

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

DECEMBER 7, 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 November 16, 2017 Board of Commissioners Meeting
 - B. Minutes from the November 16, 2017 Work Session
- 11. Old Business**
 - A. Second and Final Reading of Ordinance No. 2017-08, An Ordinance to Amend Title 12, Chapter 4 and Chapter 5 of the City of Fairview's Municipal Code as it Pertains to the Residential Code and the Energy Code Respectively
- 12. New Business**
 - A. First Reading of Ordinance 2017-25, An Ordinance to Amend the City of Fairview Zoning Ordinance by Changing the Official Zoning Map for Tax Map 42, Parcels 78.01 and 79.00 for a total of 20.95 Acres, Located at 7818 Old Nashville Road, From a RS-40 (Low-Density Residential) Zoning District to a R-20 (Medium-Density Residential) Zoning District
 - B. Resolution 28-17 Facebook Live
 - C. Resolution 29-17, A Resolution of the City of Fairview, Tennessee, Board of Commissioners Requesting the State of Tennessee Legislature to Enact a City of Fairview Private Act Charter Change Regarding its Municipal Election Schedule and Terms of Office for the City's Board of Commission Members
 - D. Resolution on Speed Limits (Revised)
 - E. Preliminary Flagpole and Sign Design for Veterans Park
 - F. First Reading of Ordinance 2017-01 PC, An Ordinance of the Municipal Planning Commission of the City of Fairview, Tennessee, to Amend the Zoning Ordinance as it Pertains to the RS-15 Zoning District
- 13. City Manager Items for Discussion**
 - A. Miscellaneous Updates
 - B. City Attorney Comments
- 14. Communications from the Mayor and Commissioners**
- 15. Adjournment**



ORDINANCE NO. 2017-28

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 4 AND CHAPTER 5 OF THE CITY OF FAIRVIEW'S MUNICIPAL CODE AS IT PERTAINS TO THE RESIDENTIAL CODE AND THE ENERGY CODE RESPECTIVELY.

WHEREAS, the State Fire Marshal's Office has conducted a review of the City of Fairview's authorization to conduct building inspections and has recommended two changes to the city's municipal code authorizing and governing such inspections;

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

SECTION 1. We hereby amend title 12, chapter 4, section 402 of the municipal code by adding the following after the existing language:

Section R313 of the International Residential Code, 2012 Edition, is adopted in its entirety with the modification that any one- or two- family dwellings with a fire area equal to or lesser than 4,999 square feet shall not be required to protected by an automatic fire sprinkler system.

Section R403.2 of the International Residential Code, 2012 Edition, SHALL NOT be adopted in its entirety and any/all wood foundations shall only be permitted with approval from a structural engineer.

Section R404.1.5.3 of the International Residential Code, 2012 Edition, SHALL NOT be adopted in its entirety and any/all pier and curtain wall foundations shall only be permitted with approval from a structural engineer when supporting conditioned areas.

Section R405.2 of the International Residential Code, 2012 Edition, SHALL NOT be adopted in its entirety and any/all wood foundations shall only be permitted with approval from a structural engineer.

Sections R502.3 and R802.5 of the International Residential Code, 2012 Edition, is adopted in its entirety with the modification that all allowable joist and rafter spans shall be calculated on the most current American Wood Council span chart.

Chapter 11 of the International Residential Code, 2012 Edition, SHALL NOT be adopted. In place of the 2012 IRC Energy Efficiency Conservation Requirements, The City of Fairview, TN will acknowledge and adopt the 2009 IRC Energy Efficiency Conservation Requirements.

Appendix F of the International Residential Code, 2012 Edition, (Radon Control Methods) is adopted in its entirety.

Appendix G of the International Residential Code, 2012 Edition, (Swimming Pools, Spas and Hot Tubs) is adopted in its entirety.

Appendix M of the International Residential Code, 2012 Edition, (Home Day Care – R-3 Occupancy) is adopted in its entirety.

SECTION 2. We hereby amend title 12, chapter 5, section 501 of the municipal code by referencing the International Energy Conservation Code, 2012 edition.

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

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 14, 2017

Passed Second Reading

12A

ORDINANCE #2017-25

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 42, PARCELS 78.01 and 79.00 FOR A TOTAL OF 20.95 ACRES, LOCATED AT 7818 OLD NASHVILLE ROAD, FROM A RS-40 (LOW-DENSITY RESIDENTIAL) ZONING DISTRICT TO A R-20 (MEDIUM-DENSITY RESIDENTIAL) ZONING DISTRICT

WHEREAS, a request has been made by owner Otter Creek Holdings LLC of to rezone property located within the City of Fairview; and

WHEREAS, the City of Fairview Planning Commission, on October 10, 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 42, Parcels 78.01 and 79.00, from a RS-40 Zoning District to a R-20 Zoning District. This property consists of approximately 20.95 acres and is owned by Otter Creek Holdings LLC who has authorized the submittal of 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

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 _____

Public Hearing Held: _____

1st Reading: _____

2nd Reading: _____

Approved by the Board of Commissioners:

Patti L. Carroll, Mayor

ATTEST:

Brandy Johnson, City Recorder

APPROVED AS TO FORM:

City Attorney

City of Fairview Planning Department

7100 City Center Way



Phone: 615-799-1572

Fairview, Tennessee 37062

Email: cityplanner@fairview-tn.org

RECOMMENDATIONS

2017-10

DATE: OCTOBER 10, 2017
TO: FAIRVIEW BOARD OF COMMISSIONERS
FROM: KRISTIN M. COSTANZO, CITY PLANNER
RE: FAIRVIEW MUNICIPAL PLANNING COMMISSION ACTION

- 7.1** Recommendation on a Proposed Plan of Services to Accompany Resolution 19-17, a Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent (Kimberly MacDonald) and Approving a Plan of Services (Snow Mangrum Road parcel known as Tax Map 047, Parcel 64.00)

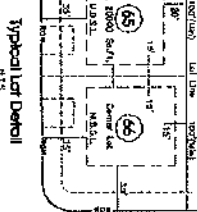
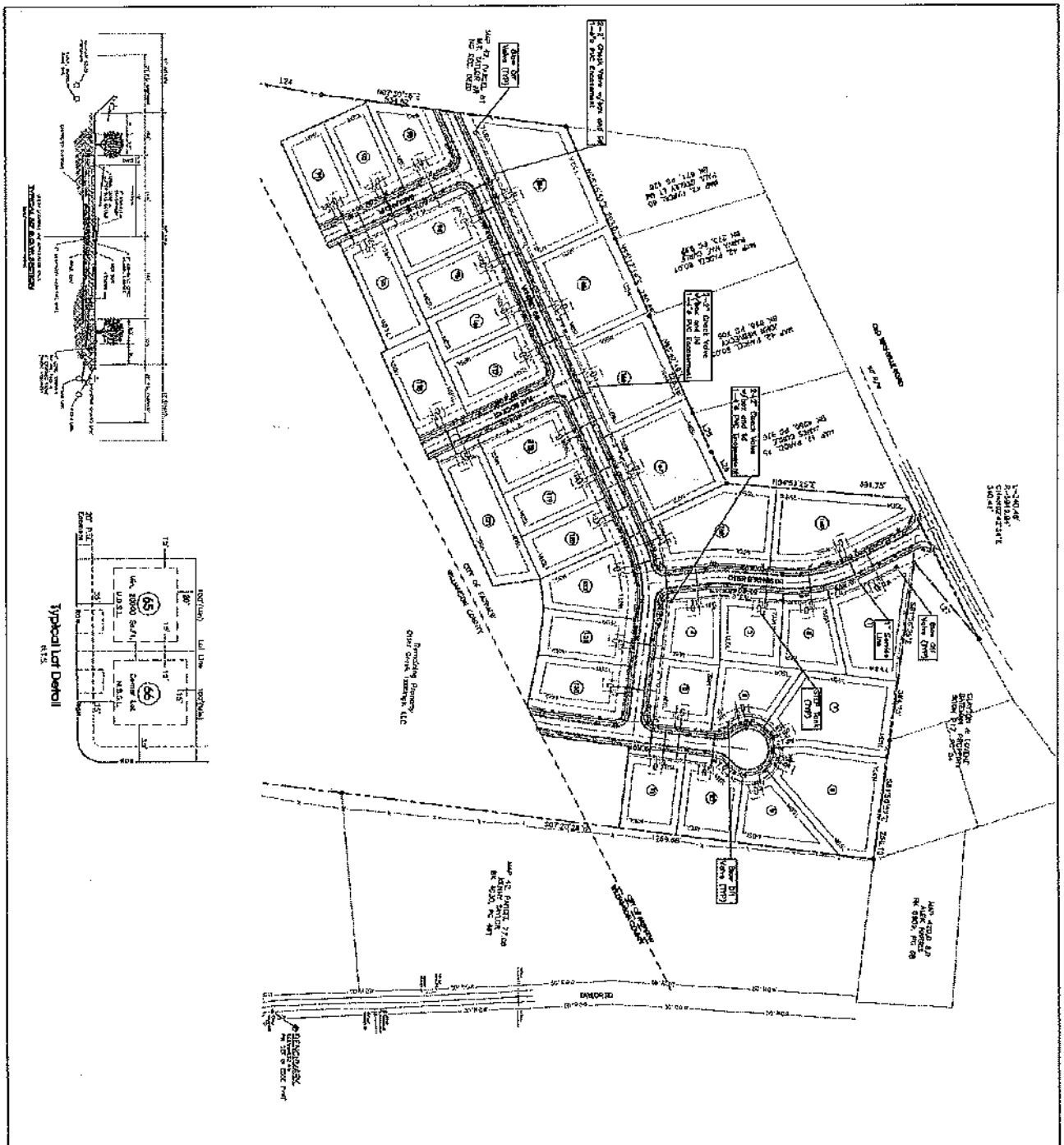
Mike Anderson made a motion to send a favorable recommendation to the Board of Commissioners, which was seconded by Daniel Jenkins. All were in favor.

