

PUBLIC HEARING  
MAY 10, 2011

A public hearing was held at the Municipal Building on May 10, 2011, pursuant to notice in the Elk Valley Times. Mayor John Ed Underwood, Jr., was present and presiding, and the following Aldermen were present:

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

Five Public Hearings were held as listed below:

1. Ordinance 2011-08 – an ordinance to amend the Municipal Code through the repeal of the 1985 Standard Unsafe Building Abatement Code.
2. Ordinance 2011-09 – an ordinance to amend the Municipal Code through the repeal of the 1997 Standard Swimming Pools Code.
3. Ordinance 2011-10 – an ordinance to amend the Municipal Code through the repeal of the 1997 Standard Housing Code.
4. Ordinance 2011-11 – an ordinance to amend the Municipal Code through the repeal of the 1997 Standard Amusement Device Code.

No one appeared for or in opposition to the above hearings.

5. Ordinance 2011-12 – to rezone Terry Cowley's property located on Shelbyville Highway from R-2 to C-3 (Map-68M-B: Parcel 8.03)

The following spoke for or in opposition to the above hearing:  
Terry Cowley

For a complete record of all comments, reference to the tape of the May 10, 2011 Meeting.

The public hearing was closed.

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Mayor

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City Clerk

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
MAY 10, 2011

REFERENCE VIDEO DATED MAY 10, 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 May 10, 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 Fraley.

**Approval of Minutes:**

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve the minutes of the April 2011, Meeting. 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.

**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

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

Nay

None

Mayor Underwood declared the bills and additional bills approved.

**Reports:**

**FPU Report:**

Britt Dye, CEO of Fayetteville Public Utilities, stated that due to the EF2 tornado on April 27<sup>th</sup>, there were 33 poles down, and 18 transformers that had to be replaced. Mr. Dye stated that FPU sent a seven (7) man team to Alabama to help with the devastation in that area.

**Fire Report:**

Fire Captain Coby Moon reported that the Fire Department had 68 calls for service with 5 medical calls and 3 motor accidents with injuries. Mr. Moon stated that the department will be doing flow testing this month.

**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 352 tons of commercial and residential trash and 482 tons of brush. Mr. Plunkett stated that they are running behind due to the recent storm damage.

**Recreation Report:**

Brenda Sharp, Recreation Clerk, reported that the walking track at Stone Bridge Park has been resurfaced. Ms. Sharp stated that all of the ball leagues are now playing, and there will a group from the State Department to evaluate the leak in the swimming pool.

**Planning and Zoning Report:**

There was no update due to Ryan Tyhuis's absence.

**Administrator's Report:**

Mr. Lee stated that the City Codes Enforcer will be sending out notices to those whose grass is over twelve inches (12") tall. Mr. Lee reported that the City is working on some drainage issues in the City.

**Resolution R-11-08 – New City Charter:**

Resolution R-11-08, a resolution approving the Private Charter No. 18 of the 107<sup>th</sup> General Assembly, was considered. Said Resolution is as follows:



**CITY OF FAYETTEVILLE**  
**Resolution No. R-11-08**

**RESOLUTION APPROVING PRIVATE**  
**CHAPTER NO. 18 OF THE 107<sup>TH</sup> GENERAL ASSEMBLY**

**WHEREAS**, the City of Fayetteville was incorporated under Chapter 294 of the Private Acts of 1903; and

**WHEREAS**, the City of Fayetteville has periodically requested the General Assembly to change portions of its charter to fit the needs of the city; and

**WHEREAS**, the City of Fayetteville requested Representative Marsh and Senator Ketron to sponsor legislation rewriting the charter; and

**WHEREAS**, the proposed legislation was assigned as House Bill 2141 and Senate Bill 2098; and

**WHEREAS**, the legislation was approved as Private Chapter No. 18 of the 107<sup>th</sup> General Assembly and approved by Governor Bill Haslam on May 9, 2011; and

**WHEREAS**, according to Section 6 of Private Chapter No. 18, the charter rewrite shall have no effect unless it is approved by a two-thirds (2/3rds) vote of the legislative body of the City of Fayetteville and its approval shall be proclaimed by the presiding officer of the legislative body and certified to the Secretary of State.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE** that the Board of Mayor and Alderman approves the charter rewrite as designated in Private Chapter No. 18 of the 107<sup>th</sup> General Assembly.

Passed by 2/3rds vote on: May 10, 2011

ATTEST:

  
James H. Lee, City Clerk

  
John Ed Underwood, Jr., Mayor

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve Resolution R-11-08. 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 Resolution adopted.

Motion was made by Pat Fraley, seconded by Marty Pepper, to disband the Advisory Citizen's Charter Committee with gratitude and thanks for their time on this committee. 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.

**Recreation Board's Recommendation on Refund from FPU:**

Motion was made by Danny Bryant, seconded by Tom Young, to postpone this matter until the June 14, 2011, Board of Mayor and Alderman Meeting, which is the next regular schedule 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 approved.

**Sales Tax Agreements:**

Motion was made by Danny Bryant, seconded by Pat Fraley, to approve the Hotel/Motel Tax Sales Tax Agreement along with the 1969 and 1992 original Sales Tax Agreements. 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.

**Approval for Access Road and to Award the Contract:**

Motion was made by Danny Bryant, seconded by Pat Fraley, to approve the bid and award the contract of Two Hundred Twenty-One Thousand, Six Hundred Dollars (\$221,600) to Lincoln Paving to build the Access Road for BoJangles and Hampton Inn. 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.

**Sanitation Alternative and Proceed with Drafting an Ordinance:**

Motion was made by Dorothy Small, seconded by Pat Fraley, to have City Attorney, James S. Hereford, Jr., and City Administrator, James H. Lee, to draft an Ordinance to provide for private collection of bulk refuse. 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 approved.

**Approval of the 2010 Audit:**

Motion was made by Dorothy Small, seconded by Pat Fraley, to approve the 2010 Audit by Winnett Associates, PLLC. 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.

Motion was made by Danny Bryant, seconded Dorothy Small, to award the 2011 Audit to Winnett Associates, PLLC. 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.

**Charging \$25.00 for Finger Printing:**

Motion was made by Pat Fraley, seconded by Michael Stewart, to allow the Police Department to charge Twenty-Five Dollars (\$25.00) for finger printing purposes. 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 2011-08 – Amend the Municipal Code by Repealing the 1985 Standard Unsafe Building Abatement Code:**

Ordinance 2011-08, an ordinance entitled “An Ordinance Amending The Municipal Code Of Fayetteville, Tennessee By And Through The Repeal Of The 1985 Standard Unsafe Building Abatement Code”, was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2011-08**  
**CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF  
FAYETTEVILLE, TENNESSEE BY AND THROUGH THE REPEAL OF THE  
1985 STANDARD UNSAFE BUILDING ABATEMENT CODE**

**WHEREAS**, the City of Fayetteville has adopted the 2006 International Family of Codes as set out in Title 12 of the Fayetteville Municipal Code to regulate all unsafe buildings or structures; and,

**WHEREAS**, it has been determined that the 1985 edition of the Southern Building Code Congress International's Standard Unsafe Building Abatement Code, is now considered obsolete; and,

**WHEREAS**, it has been determined that a need exists to repeal Title 12, Chapter 8, Sections 12-801 through 12-802 of the Fayetteville Municipal Code as it is in conflict with the 2006 International Family of Codes; and,

**WHEREAS**, this amendment has been reviewed and a public hearing was held by the Fayetteville Board of Mayor and Alderman on May 10, 2011; and,

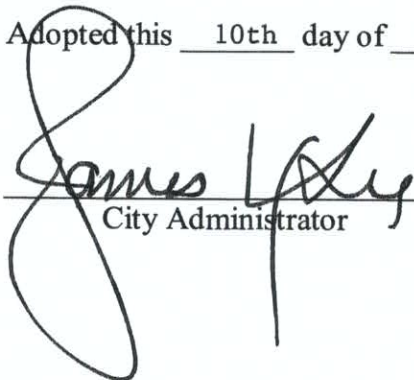
**NOW, THEREFORE, BE IT ORDAINED** by the City of Fayetteville Board of Mayor and Alderman that:

**SECTION 1.** Municipal Code Title 12, Chapter 8, Sections 12-801 through 12-802 are hereby repealed.

**SECTION 2.** This amendment is hereby enacted and any section in conflict therewith is hereby repealed and stricken.

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

Adopted this 10th day of May, 2011.

  
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City Administrator

  
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Mayor



Motion was made by Pat Fraley, seconded by Dorothy Small, to approve Ordinance 2011-08. 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 Ordinance approved.

**Ordinance 2011-09 – Amend the Municipal Code by Repealing the 1997 Standard Swimming Pool Code:**

Ordinance 2011-09, an ordinance entitled “An Ordinance Amending The Municipal Code Of Fayetteville, Tennessee By And Through The Repeal Of The 1997 Standard Swimming Pool Code”, was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2011-09  
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF  
FAYETTEVILLE, TENNESSEE BY AND THROUGH THE REPEAL OF THE  
1997 STANDARD SWIMMING POOL CODE**

**WHEREAS**, the City of Fayetteville has adopted the 2006 International Family of Codes as set out in Title 12 of the Fayetteville Municipal Code to regulate the design, construction, installation, repair and alterations of public and private swimming pools; and,

**WHEREAS**, it has been determined that the 1997 edition of the Southern Building Code Congress International's Standard Swimming Pool Code, is now considered obsolete; and,

**WHEREAS**, it has been determined that a need exists to repeal Title 12, Chapter 7, Sections 12-701 through 12-702 of the Fayetteville Municipal Code as it is in conflict with the 2006 International Family of Codes; and,

**WHEREAS**, this amendment has been reviewed and a public hearing was held by the Fayetteville Board of Mayor and Alderman on May 10, 2011; and,

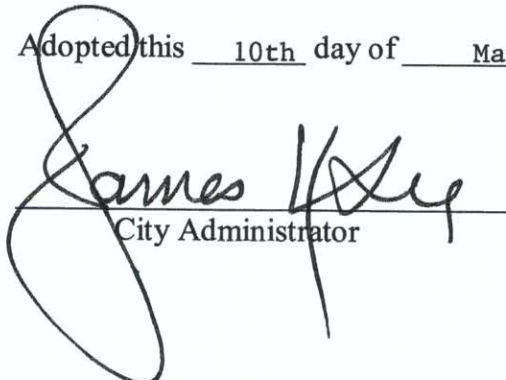
**NOW, THEREFORE, BE IT ORDAINED** by the City of Fayetteville Board of Mayor and Alderman that:

**SECTION 1.** Municipal Code Title 12, Chapter 7, Sections 12-701 through 12-702 are hereby repealed.

**SECTION 2.** This amendment is hereby enacted and any section in conflict therewith is hereby repealed and stricken.

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

Adopted this 10th day of May, 2011.

  
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City Administrator

  
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Mayor

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve Ordinance 2011-09. 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 Ordinance approved.

**Ordinance 2011-10 – Amend the Municipal Code by Repealing the 1997 Standard Housing Code:**

Ordinance 2011-10, an ordinance entitled “An Ordinance Amending The Municipal Code Of Fayetteville, Tennessee By And Through The Repeal Of The 1997 Standard Housing Code”, was considered. Said Ordinance is as follows:



**ORDINANCE NO. 2011-10  
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF  
FAYETTEVILLE, TENNESSEE BY AND THROUGH THE REPEAL OF THE  
1997 STANDARD HOUSING CODE**

**WHEREAS**, the City of Fayetteville has adopted the 2006 International Family of Codes as set out in Title 12 of the Fayetteville Municipal Code to regulate the occupancy of residential homes as well as their accessory structures; and,

**WHEREAS**, it has been determined that the 1997 edition of the Southern Building Code Congress International's Standard Housing Code, is now considered obsolete; and,

**WHEREAS**, it has been determined that a need exists to repeal Title 12, Chapter 5, Sections 12-501 through 12-504 of the Fayetteville Municipal Code as it is in conflict with the 2006 International Family of Codes; and,

**WHEREAS**, this amendment has been reviewed and a public hearing was held by the Fayetteville Board of Mayor and Alderman on May 10, 2011; and,

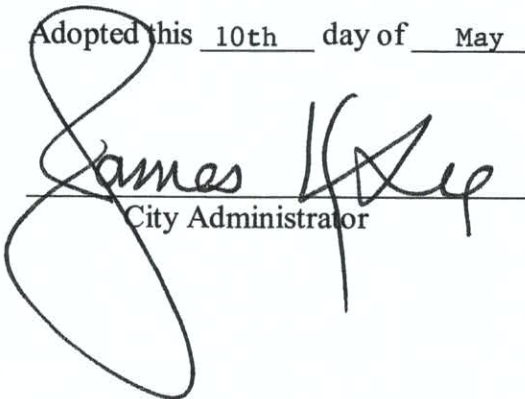
**NOW, THEREFORE, BE IT ORDAINED** by the City of Fayetteville Board of Mayor and Alderman that:

**SECTION 1.** Municipal Code Title 12, Chapter 5, Sections 12-501 through 12-504 are hereby repealed.

**SECTION 2.** This amendment is hereby enacted and any section in conflict therewith is hereby repealed and stricken.

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

Adopted this 10th day of May, 2011.

  
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City Administrator

  
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Mayor

Motion was made by Pat Fraley, seconded by Marty Pepper, to approve Ordinance 2011-10. 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.

**Ordinance 2011-11 – Amend the Municipal Code by Repealing the 1997 Standard Amusement Device Code:**

Ordinance 2011-11, an ordinance entitled “An Ordinance Amending The Municipal Code Of Fayetteville, Tennessee By And Through The Repeal Of The 1997 Standard Amusement Device Code”, was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2011-11  
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF  
FAYETTEVILLE, TENNESSEE BY AND THROUGH THE REPEAL OF THE  
1997 STANDARD AMUSEMENT DEVICE CODE**

**WHEREAS**, the City of Fayetteville has adopted the 2006 International Family of Codes as set out in Title 12 of the Fayetteville Municipal Code to regulate the construction, alteration and repair of amusement rides and devices; and,

**WHEREAS**, it has been determined that the 1997 edition of the Southern Building Code Congress International's Standard Amusement Device Code, is now considered obsolete; and,

**WHEREAS**, it has been determined that a need exists to repeal Title 12, Chapter 12, Sections 12-1201 through 12-1203 of the Fayetteville Municipal Code as it is in conflict with the 2006 International Family of Codes; and,

**WHEREAS**, this amendment has been reviewed and a public hearing was held by the Fayetteville Board of Mayor and Alderman on May 10, 2011; and,

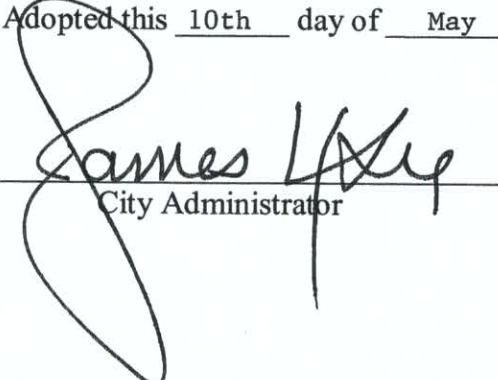
**NOW, THEREFORE, BE IT ORDAINED** by the City of Fayetteville Board of Mayor and Alderman that:

**SECTION 1.** Municipal Code Title 12, Chapter 12, Sections 12-1201 through 12-1203 are hereby repealed.

**SECTION 2.** This amendment is hereby enacted and any section in conflict therewith is hereby repealed and stricken.

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

Adopted this 10th day of May, 2011.

  
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City Administrator

  
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Mayor



Motion was made by Pat Fraley, seconded by Dorothy Small, to approve Ordinance 2011-11. 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.

**Ordinance 2011-12 – The Rezoning Of Terry Cowley’s Property on Shelbyville Hwy From R-2 to C-3:**

Ordinance 2011-12, an ordinance entitled “An Ordinance Amending The Zoning Ordinance Of Fayetteville, Tennessee To Provide For The Inclusion Of Required Regulatory Changes To The Official Zoning Map”, was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2011-12**  
**CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF  
FAYETTEVILLE, TENNESSEE TO PROVIDE FOR THE INCLUSION OF  
REQUIRED REGULATORY CHANGES TO THE OFFICIAL ZONING MAP**

**WHEREAS**, the Fayetteville Regional Planning Commission has recommended to the Board of Mayor and Alderman that the "Zoning Map of Fayetteville, Tennessee", be amended as hereafter described; and,

**WHEREAS**, on March 22, 2011 the Fayetteville Municipal/Regional Planning Commission did review and recommend for adoption, the following rezoning request; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Alderman of the City of Fayetteville that the "Zoning Ordinance of Fayetteville, Tennessee" be amended as follows:

**Section 1.** Change the zoning classification of a portion of the following described parcel of real estate from R-2, Medium Density Residential District, to C-3, General Commercial District, here described as:

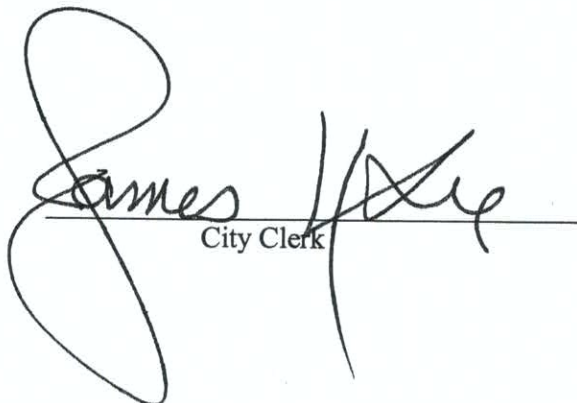
**Section 2.** Map and Parcel as follows, to wit:

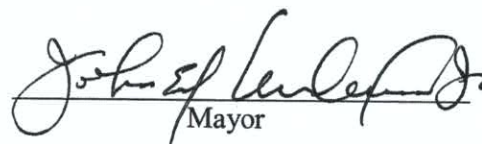
	<b>Map</b>	<b>Parcel</b>	<b>Deed Book</b>	<b>Page</b>
Terry Cowley	68M-B	8.03	Z12	194

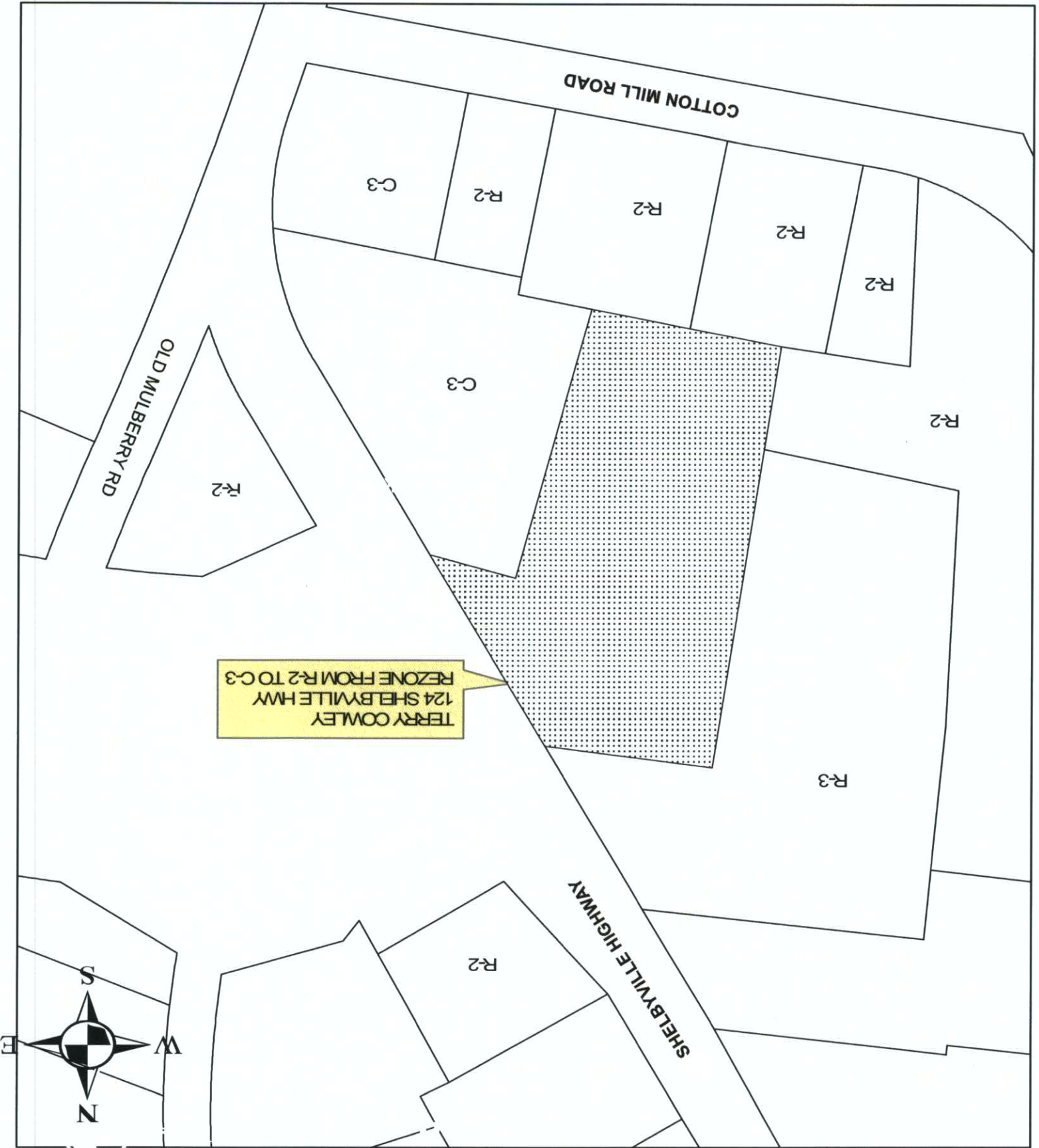
**Section 3.** The attached map, labeled "Exhibit A", depicting the above listed rezoning area shall be incorporated herein by reference.

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

ADOPTED THIS 10th DAY OF May, 2011

  
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City Clerk

  
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Mayor





Motion was made by Pat Fraley, seconded by Marty Pepper, to approve Ordinance 2011-12. 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 Ordinance approved.

**Call for a Public Hearing On Zoning Ordinance Amendment And Site Plan:**

Motion was made Danny Bryant, seconded Pat Fraley, to call for a Public Hearing on the Zoning Ordinance Amendment and Site Plan approval. 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.

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

Motion was made by Pat Fraley, seconded by Michael Stewart, to call for a public hearing and a special called meeting for June 21, 2011, at noon for the 2012 Fiscal Budget. 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.

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

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Mayor

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Clerk