

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
JUNE 14, 2011

REFERENCE VIDEO DATED JUNE 14, 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 June 14, 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 Alderman Pepper and the pledge was lead by Alderman Stewart.

Approval of Minutes:

1. Motion was made by Danny Bryant, seconded by Pat Fraley, to approve the minutes of the Public Hearing held on May 10, 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 Minutes approved.

2. Motion was made by Pat Fraley, seconded by Michael Stewart, to approve the minutes of the May 2011, Meeting. Upon roll call, the following voted:

Aye

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

Nay

None

Approval of Bills and Additional Bills:

Motion was made by Marty Pepper, 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:

Main Street:

Perry Williams, Main Street Director, discussed a ninety (90) day plan for Main Street.

Leadership Lincoln:

Spring Brindley, president of Leadership Lincoln, discussed the upcoming 2011-2012 Leadership Class and the activities that have been planned for the class. Mrs. Brindley stated that the retreat for the class would be September 30, 2011 through October 1, 2011, at Henry Horton State Park.

FPU Report:

Britt Dye, CEO of Fayetteville Public Utilities, stated that Water/Waste Water Division was inspected by TDEC (Tennessee Department Environmental and Conservation) and received higher scores than in previous years. Mr. Dye discussed the gas meter change-out program, which will start this month.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 64 calls for service with 43 medical calls and 5 motor accidents with injuries. Chief Travis stated that there is a burning ban in place for the City until further notice.

Police Report:

Police Chief Doug Carver reported that there were 137 incidents with 55 arrests, 52 crashes, and 51 citations for a total of 1,921 events.

Public Works:

Eddie Plunkett, Public Works Director, report that they collected 944 tons of brush and debris for the month of May, as well as 102 tons of commercial trash and 222 tons of residential trash.

Recreation Report:

Rickey Honey, Recreation Director, reported that the Kids Fishing Day had a smaller turn-out than years past due to the hotter than normal temperatures. Mr. Honey announced that there would be "Music in the Park" on June 28th, 2011, at Stone Bridge Park sponsored by the Chamber of Commerce. Mr. Honey discussed that it will cost on average an additional One Hundred Dollars (\$100.00) per month to keep the pool open for this summer, if the leaks in the pool do not get any worse.

Planning and Zoning Report:

Ryan Tyhuis, City Planner, reported that work has begun on the Access Road. Mr. Tyhuis reported that prior to the Planning Commission Meeting on June 28, 2011; there will be a work session to discuss the sign ordinance. Mr. Tyhuis stated that for the month of May there were 32 building permits for a total of Forty Three Thousand, Five Hundred Sixty Seven Dollars and Ninety Four Cents (\$43,567.94) in permit fees.

Administrator's Report:

Mr. Lee stated that five (5) candidates will be interviewed for the Building/Code Inspector, with the new hire to start in July or August. Mr. Lee reported that the HVAC grant has been completed, with the State to do final inspections in two to three (2 - 3) months. Mr. Lee discussed the Fireworks Ordinance for the City and the meaning of "fire limits".

Recreation Board's recommendation on the Water/Sewer Refund:

Motion was made by Pat Fraley, seconded by Michael Stewart, to accept the Recreation Board's recommendation for the water/sewer refund from FPU. 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 adopted.

School Board Amendment #5:

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve the Fayetteville City School Board Budget Amendment #5. 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 approved.

Naming of the "Old" Redstone Road:

Motion was made by Dorothy Small, seconded by Danny Bryant, to approve the naming of the "Old" Redstone Road to Yearwood Lane. 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.

Recreation Board's Recommendation on the Swimming Pool:

Motion was made by Marty Pepper, seconded by Thomas Young, to accept the Recreation Board's recommendation to leave the swimming pool open until July 30th, 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 motion approved.

Ordinance 2011-13 – Amend the Municipal Code by adding a New Chapter to provide Private Collection of Bulk Refuse:

Ordinance 2011-13, an ordinance entitled “An Ordinance Of The City Of Fayetteville, Tennessee To Amend Its Municipal Code By Adding A New Chapter 2 To Title 17 To Provide For Private Collection Of Bulk Refuse”, was considered. Said Ordinance is as follows:

CITY OF FAYETTEVILLE

ORDINANCE NO. 2011-13

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE , TENNESSEE, TO AMEND ITS
MUNICIPAL CODE BY ADDING A NEW CHAPTER 2 TO TITLE 17 TO PROVIDE
FOR PRIVATE COLLECTION OF BULK REFUSE**

WHEREAS, a sanitation study has been performed for the City of Fayetteville by the University of Tennessee through its Municipal Technical Advisory Service which indicates that a new approach to bulk refuse collection is needed, 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 private collection of bulk refuse rather than collection by the public works department.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, that a new Chapter 2 be added to Title 17 of its Municipal Code, to-wit:

**Chapter 2
Private Collection of Bulk Refuse**

SECTION

- 17-201. Short title.
- 17-202. Prohibited without a permit.
- 17-203. Bulk refuse collector's permit generally.
- 17-204. Fee for bulk refuse collector's permit.
- 17-205. Insurance and bond requirements for bulk refuse collectors.
- 17-206. Vehicle requirements for bulk refuse collectors.
- 17-207. To dispose of refuse.
- 17-208. Requirement for lids or covers of dumpsters and bins
- 17-209. List of charges

17-201. Short title. This chapter is the "Private Collection of Bulk Refuse Ordinance of Fayetteville, Tennessee."

