

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
APRIL 8, 2014

REFERENCE VIDEO DATED APRIL 8 2014

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 8, 2014. Mayor John Ed Underwood, Jr. was present and presiding. The following named Aldermen were present:

Danny Bryant, Marty Pepper, Gwen Shelton, Dorothy Small, Michael Whisenant and Tom Young

Also, present were Scott Collins, City Administrator and Johnny D. Hill, Jr., City Attorney

The prayer was lead by Alderman Bryant and the pledge was lead by Alderman Whisenant

**Approval of Minutes:**

1. Motion was made by Michael Whisenant, seconded by Dorothy Small, to approve the minutes of the March 2014 Meeting. Upon roll call, the following voted:

Aye

Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton and Marty Pepper

Nay

None

Mayor Underwood declared the Minutes approved.

2. Motion was made by Gwen Shelton, seconded by Dorothy Small, to approve the minutes of the Special Called Meeting on April 2, 2014. Upon roll call, the following voted:

Aye

Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper and Danny Bryant

Nay

None

Mayor Underwood declared the Special Called Minutes approved.

**Reports:**

**Oath of Office:**

Police Officers Doug Allen and Elliot Hamm were sworn in by Mayor Underwood.

**Fayetteville/Lincoln County Industrial Development Board:**

Elaine Middleton, the Executive Director, was not present.

**Fayetteville Public Utilities:**

Britt Dye, the CEO/General Manager, discussed the sewer rehab work in the Radio City area, which has begun and will continue over the next few weeks. Mr. Dye stated that the water tank on Daves Hollow Road in Howell is in the process of being replaced. Mr. Dye reported that FPU is moving forward in the purchase of one hundred sixty-eight (168) customers, from Athens Utility, which are located on the Tennessee side of the Ardmore area.

**Fire Report:**

Fire Chief Danny Travis reported that the Fire Department had 58 calls for service, with 1 structural fire with a property loss of approximately \$120,000.00, 41 medical calls and 2 accidents with injuries.

**Police Report:**

Police Chief Richard Howell reported that there were 173 incidents with 64 arrests, 48 crashes and 93 citations for a total of 1,808 events.

**Recreation Report:**

Ricky Honey, Recreation Director, was not present.

**Public Works:**

Eddie Plunkett, Public Works Director, reported that for the month of March 220 tons of trash was picked up, along with 214 tons of brush and 10 tons of leaves.

**Planning and Codes Report:**

Jeff Siefert, Building Inspector, reported for the month of March there were eight (8) building permits issued for approximately Forty-Seven Thousand, Six Hundred Ten Dollars (\$47,610.00) in work to be done, with the fees being Four Hundred Sixty-Five Dollars and 84/100 (\$465.84).

**Administrator's Report:**

Mr. Collins stated the new City swimming pool has been completed with a ribbon cutting ceremony set for May 10<sup>th</sup>. Mr. Collins reported that the Spring Dump the Junk Week is set for May 3<sup>rd</sup> through the 11<sup>th</sup>.

**Rescind Motion to Authorize the Application for Local Parks and Recreation Fund Grant:**

Motion was made by Michael Whisenant, seconded by Tom Young, to rescind the motion that had approved the authorization for the application for the Local Parks and Recreation Fund Grant, "not to exceed" Forty Thousand Dollars (\$40,000.00). Upon roll call, the following voted:

Aye

Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant and Tom Young

Nay

None

Mayor Underwood declared the motion approved.

**Resolution No. R-14-04:**

Resolution No. R-14-04, a resolution entitled, "A Resolution Authorizing The City Of Fayetteville To Participate In the Local Parks & Recreation Fund Grant, 2014", was considered. Said Resolution is as follows:

**RESOLUTION NO. R-14-04**

**A RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL PARKS & RECREATION FUND GRANT, 2014**

**WHEREAS**, the City of Fayetteville supports the need for continued recreational activities within Fayetteville; and

**WHEREAS**, the State of Tennessee is accepting applications for the Local Parks and Recreation Fund.

**NOW THEREFORE BE IT RESOLVED THAT** the City of Fayetteville will apply for Local Parks and Recreation Funds for the purpose of making improvements within the existing park system,


**BE IT FURTHER RESOLVED THAT** the City of Fayetteville will provide the required match of fifty percent of the total project cost through the use of force account, and/or cash as identified in the grant application.

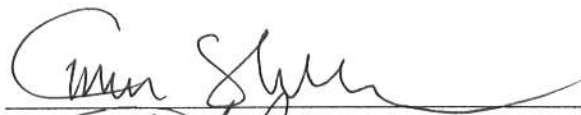
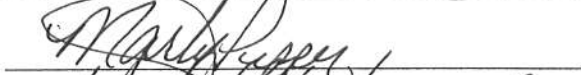

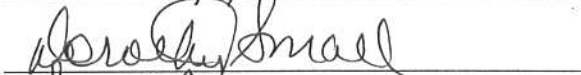
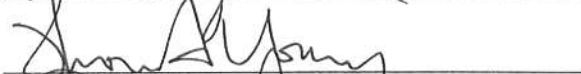

**BE IT FURTHER RESOLVED THAT** the City will register the Notice of Limitation of Use against the Warranty Deed for the Park

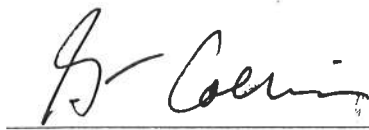
**BE IT FURTHER RESOLVED THAT** the project will be completed within two years of the project contract start date

**BE IT FURTHER RESOLVED THAT** Mayor John Ed Underwood, as the Chief Elected Official, is authorized and is hereby instructed, to sign all papers in connection with said resolution.

**NOW BE IT RESOLVED** by the City of Fayetteville Board of Mayor and Aldermen on this 8th day of April, 2014.

  
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Mayor

  
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\_\_\_\_\_  
Board of Aldermen

  
\_\_\_\_\_  
Attested

Motion was made by Gwen Shelton, seconded by Marty Pepper, to approve Resolution R-14-04. Upon roll call, the following voted on the amendment:

Aye

Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young and Dorothy Small

Nay

None

Mayor Underwood declared the Resolution adopted.

**Ordinance No. 2014-06:**

Ordinance No. 2014-06, 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. 2014-06**  
**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 25, 2014 the Fayetteville Municipal/Regional Planning Commission did review and recommend for adoption, the following rezoning; and,

**WHEREAS**, the Fayetteville Regional Planning Commission does recommend to the Board of Mayor and Alderman that the "Zoning Map of Fayetteville, Tennessee", be amended 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>
John and Alison A. Hoagland	067	37.05	S13	656
John and Alison A. Hoagland	067	37.05	U13	953

**Section 3.** The attached drawing 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 8th DAY OF April, 2014

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

31/76:15/36-36  
05005630

NO.	DATE	DESCRIPTION	AMOUNT
1	11-15-50	RECORD FEE	1.00
2	11-15-50	PROPERTY TAX	1.00
3	11-15-50	SALES TAX	1.00
4	11-15-50	TRANSFER FEE	1.00
5	11-15-50	NOTARIAL FEE	1.00
6	11-15-50	RECORD FEE	1.00
7	11-15-50	PROPERTY TAX	1.00
8	11-15-50	SALES TAX	1.00
9	11-15-50	TRANSFER FEE	1.00
10	11-15-50	NOTARIAL FEE	1.00
11	11-15-50	RECORD FEE	1.00
12	11-15-50	PROPERTY TAX	1.00
13	11-15-50	SALES TAX	1.00
14	11-15-50	TRANSFER FEE	1.00
15	11-15-50	NOTARIAL FEE	1.00
16	11-15-50	RECORD FEE	1.00
17	11-15-50	PROPERTY TAX	1.00
18	11-15-50	SALES TAX	1.00
19	11-15-50	TRANSFER FEE	1.00
20	11-15-50	NOTARIAL FEE	1.00
21	11-15-50	RECORD FEE	1.00
22	11-15-50	PROPERTY TAX	1.00
23	11-15-50	SALES TAX	1.00
24	11-15-50	TRANSFER FEE	1.00
25	11-15-50	NOTARIAL FEE	1.00
26	11-15-50	RECORD FEE	1.00
27	11-15-50	PROPERTY TAX	1.00
28	11-15-50	SALES TAX	1.00
29	11-15-50	TRANSFER FEE	1.00
30	11-15-50	NOTARIAL FEE	1.00



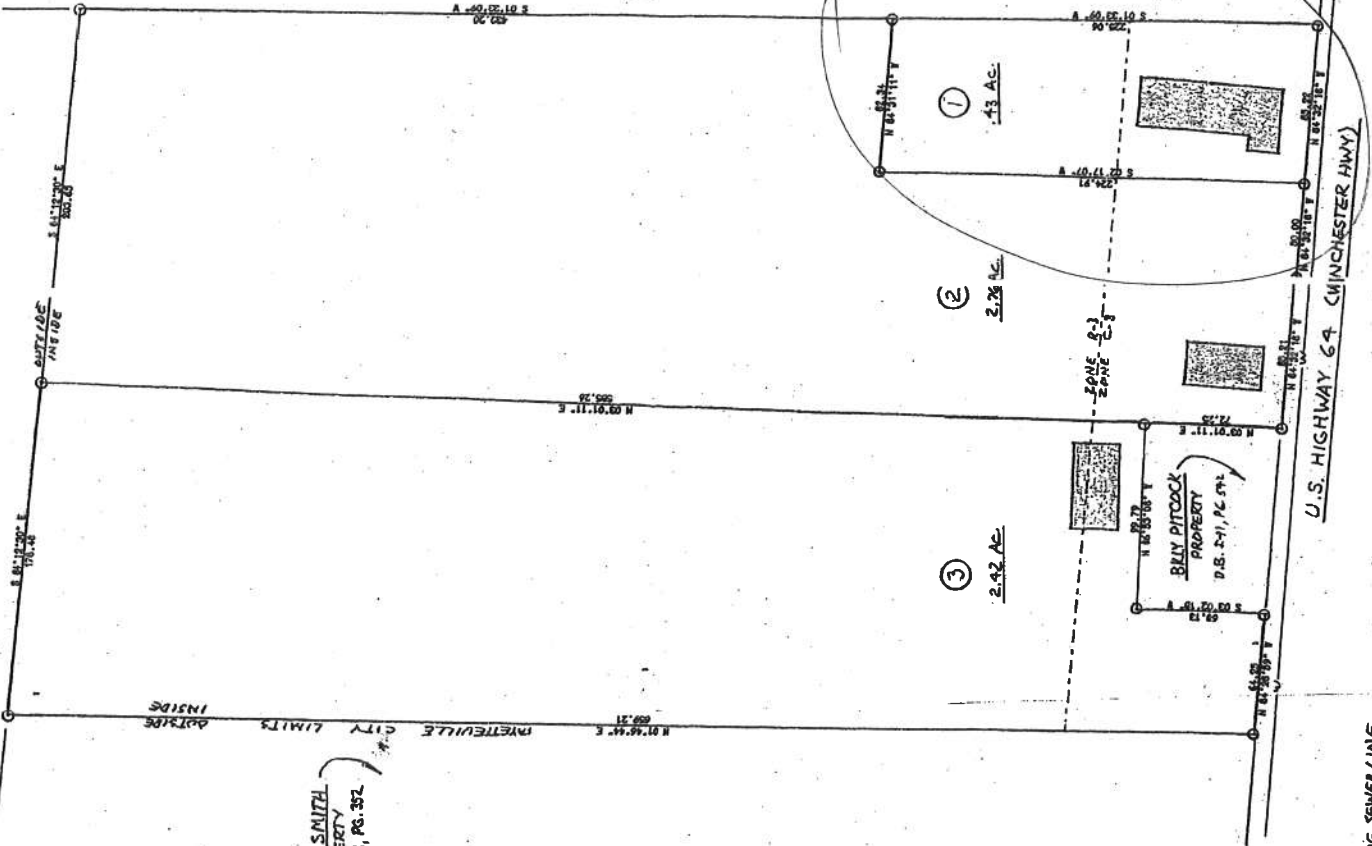
REVISED PLAT OF:  
**MADDIE ESTATES**  
SUBDIVISION  
DATE: 9-01-05  
SCALE: 1"=50'  
OWNER/DEVELOPER: TANYA NEILL  
1766 WINCHESTER HWY.  
FAYETTEVILLE, TN. 37334

D.B. D-13, PG. 350  
ZONED: R-3 AND C-3  
7TH CIVIL DISTRICT, LINCOLN CO., TN.  
ORIGINAL SUBDIVISION RECORDED IN PLAT BOOK  
3, PAGE 91

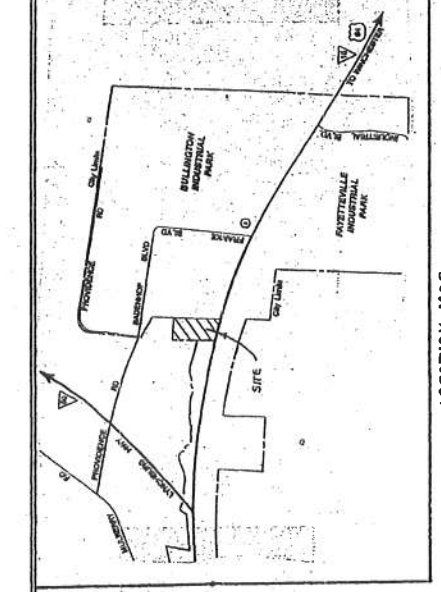
NOTES: 1) ALL FRONT SETBACK LINES ARE 35'  
2) ALL REAR SETBACK LINES ARE 15'  
3) ALL SIDE SETBACK LINES ARE 10'  
4) THERE IS A 25' UTILITY EASEMENT  
ACROSS THE SOUTH SIDE OF EACH LOT  
5) PROPERTY IS NOT WITHIN AN AREA  
DESIGNATED AS A "SPECIAL FLOOD  
HAZARD AREA." FEMA, MAP NO.  
47103C-0167C, EFFECTIVE 12-20-99  
6) ○ = METAL PIN

# "Exhibit A"

LAWRENCE MOORE  
PROPERTY  
D.B. 11, PG. 852



EXISTING SENCE LINE  
ON SOUTH SIDE OF  
HIGHWAY



LOCATION MAP  
(NOT TO SCALE)

INDUSTRIAL PARK  
(FRANKE)

CERTIFICATE OF OWNERSHIP AND DEDICATION  
We Herby Certify that we are the owners of the property shown and described hereon as evidenced in deed book D-13, page 350, Lincoln County Register office, and that I herby adopt this plan of subdivision with my free consent, establish the minimum building restriction lines, and that other of irrevocable dedication for all public ways, utilities, and other facilities have been filed.

Tanya Neill  
Owner

9-27-2005  
Date

CERTIFICATE OF SURVEY ACCURACY  
I herby certify to the best of my knowledge and belief this is a true and accurate survey of the property shown and described hereon and that I have been duly licensed under Chapter 11, Tennessee Code, and that the ratio of precision is within that required by the Code, 7-200



9-27-2005  
Date

CERTIFICATE OF APPROVAL FOR RECORDING  
I herby certify that the subdivision shown hereon has been found to comply with the Fayetteville, Tennessee Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the Office of the County Register.

9/27/05  
Date

9/27/05  
Date

Secretary Planning Commission

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve Ordinance No. 2014-06. Upon roll call, the following voted:

Aye

Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young, Dorothy Small and Michael Whisenant

Nay

None

Mayor Underwood declared the Ordinance adopted.

**Parade Permit - Relay for Life:**

Motion was made by Danny Bryant, seconded by Marty Pepper, to approve the amended parade permit for Relay for Life on May 2<sup>nd</sup> to 3<sup>rd</sup>, 2014, to allow them to close the inside of the courthouse square by 12:00 p.m. on Friday, May 2<sup>nd</sup>. Upon roll call, the following voted:

Aye

Marty Pepper, Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant and Gwen Shelton

Nay

None

Mayor Underwood declared the motion approved.

**2013 Fiscal Year Audit:**

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve the Fiscal Year 2013 Audit. Upon roll call, the following voted:

Aye

Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton and Marty Pepper

Nay

None

Mayor Underwood declared the motion approved.

**Recycling Center's Roof Repair:**

Motion was made Gwen Shelton, seconded by Michael Whisenant, to approve the City's portion of Seven Thousand, Four Hundred Thirty-Six Dollars (\$7,436.00) to repair the roof at the Recycling Center. Upon roll call, the following voted on the motion:

Aye

Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper and Danny Bryant

Nay

None

Mayor Underwood declared the motion approved.

**Parade Permit – Tiger Tracks:**

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve the parade permit for Ralph Askin's Tiger Tracks for May 16, 2014. Upon roll call, the following voted:

Aye

Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant and Tom Young

Nay

None

Mayor Underwood declared the motion approved

**Parade Permit - Southern Weekend of Art:**

Motion was made by Gwen Shelton, seconded by Marty Pepper, to approve the parade permit for the 49<sup>th</sup> Annual Southern Weekend of Art for June 20-21. Upon roll call, the following voted:

Aye

Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young 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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City Clerk