- 7.4** Rezoning of Property Requested by Land Development.com. Property Located Along Cumberland Drive (Tax Map 047, Parcel 66.00), 33.81 Acres. Current Zoning District: RS-40; Requested Zoning District: E-20. Property Owned by Land Development.com.

Mike Anderson made a motion to send a favorable recommendation to the Board of Commissioners, which was seconded by Salvatore Cali. All except Jenkins were in favor.

7.6 Rezoning of Property Requested by Otter Creek Holdings, LLC. Property Located Along Old Nashville Road (Tax Map 042, Parcels 78.01 and 79.00), 28 Acres. Current Zoning District: RS-40; Requested Zoning District: R-20. Property Owned by Otter Creek Holdings, LLC.

Patti Carroll made a motion for a favorable recommendation contingent upon an access road seconded by Mike Anderson. In Favor: Anderson, Butler, Cali, Carroll, Slaughter. Against: Burks, Jenkins, Powers.



NOTES:
 1. Total area of original tract: 175,284 sq. ft.
 2. Area of 1st parcel: 28,328 sq. ft.
 3. Area of 2nd parcel: 11,724 sq. ft.
 4. Area of 3rd parcel: 11,724 sq. ft.
 5. Area of 4th parcel: 11,724 sq. ft.
 6. Area of 5th parcel: 11,724 sq. ft.
 7. Area of 6th parcel: 11,724 sq. ft.
 8. Area of 7th parcel: 11,724 sq. ft.
 9. Area of 8th parcel: 11,724 sq. ft.
 10. Area of 9th parcel: 11,724 sq. ft.
 11. Area of 10th parcel: 11,724 sq. ft.
 12. Area of 11th parcel: 11,724 sq. ft.
 13. Area of 12th parcel: 11,724 sq. ft.
 14. Area of 13th parcel: 11,724 sq. ft.
 15. Area of 14th parcel: 11,724 sq. ft.
 16. Area of 15th parcel: 11,724 sq. ft.
 17. Area of 16th parcel: 11,724 sq. ft.
 18. Area of 17th parcel: 11,724 sq. ft.
 19. Area of 18th parcel: 11,724 sq. ft.
 20. Area of 19th parcel: 11,724 sq. ft.
 21. Area of 20th parcel: 11,724 sq. ft.
 22. Area of 21st parcel: 11,724 sq. ft.
 23. Area of 22nd parcel: 11,724 sq. ft.
 24. Area of 23rd parcel: 11,724 sq. ft.
 25. Area of 24th parcel: 11,724 sq. ft.
 26. Area of 25th parcel: 11,724 sq. ft.

Legend	Symbol	Description
1	Circle with dot	Proposed Lot
2	Circle with cross	Proposed Street
3	Circle with horizontal lines	Proposed Utility
4	Circle with vertical lines	Proposed Easement
5	Circle with diagonal lines	Proposed Right-of-Way
6	Circle with wavy lines	Proposed Storm Drain
7	Circle with dashed lines	Proposed Boundary
8	Circle with solid lines	Proposed Structure
9	Circle with cross-hatch	Proposed Planting
10	Circle with dots	Proposed Light
11	Circle with triangle	Proposed Sign
12	Circle with square	Proposed Utility Pole
13	Circle with diamond	Proposed Manhole
14	Circle with star	Proposed Survey Point
15	Circle with circle	Proposed Well
16	Circle with square	Proposed Foundation
17	Circle with triangle	Proposed Foundation
18	Circle with diamond	Proposed Foundation
19	Circle with star	Proposed Foundation
20	Circle with circle	Proposed Foundation
21	Circle with square	Proposed Foundation
22	Circle with triangle	Proposed Foundation
23	Circle with diamond	Proposed Foundation
24	Circle with star	Proposed Foundation
25	Circle with circle	Proposed Foundation
26	Circle with square	Proposed Foundation
27	Circle with triangle	Proposed Foundation
28	Circle with diamond	Proposed Foundation
29	Circle with star	Proposed Foundation
30	Circle with circle	Proposed Foundation

Owner/Developer:
 Otter Creek Subdivision, LLC
 1000 Main Street
 Fairview, TN 37062

Contractor:
 Otter Creek Subdivision, LLC
 1000 Main Street
 Fairview, TN 37062

Engineer:
 SPC, Inc.
 450 Middle Tennessee Boulevard
 Nashville, TN 37203

Otter Creek Subdivision
Concept Plan
 Fairview, Tennessee

SPC, Inc. SITE ENGINEERING CONSULTANTS
 ENGINEERING - SURVEYING - LAND PLANNING
 450 MIDDLE TENNESSEE BOULEVARD NASHVILLE, TENNESSEE 37203
 PHONE: (615) 240-7000 FAX: (615) 240-7001
 10 CANTON ST. SUITE 200 NASHVILLE, TENNESSEE 37203

12C

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 29-17

A RESOLUTION OF THE CITY OF FAIRVIEW, TENNESSEE, BOARD OF COMMISSIONERS REQUESTING THE STATE OF TENNESSEE LEGISLATURE TO ENACT A CITY OF FAIRVIEW PRIVATE ACT CHARTER CHANGE REGARDING ITS MUNICIPAL ELECTION SCHEDULE AND TERMS OF OFFICE FOR THE CITY'S BOARD OF COMMISSION MEMBERS.

WHEREAS, Chapter 20, Part 1, Section 6-20-101 of the City's Charter specifies the terms of Commissioners, and

WHEREAS, Chapter 20, Part 1, Section 6-20-109 of the City Charter specifies the beginning of terms of office for the city's Commissioners, and

WHEREAS, the City of Fairview Board of Commissioners wishes to change these specifications for the purpose and intent of a more balanced municipal election cycle, and

WHEREAS, the Board of Commissioners desires for the terms of office for the City's three (3) Commissioners elected in the 2020 general municipal election be elected as follows: The candidate receiving the highest number of votes be elected to a four (4) year term, the candidate receiving the second highest number votes be elected to a four (4) year term, and the candidate receiving the third highest number of votes be elected to a two (2) year term, and