17-202. Prohibited without a permit. No person, firm or legal entity shall engage in the business of the collection, removal or disposal of garbage, refuse or rubbish for a fee or charge without a permit issued under this chapter.

17-203. Bulk refuse collector's permit generally. (1) Permits for the collection of garbage, refuse or rubbish and its prompt disposal may be issued by the city administrator upon the filing of an application on a form prescribed by the city administrator; but the same shall be issued

only after the city administrator has satisfied himself or herself that the applicant possesses or has available the necessary equipment and facilities to adequately perform the service of collection, storage, removal and disposal of garbage, refuse or rubbish. Permits shall be valid for one (1) year following date of issuance thereof unless sooner suspended or revoked. Any such permit may be immediately suspended for cause by the city administrator and, after notice and hearing thereon, may be revoked by the city administrator for the violation of any of the provisions of this chapter. (2) Each permit issued under this section shall be numbered, and the permit holder shall place such number in a conspicuous place on each vehicle operated in the business.

17-204. Fee for bulk refuse collector's permit. A fee of one hundred dollars (\$100.00) shall be assessed and collected by the city administrator for the issuance of each permit under § 17-203. In addition thereto, a fee of ten dollars (\$10.00) shall be assessed and collected for each vehicle designed for the collection and transportation of refuse and which is used by the permit holder in the collection and transportation of refuse under this permit.

17-205. Insurance and bond requirements for bulk refuse collectors. As a condition precedent to the issuance of a permit under § 17-203, the applicant shall furnish certificates showing general liability insurance for bodily injury liability on the comprehensive form with limits of one hundred thirty thousand dollars (\$130,000.00) per person in any one (1) accident and, subject to that limit for each person, three hundred fifty thousand dollars (\$350,000.00) for two (2) or more persons in any one (1) accident and automobile public liability and property damage insurance with limits of one hundred thirty thousand dollars (\$130,000.00) per person in any one (1) accident and, subject to that limit for each person, three hundred fifty thousand dollars (\$350,000.00) for two (2) or more persons in any one (1) accident for bodily injury liability and fifty thousand dollars (\$50,000.00) property damage liability on the comprehensive form covering owned, non-owned and hired automobiles which will be used in connection with the work to be done under the permit. Also, workers' compensation insurance coverage satisfactory to the city administrator shall be proven. Further, as a condition precedent to the issuance of a permit under § 17-203, the applicant shall furnish a bond in the amount of \$5,000 to save the city harmless or shall deposit a sufficient amount of cash with the city administrator as will, in the opinion of the city administrator, cover the cost of repairing any streets or other improvements as may be damaged by the collection, removal or disposal of garbage, refuse or rubbish of the holder of a permit under this chapter.

17-206. Vehicle requirements for bulk refuse collectors. All vehicles used by the holder of a permit under this chapter for the collection, removal and disposal of refuse shall have watertight metal bodies.

17-207. To dispose of refuse. All refuse collected by holders of permits under this chapter shall be disposed at a facility approved by the State of Tennessee.

17-208. Requirement for lids or covers of dumpsters and bins. All dumpsters with a capacity of two (2) to eight (8) cubic yards shall have lids or covers. All recycle bins shall have lids or covers.

17-209. List of charges. A current listing of the various charges for services of private collectors of bulk refuse shall be filed with the city for public review and shall be kept current.

BE IT FURTHER ORDAINED that this ordinance shall take effect on September 1, 2011, the municipal welfare requiring it.

Adopted this the 14th of June, 2011.



James H. Lee, City Clerk



John Ed Underwood, Jr., Mayor

Motion was made by Dorothy Small, seconded by Michael Stewart, to approve Ordinance 2011-13. 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 Ordinance adopted.

Deposit on use of City Rooms:

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve the charging a refundable deposit of One Hundred Dollars (\$100.00) for the use of the auditorium, multi-purpose room/kitchen and the conference room. 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 motion approved.

Ratification of Election Results:

Motion was made by Danny Bryant, seconded by Thomas Young, to increase the expenditure of the May Election up to Twenty-Six Thousand Dollars (\$26,000.00), which is an increase of Eleven Thousand Dollars (\$11,000.00). 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.

Motion was made by Pat Fraley, seconded by Marty Pepper, to ratify the election results of the May 5, 2011, election. 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 approved.

Oversight Committee Recommendations for the IDB:

1. Motion was made by Pat Fraley, seconded Marty Pepper, to approve the Oversight Committee's recommendation to appoint Tom Ward as the County's representative to the Industrial Development 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.

2. Motion was made by Pat Fraley, seconded by Marty Pepper, to approve the Oversight Committee's recommendation to appoint Ron Mahal as the City's representative to the Industrial Development Board. 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.

Ordinance 2011-14 – Amend the Zoning Ordinance Chapter 8, Section 14-803 (E):

Ordinance 2011-14, an ordinance entitled "An Ordinance To Amend Chapter 8, Section 14-803 (E) (Construction Progress) Of The Zoning Ordinance Of The City Of Fayetteville, Tennessee", was considered. Said Ordinance is as follows:

ORDINANCE NO. 2011-14

**AN ORDINANCE TO AMEND
CHAPTER 8, SECTION 14-803 (E) (CONSTRUCTION PROGRESS) OF THE ZONING
ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE**

WHEREAS, the Planning Commission of the City of Fayetteville, Tennessee has reviewed Chapter 8, Section 14-803 (E) (Construction Progress) of the Zoning Ordinance; and,

WHEREAS, amendments to the Zoning Ordinance are periodically required to ensure the regulations are in keeping with the growth and needs of the community; and,

WHEREAS, the Fayetteville Municipal/Regional Planning Commission reviewed and recommended this amendment for adoption on April 26, 2011; and,

WHEREAS, this amendment has been reviewed and a public hearing was held by the Fayetteville Board of Mayor and Alderman on May 14, 2011; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE THAT:

Chapter 8, Section 14-803 (E) is hereby amended as follows:

E. Construction Progress

In the event that actual construction has not begun within one (1) year from the date of approval of the planned development project or if the work authorized is suspended or discontinued for a period of one (1) year, the building permit for said project shall expire. Reinstatement of a project after expiration shall require submission of the proposal for Planning Commission approval.

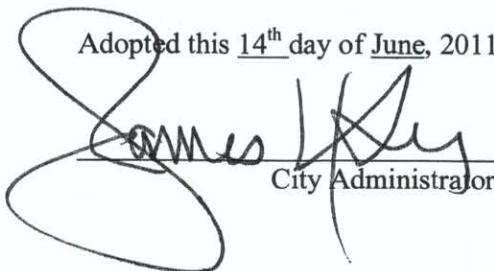
IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING:

E. Construction Progress

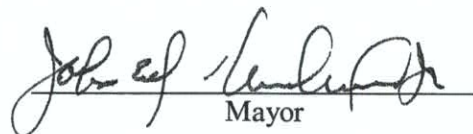
In the event that actual construction has not begun within one (1) year from the date of approval of the planned development project or any improvement associated with an existing or approved development project or if the work authorized is suspended, discontinued or not completed within a period of one (1) year from the date of the approval, the approval and/or permit for said project shall expire unless an extension of approval is obtained by the Developer from the Planning Commission prior to its expiration. Reinstatement of a project after its expiration shall require submission of the proposal for Planning Commission approval. As part of reinstatement, the Planning Commission may require applicants to make periodic appearances in front of the Planning Commission to deliver project status updates. If said Applicant fails to deliver status updates required by the Planning Commission, the development project approval shall be automatically revoked.

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage, the public welfare requiring it.

Adopted this 14th day of June, 2011.



City Administrator



Mayor

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve Ordinance 2011-14. 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 Ordinance approved.

Closing the East Side of the Square for a Blood Drive:

Motion was made by Marty Pepper, seconded by Michael Stewart, to approve the closing of the East Side of the Square on July 15, 2011, for a Blood Drive. 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 Ordinance approved.

Board Appointments:

1. Motion was made by Pat Fraley, seconded by Marty Pepper, to approve the reappointment of Paul Richardson to the Fayetteville Public Utilities Board. 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.

2. Motion was made by Pat Fraley, seconded by Marty Pepper, to appoint Mickey Lawson to the Fayetteville Public Utilities Board. Upon roll call, the following voted:

Aye

Marty Pepper, Danny Bryant, Thomas Young, Sr., and Pat Fraley

N0ay

Michael Stewart and Dorothy Small

Mayor Underwood declared the motion approved.

3. Motion was made by Pat Fraley, seconded by Dorothy Small, to appoint Faye Liddie to the Library 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.

4. Motion was made by Pat Fraley, seconded by Michael Stewart, to reappoint Adele Pitts to the Library Board. 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 approved.

Call for a Public Hearing On The Zoning Map:

Motion was made Pat Fraley, seconded Dorothy Small, to call for a Public Hearing on the updated Zoning Map. 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 motion adopted.

Call for a Public Hearing and a Special Called Meeting on the 2012 Budget:

Motion was made by Pat Fraley, seconded by Danny Bryant, to call for a public hearing and a special called meeting for June 28, 2011, at noon for the 2012 Fiscal Budget, and to cancel a previously schedule meeting for June 21, 2012 at noon. 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 approved.

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

Mayor

Clerk