

PUBLIC HEARING
SEPTEMBER 11, 2012

A public hearing was held at the Municipal Building on September 11, 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, Pat Fraley, Marty Pepper, Dorothy Small, Michael Stewart, and Thomas Young, Sr.

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

1. Regulation on installation of rooftop and ground mounted solar panels.
2. De-annexation of James and Angela Drake property 1.53 acres.

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

For a complete record of all comments, reference to the tape of the September 11, 2012 Meeting.

The public hearing was closed.

Mayor

City Clerk

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
SEPTEMBER 11, 2012

REFERENCE VIDEO DATED SEPTEMBER 11, 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 September 11, 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 Young and the pledge by Alderman Stewart.

Approval of Minutes:

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve the minutes of the August 2012 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 August Minutes approved.

Reports:

Recognition:

American Development Corporation (ADC) was recognized for donating hazmat equipment to the Fayetteville Fire Department.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 55 calls for service with 41 medical calls, 1 kitchen fire with an estimated loss of \$2,500.00 in damages and 1 unauthorized burn call.

Police Report:

Police Chief Doug Carver reported that there were 137 incidents with 71 arrests, 29 crashes and 50 citations for a total of 1,714 events.

Recreation Report:

Brenda Sharp, Recreation Clerk, reported the annual "Punt, Pass and Kick" event will be held at the Fayetteville City High School on September 22, 2012. Ms. Sharp stated that the youth soccer fall program is in progress. Ms. Sharp explained that the Recreation Board is looking at various options to improve the pond at Don Davidson Park.

Public Works:

Eddie Plunkett, Public Works Director, reported that 260 tons of residential trash was picked up, along with 305 tons of yard waste for the month of August. Mr. Plunkett stated that 150 feet of sidewalk was replaced during August.

Planning and Zoning Report:

Ryan Tyhuis, City Planner, reported that for the month of August there were twelve (12) building permits issued for approximately Four Hundred Twenty-Six Thousand Dollars (\$426,000.00) in work to be done, with the fees being Two Thousand Three Hundred Thirty-Nine Dollars and 5/100 (\$2,339.55). Mr. Tyhuis stated that fifty-eight (58) new notices of violations were issued, with forty-eight (48) complied, one (1) summoned to court, two (2) granted an extension, two (2) dismissed, three (3) administratively closed and three (3) properties cleaned by the Recreation Department or by Public Works, with an invoice sent to the property owner for the work that was done.

Administrator's Report:

Mr. Lee reported that the City Police Department is in the process of hiring a new police officer, who will have to attend P.O.S.T. Mr. Lee explained that he has submitted a letter to Tennessee Department of Transportation to seek approval to use the Surface Transportation Program (STP) Funds to redo the sidewalks on the North or West side of the Square, because the funds have to be used on State Roads. Mr. Lee stated he will be attending TAMCAR later next week.

One-Way Route North:

Motion was made by Danny Bryant, seconded by Marty Pepper, to approve the Fayetteville City School System's request to make William Battle Boulevard a one-way route, traveling north, until the construction /renovations to the Fayetteville City High School have been completed. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

City Administrator's Letter of Engagement:

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve the Letter of Engagement by changing the City Administrator from a "contract" employee to an "at-will" employee and to give the Mayor the authority to sign the letter. Upon roll call, the following voted:

Aye

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

Nay

Marty Pepper

Mayor Underwood declared the motion approved.

Resolution R-12-09:

Resolution R-12-09, a resolution entitled, "A Resolution Authorizing The City Of Fayetteville To Participate In The TML Risk Management Pool "Driver Safety" Matching Grant Program", was considered. Said Resolution is as follows:

**CITY OF FAYETTEVILLE
RESOLUTION NO. R-12-09**

**A RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE
TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL
“DRIVER SAFETY” MATCHING GRANT PROGRAM**

WHEREAS, the safety and well being of the employees and citizens of the City of Fayetteville are of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Fayetteville employees; and

WHEREAS, the TML Risk Management Pool seeks to encourage the safe operation of motor vehicles by offering the “Driver Safety” Matching Grant Program; and

WHEREAS, the City of Fayetteville is now seeking to participate in this important program.

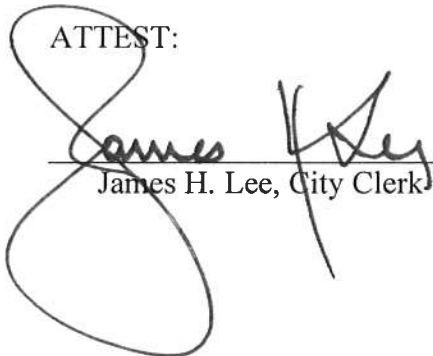
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND
ALDERMAN OF FAYETTEVILLE, TENNESSEE:**

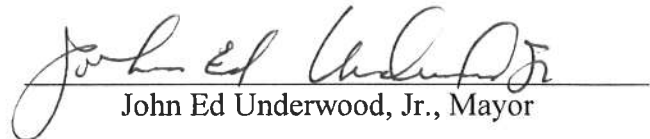
SECTION 1. The City of Fayetteville is hereby authorized to submit application for the “Driver Safety” Matching Grant Program through the TML Risk Management Pool.

SECTION 2. The City of Fayetteville is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Approved and adopted this 11th day of September, 2012.

ATTEST:


James H. Lee, City Clerk


John Ed Underwood, Jr., Mayor

Motion was made by Marty Pepper, seconded by Danny Bryant, to approve Resolution R-12-09. 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 Resolution approved.

