion of lots 25-31 and lots 32-42. These proposed swales should be located in drainage easements and the easements should be shown on the final plat. The easements should be wide enough so that the side slopes are wholly located within the easement.
- 2) Please note that the City's standard practice is that no building permits will be issued until all proposed infrastructure has been installed according to the approved construction plans and accepted by the appropriate entity.

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: 4/5/16

APPLICANT NAME: Kelly L. Maggart

ADDRESS: _____
STREET CITY STATE ZIP CODE

PROPERTY ADDRESS: 7338 Overbey Rd Fairview TN 37062
STREET

MAP #: 46 GROUP #: _____ PARCEL #: ~~46~~ 44,06

AUTHORIZED AGENT NAME: _____

SIGNATURE OF AUTHORIZED AGENT: _____

• DOES THIS PROPERTY ABUT CITY PROPERTY YES NO

• IS CITY WATER AND SEWER AVAILABLE YES NO

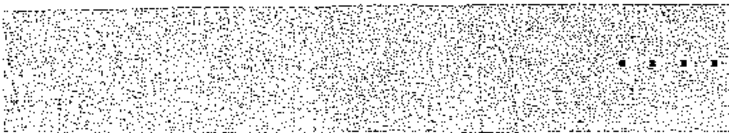
IF NO, GIVE BRIEF EXPLANATION: city water is available
sewer is not available

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. CREATE A 2.17 ACRE SUBDIVISION
LOT FOR A RESIDENCE

OWNER SIGNATURE: Kelly Maggart

(PLEASE ATTACH LEGAL DESCRIPTION AND COPY OF DEED)

THERE WILL BE A FEE OF \$100.00 REQUIRED.
DATE FEE PAID: 4-11-2016



Prepared by:
William S. Carman, Sr., Attorney
Franklin, TN
From information provided by the parties
Without the benefit of a title examination.
The preparer makes no warranties
As to the status of the title.

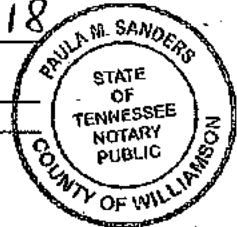
STATE OF TENNESSEE
COUNTY OF WILLIAMSON
the actual consideration or value, whichever
is greater, is \$ 0.00.

Sworn to and subscribed before me this
1st day of April
2016.

Barbara D. Carman
Affiant

Paula M. Sanders
Notary Public

My commission Expires: 11/17/18



BK: 6708 PG: 976-978
16011839



3 PGS:AL-QUITCLAIM DEED	
427421	
04/01/2016 - 02:16 PM	
BATCH	427421
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

STATE OF TENNESSEE, WILLIAMSON COUNTY
SADIE WADE
REGISTER OF DEEDS

QUITCLAIM DEED

mail

Name and Address of New Owner:

Send Tax Bills To:
New Owner

Map and Parcel Number:
Map 46, Parcel 04406

My Comm. Expires
Nov. 17, 2018

For the love and affection we have for our daughter and son-in-law, We, Charles Leslie Lampley II and wife, Dorothy J. Lampley do hereby quitclaim to Erick Allen Maggart and wife Kelly Lenore Lampley Maggart, all of our interest in and to the certain real property situated in Williamson County, Tennessee described as shown below:

BEING A TRACT OF LAND AS SHOWN ON PROPERTY MAP 46, ASSESSOR'S OFFICE OF WILLIAMSON COUNTY, TENNESSEE, AND LYING WHOLLY WITHIN THE 1st CIVIL DISTRICT OF WILLIAMSON COUNTY, TENNESSEE. BOUNDED IN GENERAL BY OVERBEY ROAD ON THE SOUTH; JOHN NUTT AND CAROL C. VANCE ON THE WEST; CHARLES LESLIE LAMPLEY II REMAINDER ON THE NORTH AND EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN ON THE NORTH SIDE OF OVERBEY ROAD (25' FROM THE CENTER), THE SOUTHEAST CORNER OF JOHN NUTT (REF. DEED BOOK 6254 PAGE 103 R.O.W.C.- PROPERTY MAP 46 PARCEL 49) THENCE LEAVING OVERBEY ROAD AND WITH NUTT'S EAST LINE N42°01'41"E 175.92' TO A 24" TREE, THE SOUTHEAST CORNER OF CAROL C. VANCE (REF. DEED BOOK 1923 PAGE 366 R.O.W.C.- PROPERTY MAP 49 PARCEL 49.01); THENCE WITH VANCE'S EAST FENCE LINE N42°01'41"E 15.80' TO AN EXISTING IRON PIN "SAWYER"; THENCE N38°27'27"E 291.94' TO AN IRON PIN SET; THENCE WITH 2 NEW LINES SEVERING THE CHARLES LESLIE LAMPLEY II PROPERTY S39°31'37"E 239.96' TO AN IRON PIN SET; THENCE S48°40'39"W 369.52' TO AN EXISTING IRON PIN "SAWYER" THE NORTHWEST CORNER OF CHARLES L. LAMPLEY, JR. (PROPERTY MAP 46 PARCEL 25.01); THENCE WITH LAMPLEY'S WEST LINE S50°02'37"W 105.00' TO AN EXISTING

IRON PIN "SAWYER" ON THE NORTH SIDE OF OVERBEY ROAD; THENCE WITH THE NORTH SIDE OF OVERBEY ROAD N39°24'53"W 30.00' TO AN IRON PIN SET; THENCE N39°37'11"W 133.54' TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS, AND BEING A PORTION OF CHARLES LESLIE LAMPLEY II AND DOROTHY JEAN LAMPLEY PROPERTY AS RECORDED IN DEED BOOK 6458 PAGE 903 REGISTER'S OFFICE, WILLIAMSON COUNTY, TENNESSEE, ACCORDING TO A SURVEY BY RANDOLPH L. CHAPDELAIN R.L.S.#1444, 7376 EWALKER ROAD, FAIRVIEW, TENNESSEE 37062 AND DATED MARCH 18, 2016.

THE ABOVE TRACT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS OF RECORD AND TO THE FINDINGS OF A TITLE REPORT.

WITNESS my hand on the 1 day of April 2016.

Charles Leslie Lampley II
Charles Leslie Lampley II

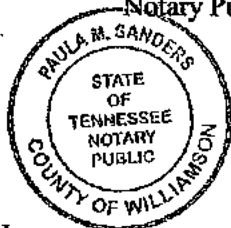
Dorothy J. Lampley
Dorothy J. Lampley

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Personally appeared before me, Paula M. Sanders, a Notary Public, Charles Leslie Lampley, II, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who executed the within instrument as his free act and deed for the purposes therein contained. Witness my hand and official seal this 1 day of April 2016.

Paula M. Sanders
Notary Public

My Commission Expires:
11/17/18

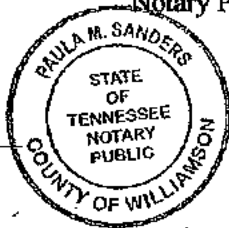


STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Personally appeared before me, Paula M. Sanders, a Notary Public, Dorothy J. Lampley, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who executed the within instrument as her free act and deed for the purposes therein contained. Witness my hand and official seal this 1 day of April 2016.

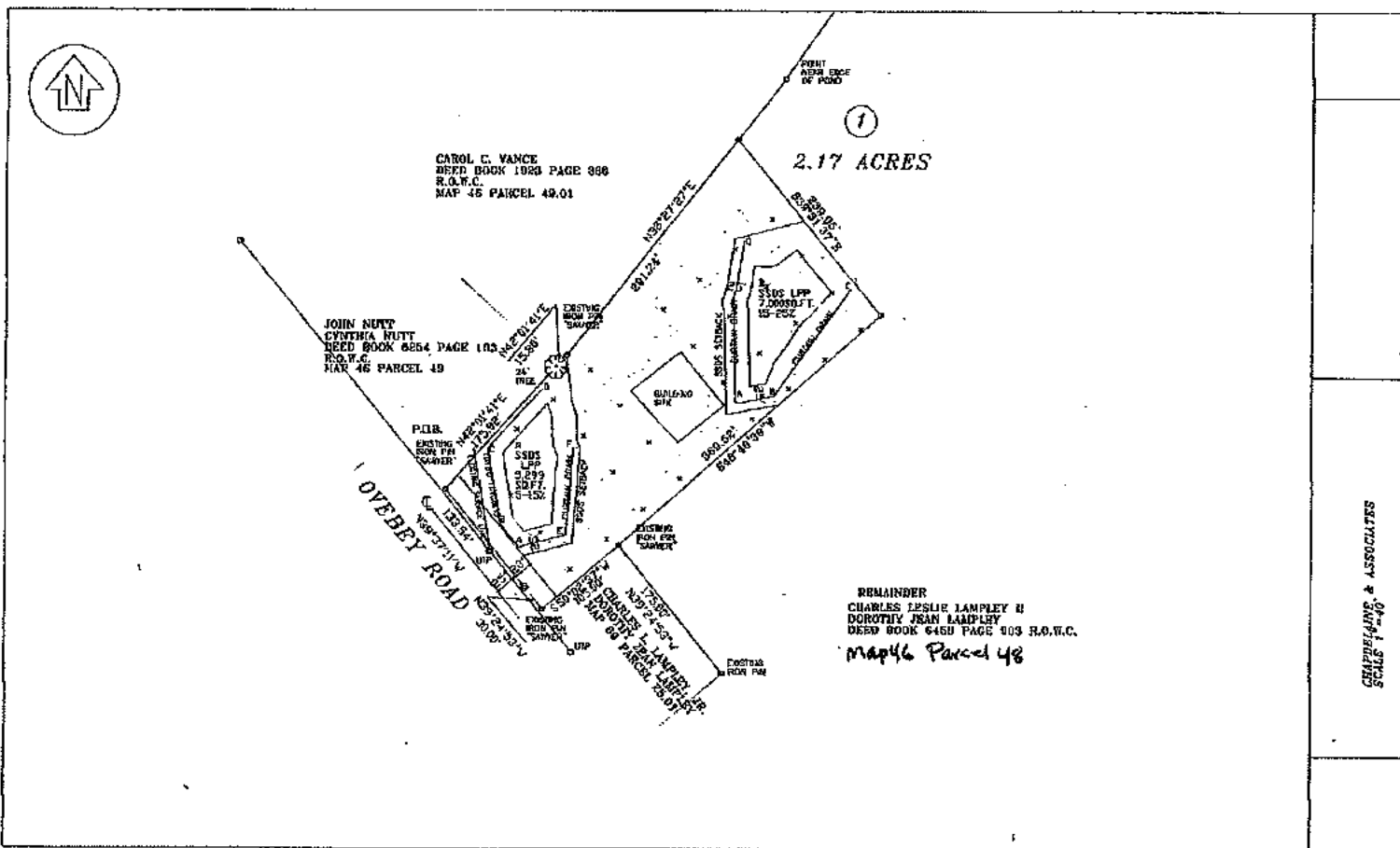
Paula M. Sanders
Notary Public

My Commission expires:
11/17/18

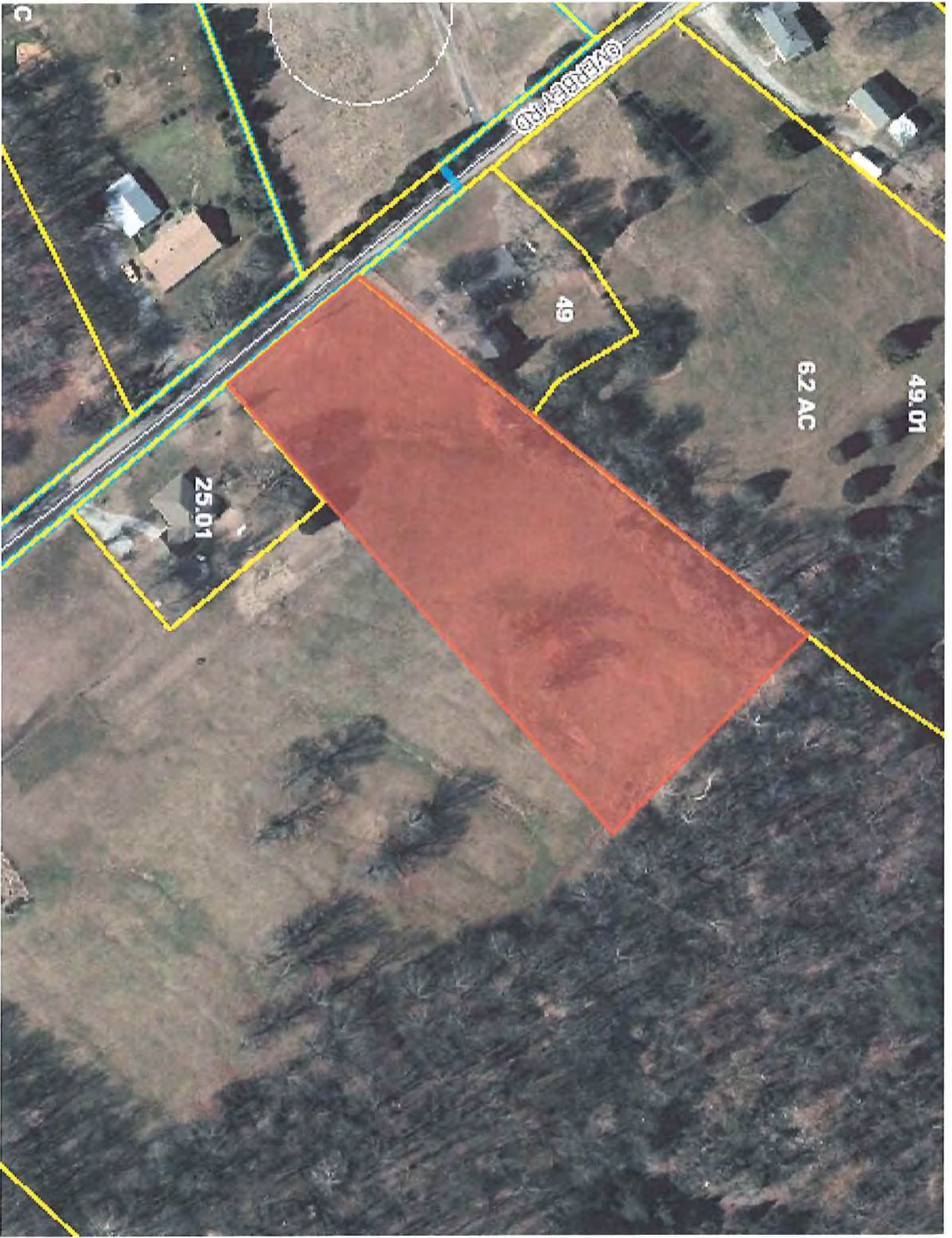


My Comm. Expires
Nov. 17, 2018

EXHIBIT "A"



CHAPPELLANS & ASSOCIATES
SCALE 1"=40'



OVERBAY RD

49

62 AC

49.01

25.01

C

100

RESOLUTION NO. 13-16

A RESOLUTION TO ANNEX CERTAIN PROPERTY, LOCATED AT 7338 OVERBEY ROAD, MAP 46, PARCEL 44.06, HEREIN DESCRIBED BELOW AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE; BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY, CONTAINING 2.17 ACRES.

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, upon the application by one of the property owners Kelly Lenore Lampley Maggart, have determined that the annexation of the property described herein, is in the best present and future interest of the property owners and the City of Fairview, Tennessee; and

WHEREAS, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 19th day of January, 2016 in accordance with Resolution No. _____ passed by the Board of Commissioners of the City of Fairview, Tennessee at the regular meeting held on December 15, 2016 and

WHEREAS, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owner of the property to be annexed by the City of Fairview, Tennessee has requested that the City of Fairview, Tennessee, annex the afore referenced property and that the annexed property be incorporated into the Corporate Boundaries of the City of Fairview, Tennessee, and that the territory herein described will be materially retarded and the safety and welfare of the inhabitants of both the City of Fairview, Tennessee and the inhabitants of the property to be annexed will be endangered if such territory is not annexed: and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of the present and future interests of the City of Fairview, Tennessee as a whole; and

WHEREAS, the request for annexation of the Property Owner of all the property to be Annexed is timely and well taken.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS;

PURSUANT TO THE AUTHORITY CONFERRED UPON THE CITY BY SECTION 6 – 51 – 102, TENNESSEE CODE ANNOTATED, ALL THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE AND INCORPORATED WITHIN THE CORPORATE BOUNDARIES THEREOF:

City of Fairview, Tennessee Geological Listing of Assessment Roll **Map 46, Parcel 44.06**, described as follows:

Williamson County, Tennessee, Tax Map
046, Parcel 44.06, Recorded in Deed
Book 6708, Page 976, Register's Office for
Williamson County, Tennessee. The description
is hereby Incorporated into and made a part of This
Resolution by reference as fully as if copied into
This Resolution verbatim.

SUBJECT TO Governmental zoning and subdivision ordinances or
regulations in effect thereon.

BE IT FURTHER RESOLVED, that residents of and persons owning
property in the above-described territory shall be entitled to all the rights and
privileges of citizenship in accordance with the provisions of the Charter of the City
of Fairview, Tennessee, immediately upon annexation as though the
above-described territory annexed has always been part of said City of Fairview,
Tennessee.

BE IT FINALLY RESOLVED, That this Resolution shall take effect upon its
final passage, or as otherwise provided by the provisions of T.C.A. 6-51-102, the
public welfare requiring it.

This Resolution Referred to City of Fairview, Tennessee Municipal Planning
Commission for recommendation by the Fairview, Tennessee Board of
Commissioners the _____ day of _____, 2016.

This Resolution Considered by the City of Fairview, Tennessee Municipal
Planning Commission this _____ day of _____, 2016.

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 _____,
Disapproval _____, No Recommendation _____.

City of Fairview, Tennessee, Municipal Planning Commission this
the _____ day of _____, 2016.

Chairman

—

MAYOR

CITY RECORDER

Approved as to form:

City Attorney

Passed _____, **2016**

Public Hearing Held: _____, **2016.**