

PUBLIC HEARING
MARCH 13, 2012

A public hearing was held at the Municipal Building on Tuesday, March 13, 2012. 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

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

1. The closing of Street #2 at the Fayetteville Housing Authority.

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

For a complete record of all comments, reference to the tape of the March 13, 2012 Meeting.

The public hearing was closed.

Mayor

City Clerk

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
MARCH 13, 2012

REFERENCE VIDEO DATED MARCH 13, 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 March 13, 2012. 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 was James H. Lee, City Administrator and Johnny D. Hill, Jr., City Attorney.

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

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, February 14, 2012. 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 Minutes approved.

2. Motion was made by Pat Fraley, seconded by Danny Bryant, to approve the minutes of the February 2012 Meeting, with the correct date of February 14, 2012, being made to the minutes. Upon roll call, the following voted:

Aye

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

Nay

None

Abstain

Marty Pepper

Mayor Underwood declared the February 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 Bryant, and Thomas Young, Sr.

Nay

None

Mayor Underwood declared the bills and additional bills approved.

Reports:

Keep Fayetteville Lincoln County Clean:

Gail Randolph, Director of Keep Fayetteville/Lincoln County Clean, stated that the Hazardous Household Waste Day is scheduled for Saturday, March 17, 2012. Ms. Randolph explained that the current drop-off location at the recycling center causes traffic congestion on Mayberry Street; therefore, the temporary drop-off location will be moved to the west side of the building, until the renovations on the south side of the building are completed for an easier, safer drop-off of recycled products.

Swearing In:

Police Chaplains Bobby Bates, Don C. Gray, Jason Ramsey, and Joe W. McGee were sworn in by Mayor Underwood.

Police Officer Richard Steelman, Jr., was sworn in by Mayor Underwood.

FPU Report:

Britt Dye, CEO of Fayetteville Public Utilities, was not present; therefore no report was given.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 49 calls for service with 34 medical calls, 4 motor accidents with injuries and 1 structural fire with an estimated loss of Seven Hundred Fifty Dollars (\$750.00).

Police Report:

Police Chief Doug Carver reported that there were 119 incidents with 76 arrests, 34 crashes and 47 citations for a total of 1,620 events.

Recreation Report:

Brenda Sharp, Recreation Clerk, reported that the baseball and softball seasons will begin in the next two (2) to three (3) weeks. Ms. Sharp stated that the Easter Extravaganza will be held on Tuesday, March 27, 2012, at the Don Davidson Park. Ms. Sharp explained that Ricky Honey, Recreation Director, is meeting with local businesses and civic organizations to ask them to help fund the building of a new swimming pool.

Public Works:

Eddie Plunkett, Public Works Director, reported that 213 tons of residential trash was picked up, along with 339 tons of yard waste for the month of January.

Planning and Zoning Report:

Ryan Tyhuis, City Planner, reported that for the month of February there was eleven (11) building permits issued for approximately Two Hundred Eight Thousand, Five Hundred Forty-Four Dollars (\$208,544.00) in work to be done, with the fees being Eight Hundred Eighty-Five Dollars (\$885.00).

Administrator's Report:

Mr. Lee reported that he and Tonya Steelman, Finance Director, are working on the 2013 Fiscal Budget, along with each department on their individual budgets. Mr. Lee stated two (2) new employees have been hired: Josh Seymour for the Fire Department and Tim McConnell for Public Works. Mr. Lee explained that he has received a letter from the Tennessee Department of Transportation (TDOT) to proceed with the signalization of the traffic lights.

Appointments to Board of Adjustments and Appeal:

Motion was made by Dorothy Small, seconded by Michael Stewart, to appoint Dean Bevels to the Board of Adjustments and Appeal as the Electrical Contractor representative, to serve an initial term of four (4) years. 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.

Wells Hill Property Declared as Excess Property:

Motion was made by Michael Stewart, seconded by Marty Pepper, approve up to Seven Hundred Twenty-Five (\$725.00) Dollars to survey the eight (8) to ten (10) acres at Wells Hill Park that the City would like to keep. 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.

Travel Teams:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve the policy on the traveling teams' use of the City Baseball Fields. 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.

ORDINANCE 2012-03

ORDINANCE TO PROVIDE BULKY ITEM REMOVAL SERVICE FOR COMMERCIAL CUSTOMERS AND OWNERS OF RESIDENTIAL LOTS WITH NO ELECTRIC METER IN THE CITY OF FAYETTEVILLE

WHEREAS, commercial refuse removal vendors do not provide service to remove trees, crates, furniture, waste materials or other bulky items; and

WHEREAS, the City of Fayetteville (City) desires to provide limited service to commercial customers and owners of residential lots with no electric meter for the removal of trees, crates, furniture, waste materials or other bulky items; and


WHEREAS, providing this service will help keep the City clean and will improve the City's appearance:

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen the desire to provide this service subject to the following conditions:

1. Commercial customers and owners of residential lots with no electric meter shall pay the City Fifty Dollars (\$50.00) per load to have the City remove trees, crates, furniture, waste materials or other bulky items from their properties.
2. The City will only remove material that can be picked up with a knuckle-boom truck. Manual loading of materials will be prohibited. No one other than City employees will be allowed to load or operate the City trucks in the removal process.
3. Material to be removed must be no longer than six (6) feet in length and should be piled by the street or stacked on a hard surface. Material to be removed must be on a flat surface. Material to be removed may not be placed under utility lines.
4. A property owner seeking to have heavy material removed from his or her property must execute a written consent form releasing the City from any liability arising from City employees' being on the owner's property during the removal process.
5. A property owner seeking removal of items must schedule the removal with the Public Works Department.
6. The City will determine the amount of material that can be place in an individual load as it pertains to the weight and size of the material.
7. The removal fee must be paid prior to pick up regardless of the quantity.
8. The City through its Public Works Department will not pick up or remove the following:
 - a. Material from land which is being developed or is for development.
 - b. Hazardous material.
 - c. Concrete, rocks, bricks or dirt.
 - d. Construction material waste.

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

Adopted this the 13th day of March, 2012.



City Administrator



Mayor

Professional Service Contract with HFR Designs:

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve the Professional Service Contract with HFR Designs. 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.

Paving of Marty Lane:

Motion was made by Dorothy Small, seconded by Danny Bryant, to survey and pave Marty Lane for the cost not to exceed Twelve Thousand, Seven Hundred (\$12,700.00) Dollars. 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.

Ordinance 2012-03:

Ordinance 2012-03, a ordinance entitled, "Ordinance To Provide Bulky Item Removal Service For Commercial Customers And Owners Of Residential Lots With No Electric Meter In The City Of Fayetteville", was considered. Said Ordinance is as follows:

Motion was made by Dorothy Small, seconded by Pat Fraley, to adopt Ordinance 2012-03. 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 2012-05:

Ordinance 2012-05, an ordinance entitled, "An Ordinance Of The City Of Fayetteville, Tennessee Amending The Fayetteville Municipal Code Title 4, Chapter 4, Section 4-401, Entitled Retirees' Health Insurance Supplement Fund", was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2012-05
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE AMENDING
THE FAYETTEVILLE MUNICIPAL CODE TITLE 4, CHAPTER 4, SECTION 4-401,
ENTITLED RETIREES' HEALTH INSURANCE SUPPLEMENT FUND**

WHEREAS, the Retirees' Health Insurance Supplement Fund was established and codified in Fayetteville Municipal Code Title 4, Chapter 4, Section 4-401 with the appropriation of the sum of \$200,000.00 to be used for payment of health insurance premiums for retired employees; and,

WHEREAS, the allocated funds for the payment of health insurance premiums for retired employees are now depleted; and,

WHEREAS, due to the depletion of the previously allocated funds, the previously established retiree's health insurance program will cease; and

WHEREAS, the City desires to continue aiding its retired employees through payment of a portion of health insurance premiums; and,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Aldermen of the City of Fayetteville that

SECTION 1. The Fayetteville Municipal Code Title 4, Chapter 4, Section 4-401, entitled Retirees' Health Insurance Supplement Fund

IS HEREBY DELETED AND REPLACE WITH THE FOLLOWING:

1. To obtain health insurance through the City of Fayetteville retirees' health insurance program, a retiree must be eligible for retirement under the TCRS and meet at least one of the following sets of conditions:
 - a. Be 55 years of age with a minimum of twenty (20) years of employment with the City and participation in the health insurance program for at least twelve consecutive months immediately prior to retirement.
 - b. Be any age with a minimum of thirty (30) years of employment with the City and participation in the health insurance program for at least twelve consecutive months immediately prior to retirement.
 - c. Have a minimum of ten (10) years of continuous employment with the City, be covered through the TCRS as a disability retirement and participation in the City's health insurance program for at least twelve consecutive months immediately prior to retirement.

2. Premium supplement covers all eligible employees retiring after July 1, 1994, through the TCRS subject to the following:
 - a. For those retirees who qualify by meeting the requirements of paragraphs 1(a) or 1(b) above, the City will pay eighty percent (80%) of the retiree's individual health coverage monthly premium from the time of retirement until the retired employee is eligible for Medicare insurance or the time of the retiree's death, whichever comes first. The retiree will be responsible for payment of the remaining twenty percent (20%) of the monthly premium.
 - b. For those retirees who qualify by meeting the requirements of only paragraphs 1(c) above, the City will pay eighty percent (80%) of the retiree's individual health coverage monthly premium for a period of twenty-four (24) months from the time of retirement. If, at the end of the twenty-four (24) month period, the retiree has a pending appeal with the Social Security Administration, the City will pay eighty percent (80%) of the retiree's individual health coverage monthly premium until the date of the completion of the appeal. The retiree will be responsible for payment of the remaining twenty percent (20%) of the monthly premium.
 - c. The policy of the City's contribution to the retirees' health insurance premium shall remain in effect until the end of the fiscal year in which the policy is passed and shall only be continued thereafter through annual appropriations within the budget each year.
 - d. If the City terminates the health insurance program for retirees after the current fiscal year, each participating retiree shall receive notice of such termination at least six (6) months prior to the date such termination will be effective.
 - e. If the City otherwise alters the health insurance program for retirees after the current fiscal year, including but not limited to making an adjustment in the percentage of the premium the City will pay on behalf of each retiree, each participating retiree shall receive notice of such alteration at least one (1) month prior to the date such alteration will be effective.
 - f. The retired employee's life insurance policy shall be continued with coverage of \$10,000 in the event of the death of the retiree subject to the provisions set forth in (2)(c) above or until such time the retiree is no longer eligible through the insurance carrier.
3. Retirees may decline the health insurance coverage provided by the City and receive a stipend for life insurance coverage in lieu thereof, subject to the follow:
 - a. Coverage will be provided for the same duration of time as provided in subsection (2) (a) and 2(b) above.
 - b. Payment will be provided directly to an insurance company chosen by the retiree.

- c. Payment shall not exceed one hundred dollars (\$100.00) per month.
 - d. A retiree eligible for this coverage shall meet the same requirements as outlined above for health insurance eligibility.
 - e. A retiree receiving health insurance at the time of passage of this section may choose this option in place of his or her current benefit.
4. Family coverage shall be available only if the retiree maintained such coverage for at least twelve consecutive months immediately prior to retirement. Family members may continue coverage upon the death of the retiree provided the premium is paid by the family members as stated herein and allowed by the insurance carrier through the Consolidated Omnibus Budget Reconciliation Act.
5. Each participating retiree is responsible for the payment of twenty percent (20%) of individual premiums and one hundred percent (100%) of family premiums. Premiums are due on the first (1st) day of the month. Any participating retiree who fails to pay his or her share of the premium shall be given written notice that coverage will be terminated within five (5) business days of the date of the written notice. Failure to make such payment within the five (5) business day period following written notice shall result in complete and permanent cancellation of the coverage.
6. Should the City's health insurance carrier discontinue coverage for retirees, the City will make every reasonable effort to obtain other health insurance coverage; however, the City is under no obligation to provide health insurance coverage and may terminate the program at any time.

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 September 1, 2012.

ADOPTED THIS 13th DAY OF March, 2012.


CITY ADMINISTRATOR


MAYOR

Motion was made by Danny Bryant, seconded by Michael Stewart, to adopt Ordinance 2012-05. 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.

Ordinance 2012-06:

Ordinance 2012-06, an ordinance entitled, "An Ordinance Abandoning A City Street In Fayetteville, Tennessee", was considered. Said Ordinance is as follows:

ORDINANCE NO. 2012-06
CITY OF FAYETTEVILLE, TENNESSEE

**AN ORDINANCE ABANDONING A CITY STREET IN
FAYETTEVILLE, TENNESSEE**

WHEREAS, the Board of Mayor and Aldermen has received a request from the Fayetteville Housing Authority to close the unnamed city street depicted on the attached drawing so as to allow for the future construction of a parking lot and its appurtenances across a portion of the area occupied by said street; and,

WHEREAS, said street is currently bordered by, and terminates into, Fayetteville Housing Authority property; and,

WHEREAS, said street was dedicated to, and accepted by, the City of Fayetteville through the execution of a Deed of Dedication as recorded in Deed Book U-10 Page 183; and,

WHEREAS, on January 24, 2012, and pursuant to T.C.A § 13-4-104, the Fayetteville Municipal/Regional Planning Commission did recommend that the street be abandoned; and,

WHEREAS, a public hearing regarding the request to abandon said street was conducted by the Board of Mayor and Alderman on March 13, 2012; and,

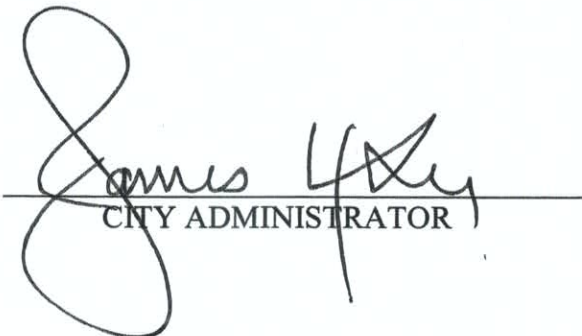
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE, THAT:

SECTION 1. The City of Fayetteville hereby abandons the unnamed street shown on "Exhibit A" which is attached hereto and incorporated herein.

SECTION 2. The City of Fayetteville will transfer ownership of the subject unnamed street to the Fayetteville Housing Authority by deed.

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

ADOPTED THIS 13th DAY OF March, 2012.


CITY ADMINISTRATOR


MAYOR

EXHIBIT A

LOCUST STREET

CHARMYNE EDMISTON

UNNAMED STREET TO BE ABANDONED

FAYETTEVILLE HOUSING
AUTHORITY PROPERTY
Map 79G-B Parcel 7.00

PREVIOUSLY ABANDONED STREET (9/14/10) (ORD. #2010-12)



Motion was made by Pat Fraley, seconded by Dorothy Small, to adopt Ordinance 2012-06. 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 Ordinance approved.

Deeding Property Back to the Fayetteville Housing Authority:

Motion was made by Dorothy Small, seconded by Michael Stewart, to have street number 2, which was closed by the passing of Ordinance 2012-06, deeded back to the Fayetteville Housing Authority. 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.

GIS Job Description and Interlocal Agreement with E911:

Motion was made by Danny Bryant, seconded by Marty Pepper, to approve the GIS Specialist position, the job description and the Interlocal Agreement for the E911 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 for the Closing of Street #2 for the Fayetteville Housing Authority:

1. Motion was made by Danny Bryant, seconded by Pat Fraley, to call for a public hearing on the rezoning of property owned by Dick Farrar located on East Maple Street from R-3 to C-3. 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.

2. Motion was made by Danny Bryant, seconded by Michael Stewart, to call for a public hearing on topographical requirements for a lot or portion of a lot. 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.

3. Motion was made by Dorothy Small, seconded by Danny Bryant, to call for a public hearing on the rezoning of property, located south of Don Davis Park, from C-3 to A-1. 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, seconded, and unanimously adopted to adjourn.

Mayor

Clerk