Ordinance No. 2012-14:

Ordinance No. 2012-14, an ordinance entitled, “An Ordinance Amending Fayetteville Municipal Code Title 7: Chapter 2 For The Purpose Of Adopting Regulations For The Installation Of Rooftop and Ground Mounted Solar Photovoltaic Array Systems And Their Appurtenances”, was considered. Said Ordinance is as follows:

ORDINANCE NO. 2012-14

CITY OF FAYETTEVILLE, TENNESSEE

**AN ORDINANCE AMENDING FAYETTEVILLE MUNICIPAL CODE TITLE 7; CHAPTER 2 FOR THE
PURPOSE OF ADOPTING REGULATIONS FOR THE INSTALLATION OF ROOFTOP AND GROUND
MOUNTED SOLAR PHOTOVOLTAIC ARRAY SYSTEMS AND THEIR APPURTENANCES**

WHEREAS, Tennessee Municipalities are authorized to adopt and enforce codes adopted pursuant to T.C.A § 6-54-508; and,

WHEREAS, fire and building code departments are tasked with the responsibility to ensure new construction methods and techniques are compliant with the codes intent to protect the public health, safety and welfare as well as that of emergency responders; and,

WHEREAS, a growing demand for, and the local use of, solar photovoltaic systems is leading to new products, designs, technologies, and installation methods; and,

WHEREAS, model codes drafted by agencies such as the International Code Council and the National Fire Protection Association cannot keep pace with the ever evolving trends and methods of the construction industry; and,

WHEREAS, the building and fire codes currently adopted by the City of Fayetteville do not clearly address the installation of photovoltaic systems; and,

WHEREAS, it has been determined that there is a need to adopt specific regulations to govern the installation of solar photovoltaic systems within the corporate limits of Fayetteville for the protection of emergency responders conducting fire operations; and,

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

SECTION 1. Fayetteville Municipal Code Title 7, Chapter 2 shall be amended by adding the following provisions as a new subsection.

SECTION 2. Installation of photovoltaic array systems shall be installed in accordance with the provisions contained herein. In the event there is a conflict between the provision contained herein, or any other code or regulation adopted by the City of Fayetteville, the more stringent requirement shall apply.

SECTION 3. Marking

PV systems shall be marked. Marking is needed to provide emergency responders with appropriate warning and guidance with respect to working around and isolating the solar electric system. This can

facilitate identifying energized electrical lines that connect to solar modules to the inverter, as these should not be cut when venting for smoke removal.

Material used for marking must be weather resistant. It is recommended that Underwriters Laboratories Marking and Labeling System 969 (UL969) be used as standard to determine weather rating. (UL listing of markings is not required)

SECTION 4. Main Service Disconnect

For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, the marking shall be placed on the outside of the cover.

For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated

SECTION 4(a). Marking Content and Format

- Marking Content: CAUTION: SOLAR ELECTRIC SYSTEM CONNECTED
- Red Background
- White Lettering
- Minimum 3/8" letter height
- All capital letters
- Arial or similar font
- Reflective, weather resistant material suitable for exposure to the environment

Example: **CAUTION: SOLAR ELECTRIC SYSTEM CONNECTED**

SECTION 5. Marking for Direct Current Conduit, Raceways, Enclosures, Cable Assemblies, and Junction

Boxes

Marking is required on all interior and exterior DC conduit, raceways, enclosures, cable assemblies, and junction boxes to alert the Fire Service to avoid cutting them. Marking should be placed on all interior and exterior DC conduit, raceways, enclosures, and cable assemblies, every ten (10) feet, at turns and above and below penetrations and all DC combiner and junction boxes

SECTION 5(a). Marking Content and Format

- Marking Content: CAUTION: SOLAR CIRCUIT
- Red background
- White lettering
- Minimum 3/8" letter height
- All capital letters
- Arial or similar font

- Reflective, weather resistant material suitable for exposure to the environment

Example: **CAUTION: SOLAR CIRCUIT**

SECTION 6. Inverters

The inverter is a device used to convert DC electricity from the solar system to AC electricity for use in the building's electrical system or the grid. No markings are required for the inverter.

SECTION 7. Access, Pathways, and Smoke Ventilation

Access and spacing requirements shall be observed in order to:

- Ensure access to the roof
- Provide pathways to specific areas of the roof
- Provide for smoke ventilation opportunity areas
- Provide emergency egress from the roof

The local jurisdiction may create exceptions to this requirement where access, pathway or ventilation requirements are reduced due to:

- Proximity to adjacent exposures
- Alternative access opportunities (as from adjoining roofs)
- Ground level access to the roof area in question
- Adequate ventilation opportunities beneath solar array (as with significantly elevated or widely spaced arrays)
- Adequate ventilation opportunities afforded by module set back from other rooftop equipment (i.e. Shading or structural constraints may leave significant areas open for ventilation near other rooftop equipment)
- Automatic ventilation devices
- New technology, methods, or other innovations that ensure adequate fire department access, pathways and ventilation opportunities

Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less roof pitch. All roof dimensions are measured to centerlines.

Roof access points shall be defined as areas where ladders are not placed over openings (i.e. windows and doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (i.e. tree limbs, wires, or signs).

SECTION 8. Residential Systems–Single and Two–Family Residential Dwellings

Plan review is required if a system is to be installed that will occupy more than 50% of the roof area of a residential building. Examples of this requirement appear at the end of this document.

SECTION 8(a). Access/Pathways

1. Residential buildings with hip roof layouts. Modules shall be located in a manner that provides one (1) three-foot (3') wide clear access pathway from the eave to the ridge on each roof slope where modules are located. The access pathway shall be located at a structurally strong location on the building (i.e. bearing wall)
2. Residential buildings with a single ridge. Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where modules are located.
3. Hips and Valleys. Modules should be located no closer than one and one half (1.5') to a hip or a valley if modules are to be placed on both sides of a hip or valley. If the modules are to be located on only one side of a hip or valley that is of equal length then the modules may be placed directly adjacent to the hip or valley.

SECTION 8(b). Smoke Venting

The modules should be located no higher than three (3') below the ridge.

SECTION 10. Commercial Buildings and Residential Housing Comprised of Three (3) or more Dwellings

Exception. If the fire official determines that the roof configuration is similar to residential (i.e. townhouses, condominiums, or single family attached buildings) the fire code official may make a determination to apply the residential access and ventilation requirements.

SECTIONS 10(a). Access

There shall be a minimum six (6') foot wide clear perimeter around the edges of the roof.

Exception. If either axis of the building is 250 feet or less in length, there shall be a minimum four feet (4') wide clear perimeter around the edges of the roof.

SECTION 10(b). Pathways

Pathways shall be established for the design of the solar installation. Pathways shall meet the following requirements.

1. Shall be over structural elements
2. Centerline axis pathways should be provided in both axis of the roof. Centerline axis pathways should run on structural members or over the next closest structural member nearest the centerline of the roof.

3. Shall be straight line not less than four feet (4') clear to roof standpipes
4. Shall be straight line not less than four feet (4') clear to skylights and/or ventilation hatches
5. Shall provide not less than four feet (4') clear around roof access hatch with at least one not less than four feet (4') clear pathway to parapet or roof edge

SECTION 10(c), Smoke Ventilation

1. Arrays shall be no greater than 150 by 150 feet in distance in either axis
2. Ventilation options between array sections should be either:
 - a. A pathway 8 feet (8') or greater in width
 - b. 4 feet (4') or greater in width pathway and bordering on existing roof skylights or ventilation hatches
 - c. 4 feet (4') or greater in width pathway and bordering 4 feet (4') x 8 feet (8') "venting cutouts" every 20 feet (20') on alternating sides of the pathway.

SECTION 11, Location of Direct Current (DC) Conductors

Conduit, wiring systems, and raceways for photovoltaic circuits should be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

Conduit runs between sub arrays and to DC combiner boxes should use design guidelines that minimize the total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes are to be located such that conduit runs are minimized in the pathways between arrays.

To limit the hazard of cutting live conduit in venting operations, DC wiring shall be run in metal conduit or raceways when located within enclosed spaces in a building and should be run, to the maximum extent possible, along the bottom of load-bearing members.

SECTION 12, Non-Habitable Buildings

These regulations shall not apply non-habitable structures. Examples of non-habitable structures include, but are not limited to, parking shade structures, solar trellises, etc.

SECTION 13, Ground Mounted Photovoltaic Arrays

Setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. A clear brush area of ten feet (10') is required for ground mounted photovoltaic arrays.

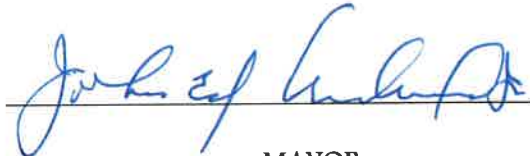
SECTION 14. The attached pictorial examples (1-8) shall be attached hereto and incorporated herein.

SECTION 15. This Ordinance shall become effective from and after its final passage of public welfare requiring it.

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2012.



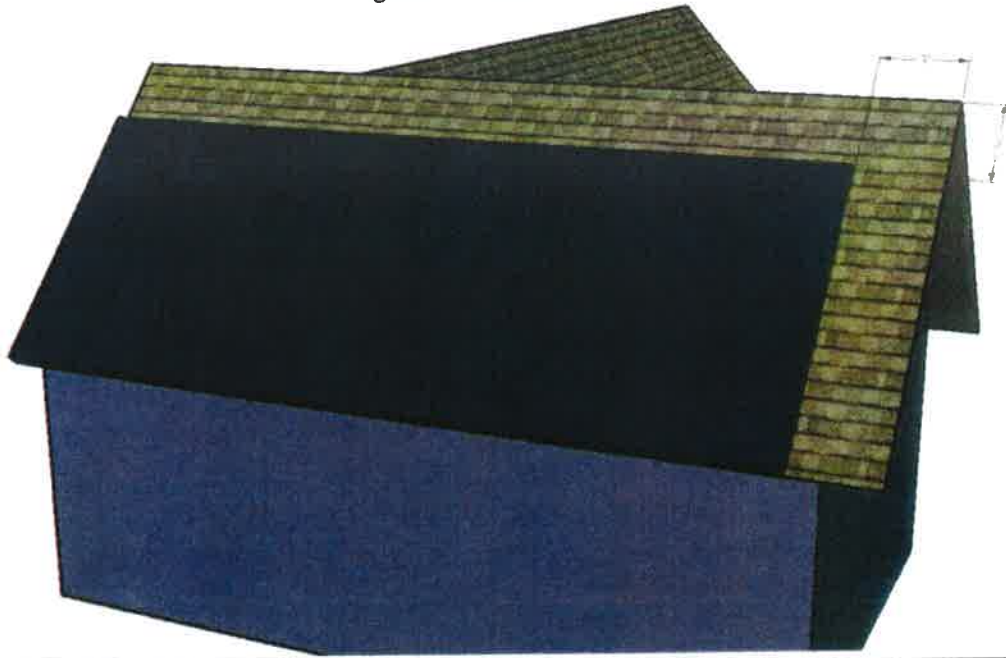
CITY ADMINISTRATOR



MAYOR

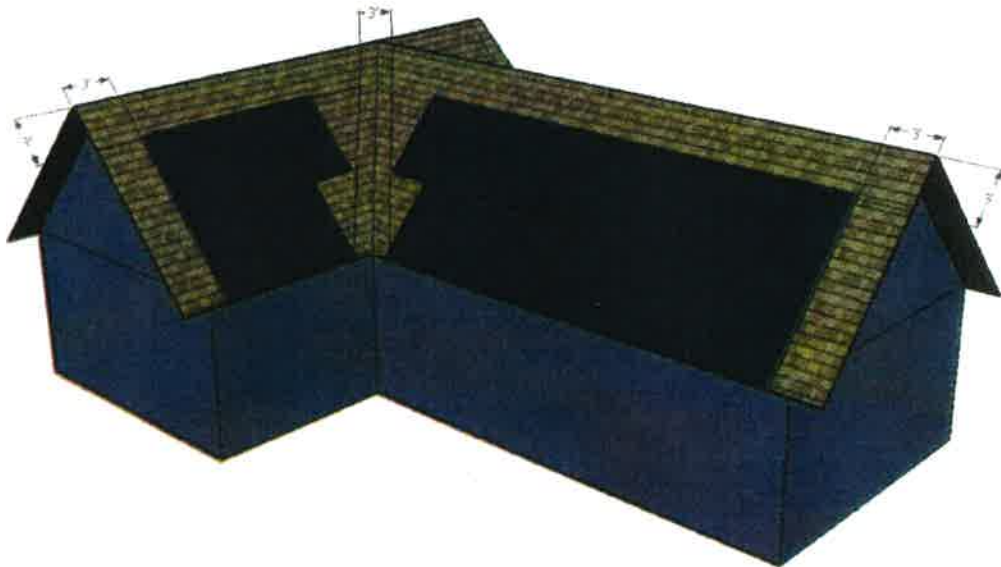
EXAMPLE 1

Diagram 1: Cross Gable Roof



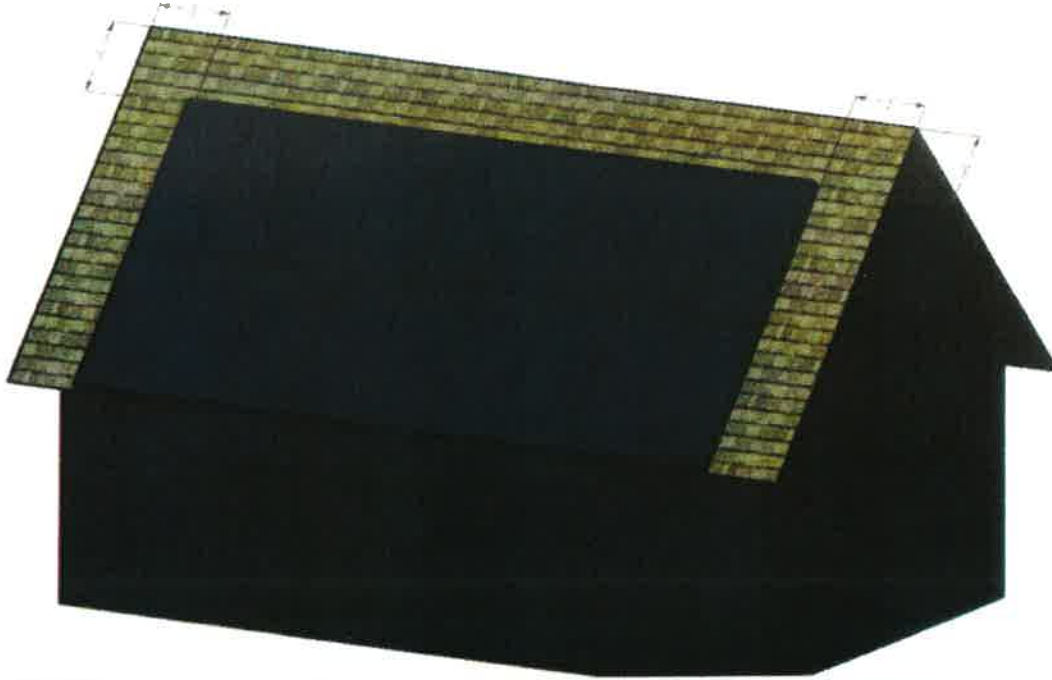
EXAMPLE 2

Diagram 2: Cross Gable with Valley



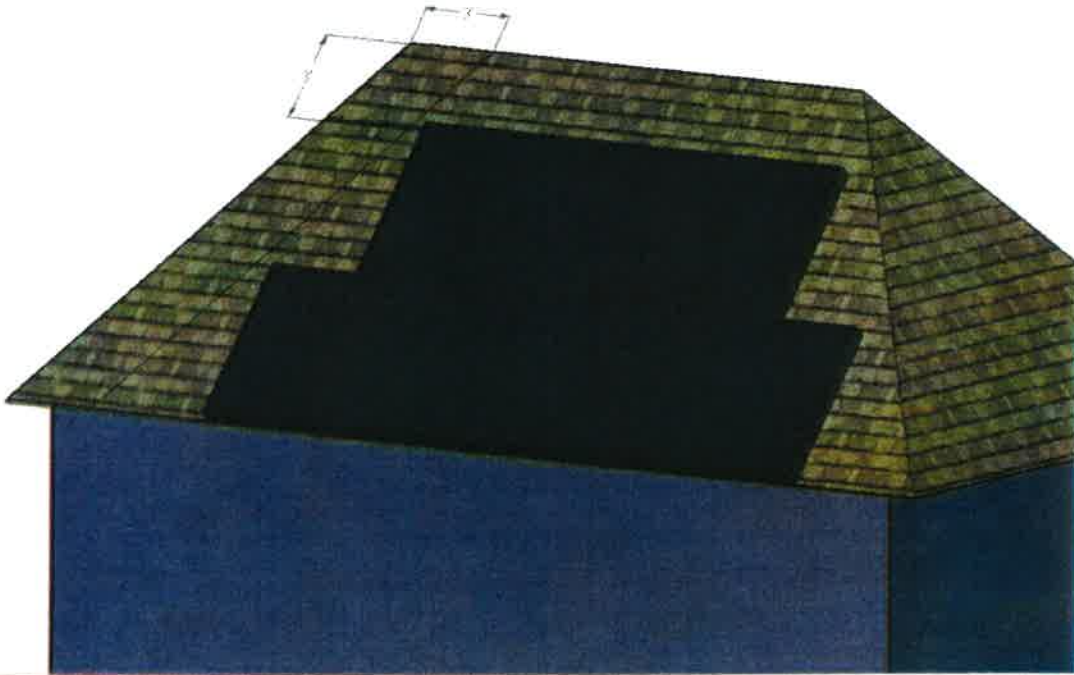
EXAMPLE 3

Diagram 3: Full Gable



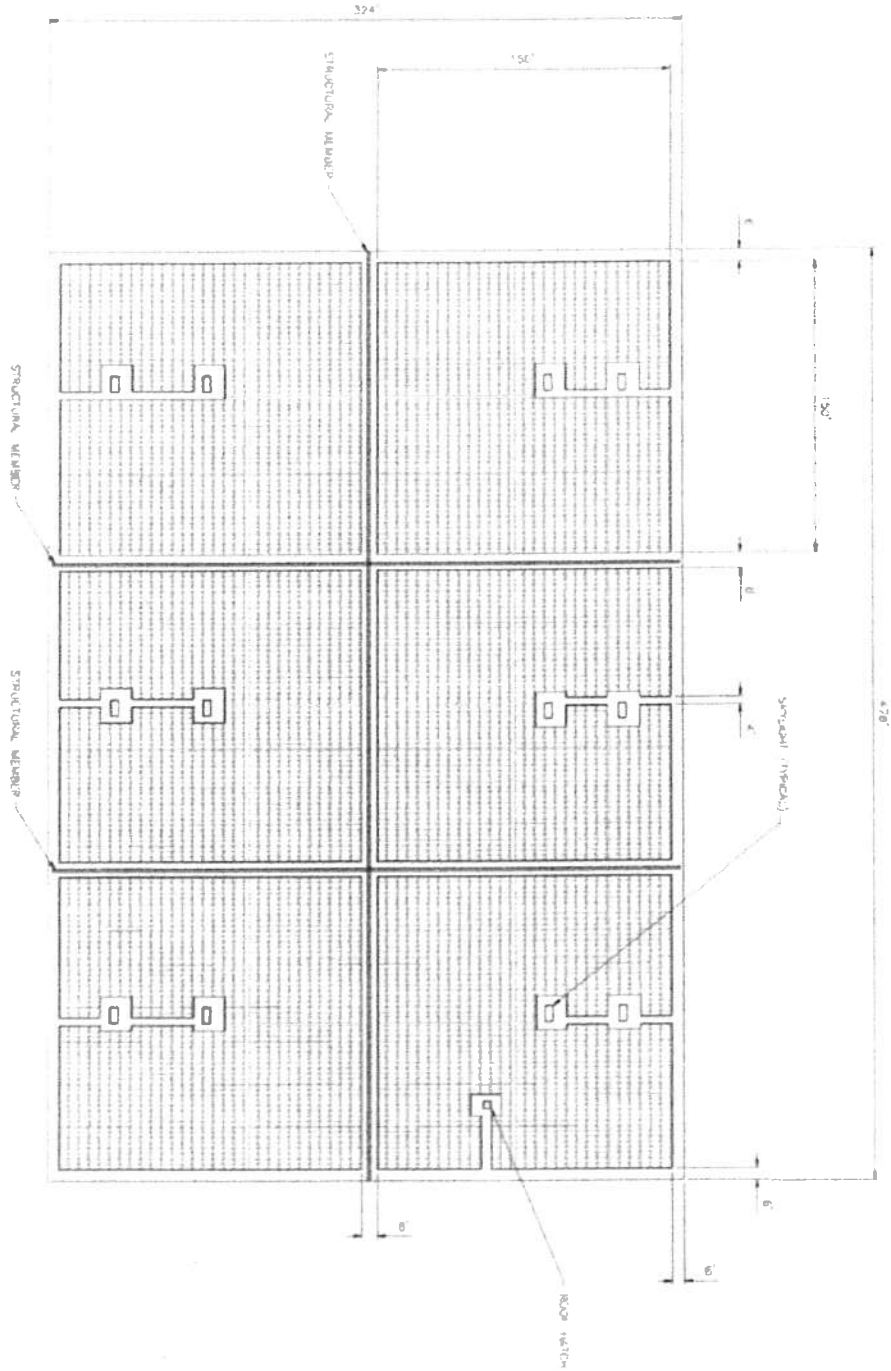
EXAMPLE 4

Example 4: Full Hip Roof



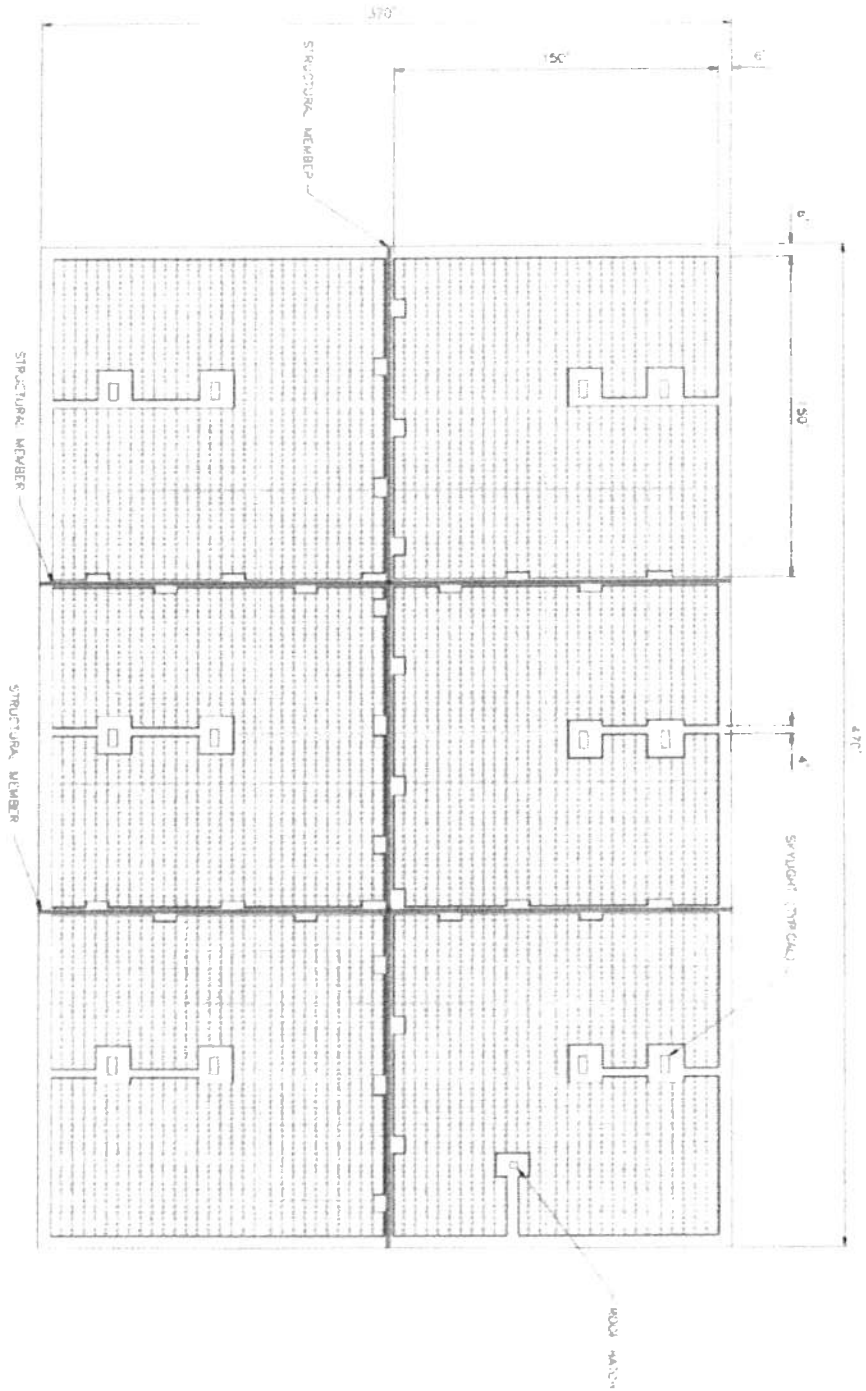
EXAMPLE 5

SOLO AREA, EXAMPLE - LARGE COMMERCIAL
8' WALL WALLS



EXAMPLE 6

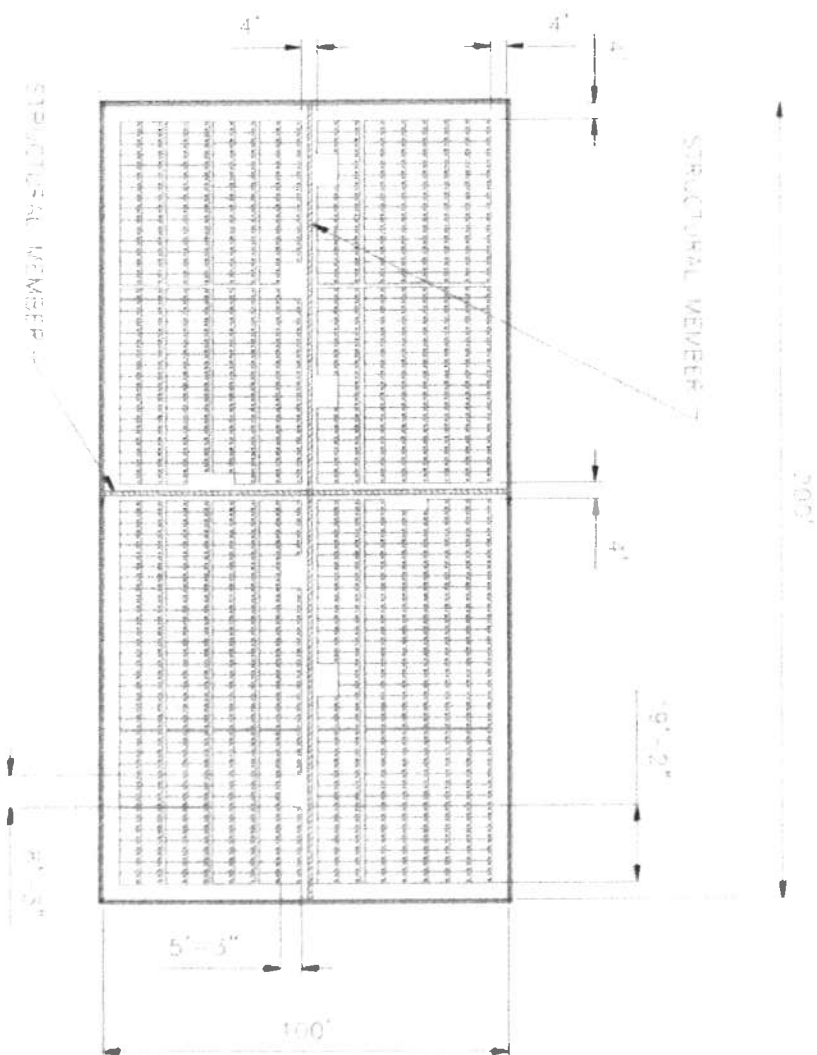
SOIL AB APPA - EXAMPLE - LARGE COMMERICAL
 4' HIGH WALLS WITH 8' X 4' VENTILATION OPPORTUNITIES EVERY 20'



EXAMPLE 7

SOLAR APERTURE = LARGE + SMALL COVERED
 4" WALLS WITH 8" x 4" VENTING SPACES EVERY 20" ALONG WALL

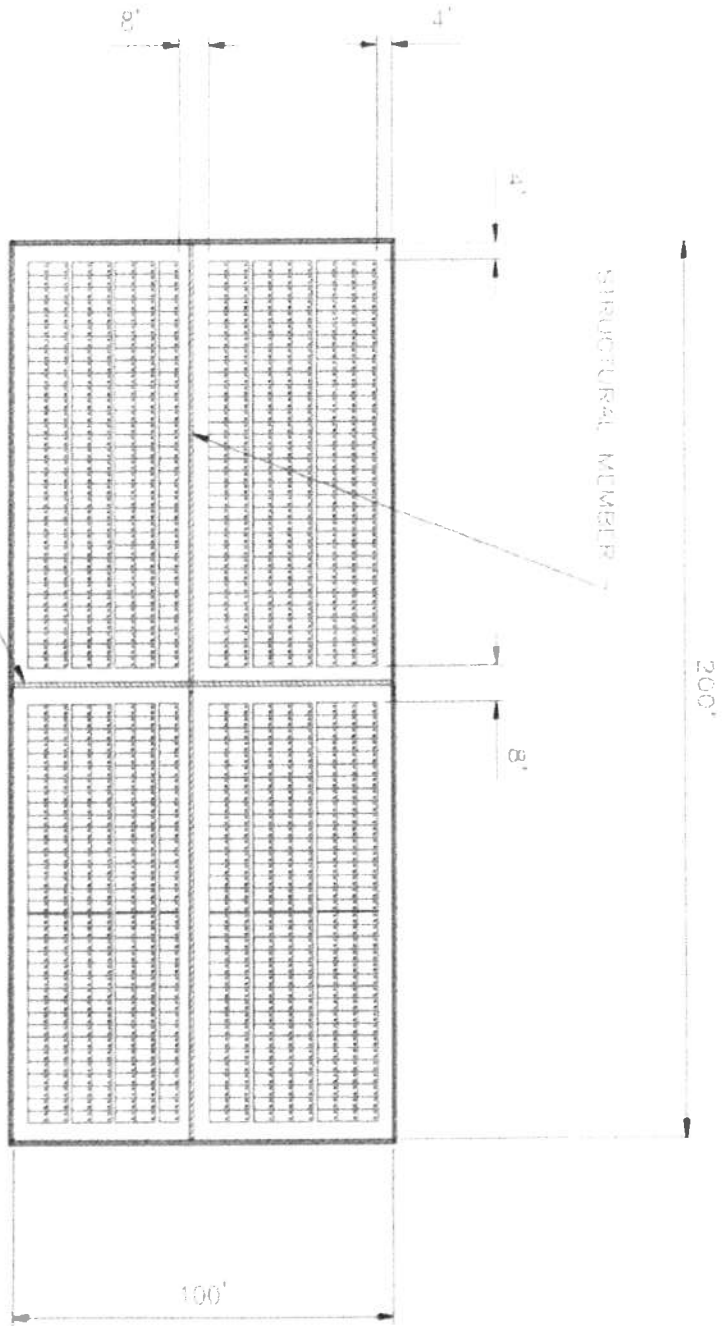
STRUCTURAL MEMBER



EXAMPLE 8

SOLAR ARRAY EXAMPLE - SMALL COMMERCIAL
8' PANELS

STRUCTURAL MEMBER ...



Motion was made by Danny Bryant, seconded by Pat Fraley, to approve Ordinance No. 2012-14.
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 adopted.