WHEREAS, the Board of Commissioners desires for the 2022 general municipal election be for two (2) seats on the Board of Commissioners and that the two (2) candidates receiving the highest number of votes be elected to four (4) year terms, and for one Mayor, and that the mayoral candidate receiving the highest number of votes be elected to a four (4) year term, and

WHEREAS, the Board of Commissioners desires for the terms of office for all newly elected or re-elected city officials (Mayor and Commissioners) to begin on the first regularly scheduled meeting of the Board of Commissioners in the month of January immediately following the date of their election, and

WHEREAS, the Board of Commissioners desires for the currently installed Mayor and Commissioners to serve in their current term extended until the first regularly scheduled meeting of the Board of Commissioners in the month of January following the election for which their seat is contested, but not to exceed a current term of four years and two months (50 months), 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 desires for the State of Tennessee Legislature to approve and enact a City of Fairview Private Act Charter Change specifically as follows:

That the City's three (3) Commissioners elected in the 2020 general municipal election be elected as follows: The candidate receiving the highest number of votes be elected to a four (4) year term, the candidate receiving the second highest number votes be elected to a four (4) year term, and the candidate receiving the third highest number of votes be elected to a two (2) year term; and for the 2022 general municipal election be for two (2) seats on the Board of Commissioners and that the two (2) candidates receiving the highest number of votes be elected to four (4) year terms, and for one Mayor, and that the mayoral candidate receiving the highest number of votes be elected to a four (4) year term; and for the terms of office for all newly elected or re-elected city officials (Mayor and Commissioners) to begin on the first regularly scheduled meeting of the Board of Commissioners in the month of January immediately following the date of their election; and for the currently installed Mayor and Commissioners to serve in their current term extended until the first regularly scheduled meeting of the Board of Commissioners in the month of January following the election for which their seat is contested, but not to exceed a current term of four years and two months (50 months).

AND, THEREFORE, BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS:

That the city manager and city attorney are authorized to draft documents, engage in communications with members and representatives of the state legislature, and otherwise communicate fully on behalf of the City of Fairview with all parties and for all necessary communications to assist and to further the requested Private Act Charter Change for and in the 2018 legislative session.

Approved and adopted this _____ day of _____, 2017.

Mayor

Attest:

City Recorder

APPROVED AS TO FORM:

City Attorney

ORDINANCE 2017-01 PC**AN ORDINANCE OF THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, TO AMEND THE ZONING ORDINANCE AS IT PERTAINS TO THE RS-15 ZONING DISTRICT.**

WHEREAS, the City of Fairview has reevaluated the current provisions of the zoning ordinance as they pertain to residential districts in order to best serve the citizens of Fairview; and

WHEREAS, it has been determined that there is a need for additional flexibility in current district standards pertaining to the potential design of said residential districts; and

WHEREAS, the municipal Planning Commission of the City of Fairview made a favorable recommendation to the Board of Commissioners at the October 10, 2017, Planning Commission meeting in regards to this amendment to the municipal zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION ONE

That Article 5-101.2(5) of the municipal zoning ordinance of the City of Fairview, Tennessee, is hereby replaced with:

RS-15, Single Family Residential Districts

These districts are designated to provide suitable areas for medium density residential development characterized by an open appearance. Generally, the residential development will consist of single-family dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts or which benefit from being located in this district. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated to provide for the orderly expansion and associated maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

SECTION TWO

That Table 5-102A, Uses and Structures Allowable Within Residential Districts, be amended by removing in its entirety Note (2): "Following initial adoption of the zoning map, no property shall be reclassified to the RS-15 Zoning District, unless such district is overlain by a Residential Planned Unit Development District."

AND BE IT FURTHER ORDAINED THAT THIS ORDINANCE SHALL TAKE EFFECT ON THE EARLIEST DATE PERMITTED BY LAW, THE PUBLIC WELFARE REQUIRING IT.

Approved by Planning Commission _____

Passed First Reading _____

Passed Second Reading _____

Public Hearing Held _____

Planning Commission Chairman

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY