

PUBLIC HEARING  
FEBRUARY 14, 2012

A public hearing was held at the Municipal Building on February 14, 2012, pursuant to a 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, and Michael Stewart

Not Present:

Marty Pepper

One (1) Public Hearing was held and listed below:

1. Rezoning of 513 Hedgemont Avenue from R-3 to C-3

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

For a complete record of all comments, reference to the tape of the February 14, 2012 Meeting.

The public hearing was closed.

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Mayor

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City Clerk

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
FEBRUARY 14, 2012

REFERENCE VIDEO DATED FEBRUARY 14, 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 February 14, 2012. Mayor John Ed Underwood, Jr. was present and presiding. The following named Aldermen were present:

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

Also present was James H. Lee, City Administrator.

Not present was Alderman Marty Pepper.

The prayer was lead by Alderman Stewart and the pledge was lead by Alderman Fraley.

**Approval of Minutes:**

Motion was made by Dorothy Small, seconded by Michael Stewart, to approve the minutes of the January 2012 Meeting, with corrections being made to the motion on William D. Jones Boulevard, to take out the words "add to" and to replace them with "amend". Upon roll call, the following voted:

Aye

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

Nay

None

Abstain

Pat Fraley

Mayor Underwood declared the Minutes approved.

**Approval of Bills and Additional Bills:**

Motion was made by Pat Fraley, seconded by Dorothy Small, 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, and Danny Bryant

Nay

None

Mayor Underwood declared the bills and additional bills approved.

## **Reports:**

### **Keep Fayetteville Lincoln County Clean:**

Jim Neal, president of Keep Fayetteville/Lincoln County Clean, explained that the recycling center has included glass collection to their facility. Mr. Neal stated that they have hired Scott Blalock as the warehouse manager.

### **FPU Report:**

Britt Dye, CEO of Fayetteville Public Utilities, stated that the plans for the new water treatment plant would be decided in the coming weeks. Mr. Dye reported that 2.8 miles of single phase electric lines have been changed to 3 phase lines in the Elora area. Mr. Dye stated that the tree trimmers were currently working in the Flintville area.

### **Fire Report:**

Fire Chief Danny Travis reported that the Fire Department had 57 calls for service with 38 medical calls, 3 motor accidents with injuries and 1 vehicle fire with an estimated loss of Five Hundred Dollars (\$500.00).

### **Police Report:**

Police Chief Doug Carver reported that there were 163 incidents with 97 arrests, 46 crashes and 55 citations for a total of 1,851 events.

### **Public Works:**

Eddie Plunkett, Public Works Director, reported that 244 tons of residential trash was picked up, along with 181 tons of yard waste for the month of January.

### **Recreation Report:**

Rickey Honey, Recreation Director, stated he is working to obtain grants for a swimming pool. Mr. Honey explained that he will be appearing before the County Commissioners during their monthly Commissioners Meeting to ask them for help in funding the swimming pool.

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

Ryan Tyhuis, City Planner, reported that for the month of January there was thirteen (13) notices of violations issued with twenty-three (23) complied/closed, one (1) contacted and/or granted an extension, five (5) issued summons or brought before City Court. Mr. Tyhuis stated there were nine (9) building permits issued for approximately One Hundred Fifty-Three Thousand Dollars (\$153,000.00) in work to be done, with the fees being Fourteen Thousand, Fifty-One Dollars and 48/100 (\$14,051.48).

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

Mr. Lee stated that he is still working with Tennessee Department of Transportation (TDOT) on the contract for the signalization of the traffic lights; TDOT's legal department has the contract for review. Mr. Lee stated that he is working on taking bids for an auctioneer to auction the BioSolid field. Mr. Lee explained that the Wells Hill property would need to be declared as excess land before surveying work could be done.

## **Appointments to Board of Adjustments and Appeal:**

1. Motion was made by Danny Bryant, seconded by Michael Stewart, to appoint Danny Shelton to the Board of Adjustments and Appeal as Architect or a Contractor to serve initially for one (1) year. Upon roll call, the following voted:



Aye

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

Nay

None

Mayor Underwood declared the motion approved.

2. Motion was made by Pat Fraley, seconded by Dorothy Small, to appoint Tom Bailey to the Board of Adjustments and Appeal as the Professional Engineer representative, to serve initially for two (2) years. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

3. Motion was made by Dorothy Small, seconded by Danny Bryant, to appoint Kevin Hammons to the Board of Adjustments and Appeal as the (HVAC) representative, to serve initially for three (3) years. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

4. Motion was made by Danny Bryant, seconded by Pat Fraley, to appoint Vince Kerns to the Board of Adjustments and Appeal as the Fire Protection representative, to serve initially for five (5) years. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**BioSolid Field Request for Bid and Sale Date:**

Motion was made by Danny Bryant, seconded by Michael Stewart, to give the City Administrator the authority to take the best bid from the auction companies in order to sell the BioSolid Field and to set the sale date for Saturday, March 17, 2012, at 9:00 am, with any funding for this project to be available. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Appointment of City Attorney:**

Motion was made by Danny Bryant, seconded by Pat Fraley, to retain Johnny D. Hill, Jr., as the City Attorney, effective immediately, and to allow Mayor Underwood to work out the details of Mr. Hill's employment with the City. Upon roll call, the following voted:

Aye

Dorothy Small, Pat Fraley, Michael Stewart, and Danny Bryant

Nay

None

Abstain

Thomas Young, Sr.

Mayor Underwood declared the motion approved.

J. Rhea Thompson III, (City Judge) a notary public for Fayetteville and Lincoln County, Tennessee, administered the oath of office to the appointed City Attorney.

**Wells Hill Property Declared as Excess Property:**

Motion was made by Pat Fraley, seconded by Michael Stewart, to declare Wells Hill Park as excess property and to give the City Administrator the authority to have the property surveyed in order to sell the property, excluding two (2) areas of the park: the pavilion and the trough area. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Resolution R-12-02:**

Resolution R-12-02, a resolution entitled "A Resolution To Dissolve An Agreement Between The City Of Fayetteville, Tennessee, And The Veterans Association Of Lincoln County, Tennessee", was considered. Said Resolution is as follows:

**RESOLUTION R-12-02**

**RESOLUTION TO DISSOLVE AN AGREEMENT BETWEEN THE CITY  
OF FAYETTEVILLE, TENNESSEE, AND THE VETERANS  
ASSOCIATION OF LINCOLN COUNTY, TENNESSEE.**

**WHEREAS**, the City of Fayetteville (City) and the Veterans Association of Lincoln County (Veterans) entered into an agreement dated October 12, 1993, concerning Wells Hill Park; and

**WHEREAS**, section (7) provided;

“This Agreement may be terminated only by a two-thirds vote of the Joint Committee unless the Veteran members of the committee have ceased to function at which time the committee members from the Recreation and Parks Board may act alone”

**WHEREAS**, the Veteran members have ceased to function and the conformation of the Veterans has been dissolved by the State of Tennessee;

**NOW, THEREFORE, BE IT RESOLVED** by the Joint Committee and the Recreation and Park Board that said agreement to be terminated.

**BE IT FURTHER RESOLVED** that this Resolution shall take effective immediately upon its adoption, the public welfare requiring it.

Adopted and approved this 14th day of February, 2012.

  
John Ed Underwood, Jr., Mayor

ATTEST:

  
James H. Lee, City Clerk

Motion was made by Pat Fraley, seconded by Dorothy Small, to adopt Resolution R-12-02. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Resolution R-12-03:**

Resolution R-12-03, a resolution entitled "A Resolution Approving Codification And Revision Of Fayetteville Municipal Code", was considered. Said Resolution is as follows:



**CITY OF FAYETTEVILLE  
RESOLUTION NO. R-12-03**

**RESOLUTION APPROVING CODIFICATION AND REVISION OF  
FAYETTEVILLE MUNICIPAL CODE**

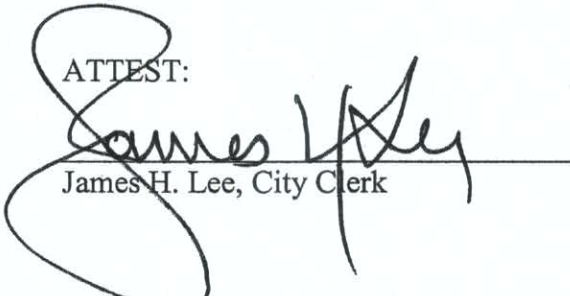
**WHEREAS**, the Board of Mayor and Aldermen of the City of Fayetteville have approved a new charter for the City, and

**WHEREAS**, the Board of Mayor and Alderman of the City of Fayetteville has determined that it is in the public interest to amend its Municipal Code, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Mayor and Alderman City of Fayetteville, Tennessee that the Municipal Technical Advisory Service is hereby to codify and revise the ordinance of the City of Fayetteville at the earliest possible date. The City of Fayetteville agrees to pay the Municipal Technical Advisory Service Five Thousand, Five Hundred Sixty Four and No/100 (\$5,564.00) Dollars for the codification and revision of its ordinances. Fifty percent (50%) of the cost will be paid when ordinances are requested for codification and the remaining fifty percent (50%) will be paid upon delivery of the first draft of the municipal code.

Passed and adopted by the governing body on this 14th day of February, 2012.

ATTEST:

  
James H. Lee, City Clerk

  
John Ed Underwood, Jr., Mayor



Motion was made by Pat Fraley, seconded by Michael Stewart, to adopt Resolution R-12-03. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Ordinance 2012-02:**

Ordinance 2012-02, an ordinance entitled "An Ordinance Amending The Annual Budget And Capital Program Of The City Of Fayetteville, Tennessee, For Fiscal Year 2011", was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2012 – 02**

AN ORDINANCE AMENDING THE ANNUAL BUDGET AND CAPITAL PROGRAM OF THE CITY OF FAYETTEVILLE, TENNESSEE, FOR FISCAL YEAR 2011,

WHEREAS, the Board of Mayor and Alderman find it necessary to accomplish certain special projects funded by these allocations; and

WHEREAS, Tennessee Code Annotated requires these items to be budgeted expenditures;

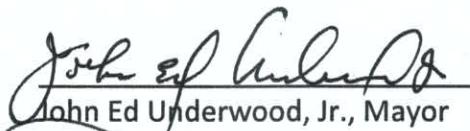
NOW, THEREFORE BE IT ORDAINED by the Board of Mayor and Alderman of the City of Fayetteville, Tennessee, that the following amounts be added to the budgeted amounts set forth for fiscal year 2011 in Ordinance No 2010-08.

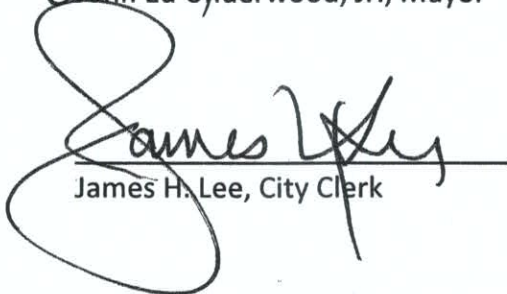
Public Safety	\$	97,637
Recreation	\$	12,078
Housing and Comm. Development	\$	30,416
Inter. Capital Projects	\$	821,739
Inter. Capital Project Transfers	\$	94,092
Debt	\$	266

This ordinance shall take effect upon its passage, the public welfare requiring it. All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

February 14, 2012

Date

  
John Ed Underwood, Jr., Mayor

  
James H. Lee, City Clerk

Motion was made by Danny Bryant, seconded by Dorothy Small, to adopt Ordinance 2012-02.  
Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Ordinance 2012-04:**

Ordinance 2012-04, 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. 2012-04**  
**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**, after considerable research it is apparent that an error has occurred in depicting the correct zoning district boundary affecting a parcel of property located at 513 Hedgemont Avenue; and,

**WHEREAS**, staff research has not yielded any evidence that the property owner(s) has requested that the property be zoned as residential; and,

**WHEREAS**, the property was formerly utilized for non-residential purposes and the owner(s) now wishes to sell and/or again utilize the property for a nonresidential purposes; and,

**WHEREAS**, on December 27, 2011 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:

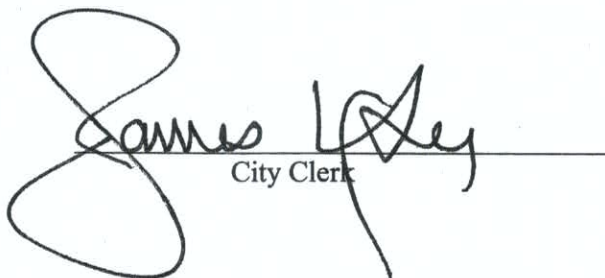
**Section 2.** Map and Parcel as follows, to wit:

	<u>Map</u>	<u>Parcel</u>	<u>Deed Book</u>	<u>Page</u>
Jane M. Dyson	79K-B	10.00	P14	233

**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 14th DAY OF February, 2012

  
City Clerk

  
Mayor



# EXHIBIT A

ROBERTSON STREET

ZONED C-3

513 HEDGEMONT AVENUE  
MAP 79K-B PARCEL 10.00  
REZONE FROM R-3 TO C-3

ZONED R-3

ZONED C-3

ZONED R-3

BELLVIEW AVENUE SOUTH

ZONED R-3

ZONED R-3

HAMILTON STREET

HEDGEMONT AVENUE



Motion was made by Dorothy Small, seconded by Michael Stewart, to adopt Ordinance 2012-04.  
Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Call for a Public Hearing for the Closing of Street #2 for the Fayetteville Housing Authority:**

Motion was made by Dorothy Small, seconded by Pat Fraley, to call for a public hearing for the closing of Street #2 for the Fayetteville Housing Authority. Upon roll call, the following voted:

Aye

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

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