Ordinance No. 2012-15:

Ordinance No. 2012-15, an ordinance entitled, "An Ordinance To Contract The Corporate Boundary Of The City Of Fayetteville, Tennessee", was considered. Said Ordinance is as follows:

ORDINANCE NO. 2012-15
CITY OF FAYETTEVILLE, TENNESSEE

**AN ORDINANCE TO CONTRACT THE CORPORATE BOUNDARY OF THE CITY OF
FAYETTEVILLE, TENNESSEE**

WHEREAS, Tennessee Code Annotated 6-51-201(b)(1) provides that any incorporated city or town may, after notice and public hearing, contract its limits within any given territory upon its own initiative or by ordinance when it appears in the best interest of the affected territory; and,

WHEREAS, ownership of the following 1.53 acre portion of property has been transferred from the Industrial Development Board of the City of Fayetteville and Lincoln County, Tennessee through the execution of a General Warranty Deed found in Deed Book D14 Page 979; and,

WHEREAS, a public hearing before this body was held on the 11th day of September, 2012, pursuant to a notice thereof published in the Elk Valley Times on August 29, 2012; and,

WHEREAS, a map of the subject areas was made available for public inspection at the Fayetteville Municipal Building on August 29, 2012; and,

WHEREAS, it has been determined that it is in the best interest of the City of Fayetteville and the property owner to de-annex said area as a result of its sale; and,

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

SECTION 1: The 1.53 acre territory, currently located within the corporate limits of the City of Fayetteville, shown below and further described in the Rocky Drake Subdivision filed at the Lincoln County Register of Deed's Office in Plat Book P5 Page 183 shall hereby be removed from the corporate limits of the City of Fayetteville, Tennessee:

<u>PROPERTY OWNER</u>	<u>MAP</u>	<u>PARCEL</u>	<u>DEED BOOK</u>	<u>PAGE</u>
James and Angela Drake	66	6.01	D14	979

SECTION 2: The 1.53 acre portion of the above listed parcel is shown on the attached map labeled "Exhibit A" and said map shall be incorporated herein and attached hereto.

SECTION 3. Pursuant to T.C.A. §6-51-204, all municipal jurisdiction over said area shall cease upon the effective date of this ordinance and the Lincoln County Assessor of Property shall be notified of said contraction.

SECTION 4: This ordinance shall be effective from and after its passage, the public welfare requiring it.

ADOPTED THIS 11th DAY OF SEPTEMBER, 2012.

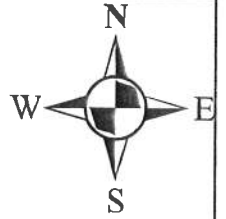


CITY ADMINISTRATOR



MAYOR

EXHIBIT "A"



JERRY PENDERGRASS

RACHEL HARWELL

PROVIDENCE ROAD

OUTSIDE CITY LIMITS

INSIDE CITY LIMITS

James and Angela Drake
Remaining Portion of
Map 66 Parcel 6.01

1.53 acre portion of Map 66 Parcel 6.01
to be de-annexed to correct City Limit line

Fayetteville-Lincoln County Industrial Development Board
Tax Map 81 Parcel 4.00
Zone I-1

INSIDE CITY LIMITS

OUTSIDE CITY LIMITS

WINCHESTER HIGHWAY

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve Ordinance 2012-15. Upon roll call, the following voted:

Aye

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

Nay

Danny Bryant

Mayor Underwood declared the Ordinance adopted.

“Dump the Junk” Week – Car Purchase:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve the “Dump the Junk” car purchase for the City to purchase junk vehicles for One Hundred Dollars (\$100.00) for “up to” the purchase of ten (10) cars for a total of One Thousand Dollars (\$1,000.00). Upon roll call, the following voted:

Aye

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

Nay

Michael Stewart

Mayor Underwood declared the motion approved.

Police Department Building Roof Repair:

Motion was made by Michael Stewart, seconded by Marty Pepper, to approve the expenditure of “up to” Five Thousand Dollars (\$5,000.00) to repair the roof at the Police Department. 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.

Fire Department Parking Lot:

Motion was made by Danny Bryant, seconded by Tom Young, to allow the Fire Department to move forward on paving the Fire Department’s parking 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.

William D. Jones Project Plan:

Motion was made by Dorothy Small, seconded by Michael Stewart, to reallocate Sixty-Six Thousand Dollars (\$66,000.00) of the 2009 Bond Series to be used as the matching funds for the STP Funds, and to use the remaining funds of the 2009 Bond Series to repair William D. Jones and to hire Tom Bailey to design the sidewalks for the STP Fund project. 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.

Donation of Wells Hill Land to the Tennessee Parks and Greenway Foundation:

Motion was made by Danny Bryant, seconded by Marty Pepper, that in the event the Wells Hill property, that the City sold to Charles Gleghorn by deed dated July 27, 2012, is converted into a natural area by the Tennessee Parks and Greenway Foundation or state agencies, the City will donate the remaining twelve (12) acres owned by the City to Tennessee Parks and Greenway Foundation or the state agency that develops the park provided that the Foundation or state agency agrees to preserve and maintain the gravity flow water system that is situated on the twelve (12) acre tract. 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.

Call for a Public Hearing:

Motion was made by Pat Fraley, seconded by Michael Stewart, to call for a Public Hearing on the De-annexation of property owned by James Easley located on Industrial Boulevard. Upon roll call, the following voted:

Aye

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

Nay

Danny Bryant

Mayor Underwood declared the motion approved.

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

Mayor

Clerk