

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
AUGUST 9, 2011

REFERENCE VIDEO DATED AUGUST 9, 2011

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public session at the regular meeting place of said Board in the Municipal Building of said City at 5:00 p.m. on August 9, 2011. Mayor John Ed Underwood, Jr., was present and presiding. The following named Aldermen were present:

Danny Bryant, Pat Fraley, Marty Pepper, Dorothy Small, Michael Stewart, and Thomas Young, Sr.

Also present were James S. Hereford, Jr., City Attorney, and James H. Lee, City Administrator.

The prayer was lead by Pastor Don Gray, from Rock Family Worship Center and the pledge was lead by Alderman Bryant.

**Approval of Minutes:**

1. Motion was made by Pat Fraley, seconded by Marty Pepper, to approve the minutes of the Public Hearing held on July 12, 2011. Upon roll call, the following voted:

Aye

Danny Bryant, Thomas Young, Sr., Dorothy Small, Pat Fraley, Michael Stewart, and Marty Pepper

Nay

None

Mayor Underwood declared the Public Hearing approved.

2. Motion was made by Dorothy Small, seconded by Pat Fraley, to approve the minutes of the July 2011, Meeting with corrections to be made to the motion renaming the access road from Yearwood Lane to Yearwood Drive. Upon roll call, the following voted:

Aye

Thomas Young, Sr., Dorothy Small, Pat Fraley, Michael Stewart, Marty Pepper, and Danny Bryant

Nay

None

Mayor Underwood declared the Minutes approved.

**Approval of Bills and Additional Bills:**

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve the bills and additional bills for payment. Upon roll call, the following voted:

Aye

Dorothy Small, Pat Fraley, Michael Stewart, Marty Pepper, Danny Bryant, and Thomas Young, Sr.,

Nay

None

Mayor Underwood declared the bills and additional bills approved.

### **Reports:**

#### **FPU Report:**

Britt Dye, CEO of Fayetteville Public Utilities, stated that they have changed out 36 gas meters during this summer's gas meter change-out program. Mr. Dye discussed the gas line repair work that had taken place on Franklin Avenue. Mr. Dye stated that of the 2,145 electric poles that were inspected, only 176 poles will have to be replaced.

#### **Fire Report:**

Fire Chief Danny Travis reported that the Fire Department had 63 calls for service with 44 medical calls and 3 motor accidents with injuries.

#### **Police Report:**

Police Chief Doug Carver reported that there were 147 incidents with 64 arrests, and 47 citations for a total of 1,720 events.

#### **Public Works:**

Eddie Plunkett, Public Works Director, report that they collected 775 tons of brush and debris for the month of July, as well as 99 tons of commercial trash and 225 tons of residential trash.

#### **Recreation Report:**

Rickey Honey, Recreation Director, stated that he is working on some solutions for the swimming pool and hopes to make a presentation to the Board in the next meeting. Mr. Honey reported that the youth soccer teams have started practicing with games to begin in September.

#### **Planning and Zoning Report:**

Ryan Tyhuis, City Planner, reported that there were twenty-five (25) notices of violation issued, with one (1) cited into court. For the month of July there were a total of twelve (12) building permits issued for approximately One Million, One Hundred Thousand Dollars (\$1,100,000.00) in work to be done, with the fees being Two Thousand, Nine Hundred Twenty-Five Dollars and Forty-Five Cents (\$2,925.45).

#### **Administrator's Report:**

Mr. Lee stated that the City is using a self-help program to do some minor repairs to the Municipal Building. Mr. Lee reported that with the upgrades to the air condition units to most of the city buildings that there have not been any issues this summer. Mr. Lee introduced Jeffery Seifert as the new Building/Code Inspector.

### **School Board Financing Meeting:**

Motion was made by Danny Bryant, seconded by Michael Stewart, to schedule a Special Called Meeting for August 19, 2011, at 5:00 pm to consider the Fayetteville Board of Education's request for

funding for renovations to Ralph Askins and the Fayetteville Middle High School. Upon roll call, the following voted:

Aye

Pat Fraley, Michael Stewart, Marty Pepper, Danny Bryant, Thomas Young, Sr., and Dorothy Small

Nay

None

Mayor Underwood declared the motion approved.

**Ordinance No. 2011-18 – Provide for Specific Times for the use of Fireworks:**

Ordinance 2011-18, an ordinance entitled “An Ordinance Amending the Municipal Code Of The City Of Fayetteville To Provide For Specific Times For The Use Of Fireworks Within The City But Outside The Corporate Fire Limits Of Fayetteville, Tennessee”, was considered. Said Ordinance is as follows:



**CITY OF FAYETTEVILLE**

**ORDINANCE NO. 2011-18**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF  
FAYETTEVILLE , TENNESSEE, TO PROVIDE FOR SPECIFIC TIMES FOR  
THE USE OF FIREWORKS WITHIN THE CITY BUT OUTSIDE THE CORPORATE  
FIRE LIMITS**

WHEREAS, the Fire and Police Committee has determined that the Municipal Code of the City of Fayetteville should be amended to provide for specific times for the use of fireworks within the city but outside the corporate fire limits, and

WHEREAS, the Board of Mayor and Aldermen of the City of Fayetteville find it in the best interest of the City of Fayetteville to provide for such specific times.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, that a new Section 7-503 be added to Title 7, Chapter 5 of its Municipal Code, to-wit:

**SECTION**

**7-503. Times for the use of fireworks.** It is unlawful to discharge or use fireworks throughout the year, except as follows:

Not earlier than 10:00 a.m. but before 10:00 p.m. during the two (2) weeks before and after the 4<sup>th</sup> of July or Independence Day, and not earlier than 10:00 a.m. but before 10:00 p.m. during the two (2) weeks before and after New Year's Eve; provided, however, the curfew for New Years Eve shall be extended to 1:00 a.m. on New Years Day.

Notwithstanding the times described in this Section 7-503, the Chief of Police may in his sole discretion grant special occasion permits for the discharge or use of fireworks during other times of the year, but such special occasion permits must be approved no later than one week prior to such special occasion.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon passage, the municipal welfare requiring it.

Adopted this the \_\_\_\_\_ of August, 2011.

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James H. Lee, City Clerk

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John Ed Underwood, Jr., Mayor

Motion was made by Michael Stewart, seconded by Marty Pepper, to postpone this Ordinance until September's regular schedule monthly meeting. Upon roll call, the following voted:

Aye

Michael Stewart, Marty Pepper, Danny Bryant, Thomas Young, Sr., Dorothy Small, and Pat Fraley

Nay

None

Mayor Underwood declared the motion adopted.

**THDA Home Grant – Bank Loan Request:**

No motion was made; therefore the home owner's request for permission to obtain a bank loan died due to the lack of a motion.

**Planning Commission Appointment:**

Motion was made by Pat Fraley, seconded by Dorothy Small, to reappoint Lindsey Galyen to the Planning Commission Board. Upon roll call, the following voted:

Aye

Marty Pepper, Danny Bryant, Thomas Young, Sr., Dorothy Small, Pat Fraley, and Michael Stewart

Nay

None

Mayor Underwood declared the motion approved.

**Inoperative Vehicle Committee:**

Motion was made by Dorothy Small, seconded by Marty Pepper, to appoint a committee of five to review the inoperative vehicle ordinance and to propose any necessary changes with Pat Fraley, Rovena Wade, James H. Lee, James S. Hereford, Jr., and Ryan Tyhuis. Upon roll call, the following voted:

Aye

Danny Bryant, Thomas Young, Sr., Dorothy Small, Pat Fraley, Michael Stewart, and Marty Pepper

Nay

None

Mayor Underwood declared the motion adopted.

Motion was made, seconded, and unanimously adopted to adjourn.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk