

PUBLIC HEARING
APRIL 10, 2012

A public hearing was held at the Municipal Building on April 10, 2012, 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, Dorothy Small, Pat Fraley, Michael Stewart, and Marty Pepper

Two (2) Public Hearings were held and are listed below:

1. Rezoning of property on Maple Street.
2. Topographical requirements for a building on a lot or portion of a lot.

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

For a complete record of all comments, reference to the tape of the April 10, 2012 Meeting.

The public hearing was closed.

Mayor

City Clerk

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
APRIL 10, 2012

REFERENCE VIDEO DATED APRIL 10, 2012

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 April 10, 2012. Mayor John Ed Underwood, Jr. was present and presiding. The following named Aldermen were present:

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

Also present was James H. Lee, City Administrator and Johnny D. Hill, Jr., City Attorney.

The prayer was lead by Alderman Pepper and the pledge by City School Students: Danny Thomas Bryant, Richard Bryant, Will Bryant, Josiah Posey, Aidan Young, Andy Young and Emma Young.

Approval of Minutes:

1. Motion was made by Pat Fraley, seconded by Dorothy Small, to approve the minutes of the Public Hearing held on Tuesday, March 13, 2012. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the Public Hearing Minutes approved.

2. Motion was made by Pat Fraley, seconded by Michael Stewart, to approve the minutes of the March 2012 Meeting. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the March Minutes approved.

Approval of Bills and Additional Bills:

Motion was made by Dorothy Small, seconded by Pat Fraley, 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 L. 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, was not present; therefore no report was given. Mr. Underwood stated that Mr. Dye has requested to be considered as an outside agency and give a report quarterly.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 58 calls for service with 40 medical calls, 3 motor accidents with injuries and 2 vehicle fires with an estimated loss of Two Thousand, Five Hundred Dollars (\$2,500.00) to Five Thousand Dollars (\$5,000.00).

Police Report:

Police Chief Doug Carver reported that there were 119 incidents with 61 arrests, 50 crashes and 48 citations for a total of 1,684 events.

Recreation Report:

Rickey Honey, Recreation Director, reported that the Easter Extravaganza, held in March, was a successful event. Mr. Honey stated that the opening day for Little League, Pee-Wee and Prep Baseball will be on Saturday, April 14, 2012. Mr. Honey reported that the "Battle of the Borders" softball tournament will start Thursday, April 12, 2012, through the weekend.

Public Works:

Eddie Plunkett, Public Works Director, reported that 255 tons of residential trash was picked up, along with 475 tons of yard waste for the month of March.

Planning and Zoning Report:

Ryan Tyhuis, City Planner, reported that for the month of March there were eighteen (18) building permits issued for approximately One Million, Eight Hundred Dollars (\$1,800,000.00) in work to be done, with the fees being Four Thousand, Twenty-Seven Dollars and 08/100 (\$4,027.08).

Administrator's Report:

Mr. Lee stated that the Budget Hearing would be held on Monday, April 16, 2012, at 4:00 p.m. and a follow-up meeting on Monday, April 23, 2012. Mr. Lee reported that interviews for the Geographic Information System Specialist has begun, and they hope to have someone hired within the month.

Sewer Grant for Fayetteville-Lincoln County Industrial Park (Posey Park):

Motion was made by Danny L. Bryant, seconded by Thomas Young, to pay one-half (1/2) of the remaining cost of the sewer system for the Fayetteville-Lincoln County Industrial Park, after the Sewer Grant has been applied, to be paid from the existing Industrial Park Fund. Upon roll call, the following voted:

Aye

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

Nay
None

Mayor Underwood declared the motion approved.

Closing of Kids Park Fund:

Motion was made by Dorothy Small, seconded by Pat Fraley, to approve the closing of the Kids Park Fund. Upon roll call, the following voted:

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

Nay
None

Mayor Underwood declared the motion approved.

Interlocal Agreement with Fayetteville Housing Authority:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve the updated Interlocal Agreement with Fayetteville Housing Authority. Upon roll call, the following voted:

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

Nay
None

Mayor Underwood declared the motion approved.

Lighting for the Ball Fields:

Motion was made by Danny L. Bryant, seconded by Michael Stewart, to appropriate the funds of Two Thousand, Six Hundred Thirty-Seven Dollars (\$2,637.00) to replace the lighting at the ball field, which is to be paid from the general fund reserves and will be reimbursed from the proceeds of the sale of the BioSolid Land. Upon roll call, the following voted:

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

Nay
None

Mayor Underwood declared the motion approved.

Request for Qualifications (RFQ) to Develop a New Police Building:

Motion was made by Michael Stewart, seconded by Marty Pepper, to obtain an RFQ from architects to design a new police building. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

Ordinance 2012-07:

Ordinance 2012-07, 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. 2012-07
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 owner of the parcel of property listed below has requested that it be rezoned for the purpose of utilizing the property for commercial purposes; and,

WHEREAS, on February 28, 2012 the Fayetteville Municipal/Regional Planning Commission did review and recommend for adoption, the following rezoning; and,

WHEREAS, the Fayetteville Regional Planning Commission does recommended to the Board of Mayor and Alderman that the "Zoning Map of Fayetteville, Tennessee", be amended as hereafter described; 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-3, High Density Residential District, to C-3, General Commercial District, herein described as:

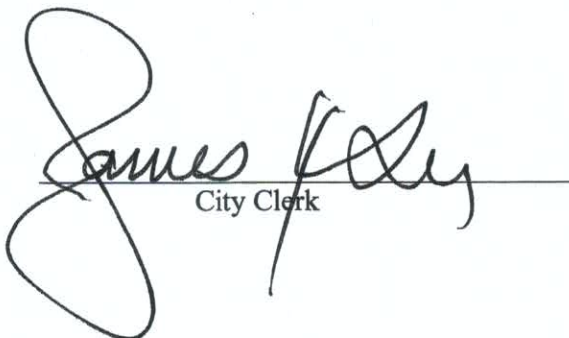
Section 2. Map and Parcel as follows, to wit:

	<u>Map</u>	<u>Parcel</u>	<u>Deed Book</u>	<u>Page</u>
Housing Development Corp.	79L-D	12.00	O11	623

Section 3. The attached survey, 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 April, 2012


City Clerk

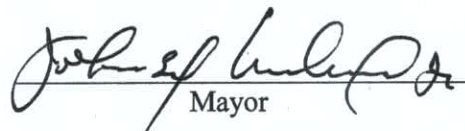

Mayor

Exhibit "A"

SURVEY FOR: DICK FARRAR

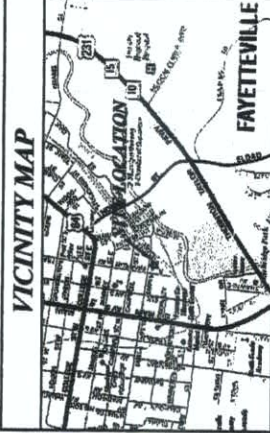
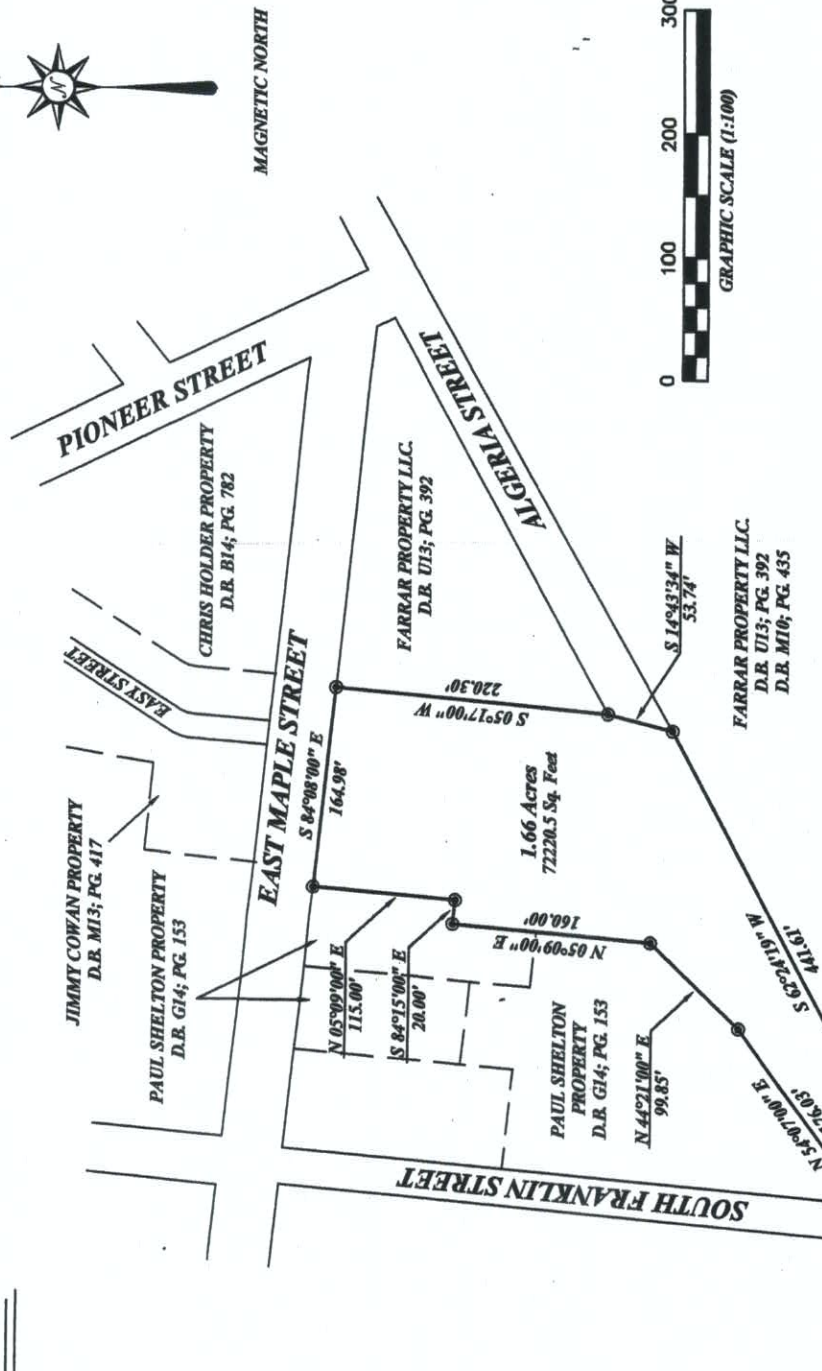
OWNER: HOUSING DEVELOPMENT CORP.
ADDRESS: Maple Street East
Fayetteville, TN 37334
LOT NO: lot 1 of 1
TITLE SOURCE: Deed Book 011; Page 623
CURRENT ZONE: Residential (R3)
TAX MAP: Map 79L; Group D; Parcel 012.00
LOCATED: Civil District 8th
Lincoln County, TN

NOTES:

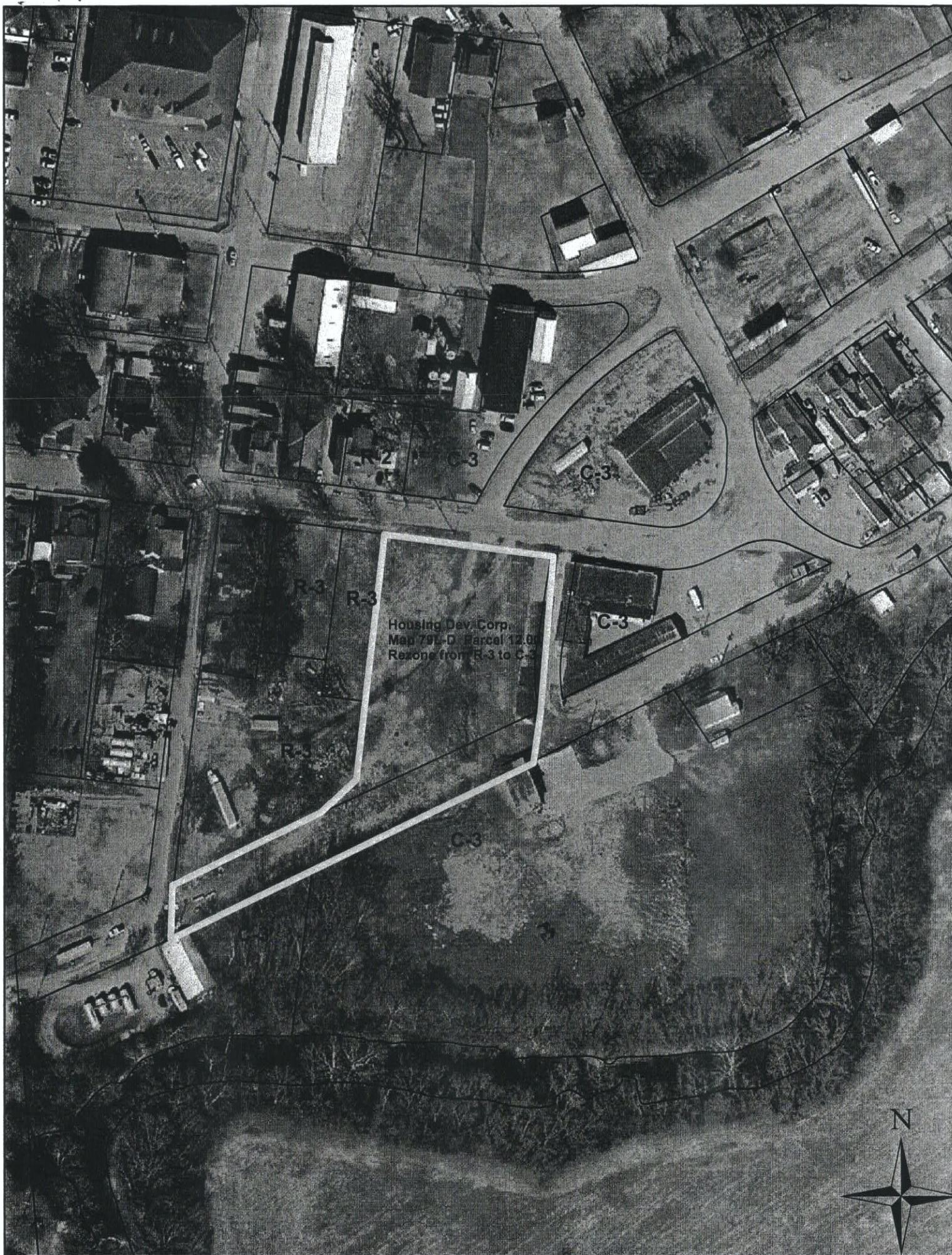
- 1) This parcel is subject to all easements as shown and any other easements and/or restrictions either recorded or by prescription that a complete title search may reveal.
- 2) Information concerning major utilities shown hereon are based on visible evidence noted during the survey or information provided by utility companies. Verification of existence, size, location, depth and availability of service should be confirmed by local utility agencies.
- 3) Drawing shown hereon has been derived from a survey completed June 2, 1994 by Northcutt Surveying (work order 94L-53). The purpose of this drawing is a rezoning request from residential to a commercial piece of property.

This property is in ZONE (AE) designated as "Subject to inundation by the 1% annual chance flood" and described as areas determined to have a base flood elevation according to F.E.M.A. Community Panel Map Number 0164 with an Effective Date of September 19, 2007.

I hereby certify that this is a Category II survey and the ratio of precision of the unadjusted survey is equal to or greater than 1:7,500 as shown hereon.



NORTH CUTT SURVEYING, INC.			
213 North Spring St. Memphis, TN 37535 Phone (901) 728-5506 Fax (901) 728-5525	117 Hickory Drive Shadyville, TN 37160 Phone (901) 684-2741 Fax (901) 685-0845	110 South Elm Ave. Suite B Fayetteville, TN 37344 Phone (901) 433-1619 Fax (901) 433-5619	
DATE SURVEYED: JUNE 2, 2012	DATE DRAWING: JUNE 2, 2012	PURPOSE OF SURVEY: REZONING REQUEST	
DRAWN BY: JMH	APPROVED BY: JMH	DRAWING NO. W.O. # 111-04	
SHEETS: 1	OF: 1		



Motion was made by Danny L. Bryant, seconded by Dorothy Small, to adopt Ordinance 2012-07. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the Ordinance approved.

Ordinance 2012-08:

Ordinance 2012-08, an ordinance entitled , “An Ordinance To Amend The Zoning Ordinance Of Fayetteville, Tennessee To Provide For The Inclusion Of Amendments To Chapter 8, Section 14-803 Building Permits”, was considered. Said Ordinance is as follows:

ORDINANCE NO. 2012-08
CITY OF FAYETTEVILLE, TENNESSEE

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF FAYETTEVILLE,
TENNESSEE TO PROVIDE FOR THE INCLUSION OF AMENDMENTS TO CHAPTER 8,
SECTION 14-803 BUILDING PERMITS**

WHEREAS, the Board of Mayor and Alderman of the City of Fayetteville desire to safeguard life, health, and property, and to promote public welfare and provide for orderly development through the adoption and enforcement of its comprehensive zoning ordinance; and,

WHEREAS, the Board did adopt said zoning ordinance on July 14, 1998; and,

WHEREAS, Chapter 8, Section 14-803 is included to regulate site plan requirements for certain buildings and activities; 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 recommended this ordinance amendment for adoption at their meeting on February 28, 2012; and,

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

SECTION 1. Chapter 8, Section 14-803(B)(2)(b)(iv) stating: "Topographic features, both existing and proposed, with surveyed contours at a vertical interval no greater than two (2) feet, if sanitary sewer is proposed, otherwise, five (5) feet or as deemed appropriate by the Planning Commission."

IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING:

Chapter 8, Section 14-803(B)(2)(b)(iv): For purposes of site plan approval only, topographic contours, both existing and proposed, shall be provided with contour intervals no greater than two (2) feet for portions of sites on which improvements are proposed. Five (5) foot contour intervals are permitted for areas of the site not proposed to be disturbed. Contour intervals shall be provided as stated above, but shall extend to parcel lines or a minimum distance of three-hundred (300) feet beyond the limits of disturbed areas and to a distance of at least twenty-five (25) feet beyond parcel lines where parcel lines are encountered. The extent and accuracy of topographic mapping beyond that required for site plan review is the responsibility of the design professional.

SECTION 2. Any ordinance or part thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this ordinance.

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

ADOPTED THIS 10th DAY OF April, 2012.


CITY ADMINISTRATOR


MAYOR

Motion was made by Pat Fraley, seconded by Dorothy Small, to adopt Ordinance 2012-08. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the Ordinance approved.

Additional Survey Cost for BioSolid Land:

Motion was made by Dorothy Small, seconded by Michael Stewart, to approve the funding of an additional survey to correct the easements to the BioSolid Land of One Thousand, Five Hundred Dollars (\$1,500.00), to be paid from the proceeds of the sale. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

Lining for Stone Bridge Park Channel:

Motion was made by Danny L. Bryant, seconded by Pat Fraley, to suspend the rules in order for the Board to discuss the issues informally. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

A full and thorough discussion was held on the funding of the Stone Bridge Park channel repairs.

Motion was made by Danny L. Bryant, seconded by Pat Fraley, to continue the meeting under Robert's Rules of Order. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

Motion was made by Michael Stewart, seconded by Danny L. Bryant, to approve the funding “up to” Ninety-Five Thousand Dollars (\$95,000.00), to be paid from the proceeds of the selling of the BioSolid Land. Upon roll call, the following voted:

Aye

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

Nay

Pat Fraley

Mayor Underwood declared the motion approved.

Call for Public Hearing on the Fiscal Year 2013 Budget:

Motion was made by Marty Pepper, seconded by Danny L. Bryant, to call for a public hearing for the 2013 Fiscal Budget, to be held on June 12, 2012. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

Parade Permits:

1. Motion was made by Michael Stewart, seconded by Marty Pepper, to approve the parade permit for Junior House’s Walk for Friday, April 13, 2012. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

2. Motion was made by Danny L. Bryant, seconded by Marty Pepper, to approve the parade permit for Ralph Askins’ “Tiger Tracks Day” for Friday, May 18, 2012. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

3. Motion was made by Marty Pepper, seconded by Michael Stewart, to approve the parade permit for the Fayetteville-Lincoln County Arts Center for the 47th Southern Weekend of Art on June 15 & 16, 2012. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

Appoint to Board of Zoning Appeals:

Motion was made by Danny L. Bryant, seconded by Pat Fraley, to appoint Ben Hugh Williams to the Board of Zoning Appeals, to complete the late Wayne Smith's term. Upon roll call, the following voted:

Aye

Danny L. 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