

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
JANUARY 12, 2016

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 January 12, 2016. Mayor Jon Law was present and presiding. The following named Aldermen were present:

Danny Bryant, Anna Catherine Cowley, Violet Harry, Gwen Shelton, Dorothy Small and Michael Whisenant

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

The prayer was lead by Danny Bryant, and the pledge was lead by Violet Harry.

Adoption of Agenda:

The agenda for January 12, 2016 was presented for approval. A motion was made by Michael Whisenant, seconded by Gwen Shelton, to approve the minutes with the removal of item "G" pending approvals from the state. Upon roll call, the following voted:

Aye:

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton and Anna Catherine Cowley

Nay:

None

Mayor Law declared the motion approved.

Approval of Minutes:

The minutes of December 8, 2015 were read and stand as distributed.

Police Officer Oath of Office:

Billy Brazier was sworn into office as a member of the Fayetteville Police Department.

Jonathan Jones was sworn into office as a member of the Fayetteville Police Department.

Reports:

Fayetteville Public Utilities:

Britt Dye, Fayetteville Public Utilities' CEO/General Manager, reported that FPU has replaced 53,788 feet of sewer lines inside the city, 206 man holes, 343 service replacements, 540 man hole inspections, 111,821 feet of smoke testing and 62,380 feet of camera/TV cable to check the lines. FPU encourages everyone to participate in the broadband survey. The pole changing is continuing on College Street. The tree trimmers are keeping up in the city and the county.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had fifty-four (54) calls for service with a property loss of five hundred dollars (\$500.00) and thirty-one (31) medical calls and the volunteers logged one hundred thirty-nine (139) hours. The Fire Department assisted 280 families and 507 children with the toy drive.

Police Report:

Police Chief Richard Howell reported that there were one hundred nine (109) incidents with sixty-seven (67) arrests, fifty (50) traffic accidents, and fifty-three (53) citations, for a total of one thousand five hundred forty-one (1,541) events. Detectives have five hundred fifty-three (553) cases on hand, seven (7) new cases opened and five (5) closed.

Recreation Report:

Ricky Honey, Recreation Director, reported that trout fishing is continuing at Stone Bridge Park. Baseball sign-ups will be Saturday January 16th and 23rd from 9:00 a.m. until 2:00 p.m. The Warrior Project has been very successful, and everyone is encouraged to see it. Equipment for the dog park is coming in this week and will be installed as weather permits. An early February opening for the dog park is planned, weather permitting.

Public Works:

Eddie Plunkett, Public Works Director, reported that for the month of December there was two hundred sixty-eight (268) tons of sanitation was picked up, along with one hundred eight (108) tons of brush and sixty-two (62) tons of leaves. The Department will be closed on Monday, January 18th. Trash will be picked up Tuesday, January 19th.

Planning and Codes Report:

Jeff Siefert, Building Inspector, reported for the month of December there were nine (9) building permits issued for approximately five million two hundred seven thousand three hundred eleven dollars (\$5,207,311.00) in work to be done, with the fees being two thousand two hundred twenty-four dollars (\$2,224.00).

Administrator's Report:

Scott Collins, City Administrator, reported that the meetings are continuing with Camp Blount, and the state museum is considering some items to be on permanent loan to the City of Fayetteville. The Strategic Planning Meeting will be held on February 27, 2016 at Henry Horton State Park. The Local Parks and Recreation Fund Grant has started the design requirements for Kiwanis Park bathrooms. The TAP Grant is still in the environmental stage.

Airport Funding – Additional \$7,054:

There was a full and thorough discussion concerning the additional funding for the airport. Motion was made by Anna Catherine Cowley, seconded by Violet Harry, to approve funding for the airport for the additional \$7,054.00. Upon roll call, the following voted:

Aye:

Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley and Danny Bryant

Nay:

None

Mayor Law declared the motion approved.

Brookemeade Property Easement:

There was a full and thorough discussion concerning the Brookemeade property easement. Motion was made by Danny Bryant, seconded by Dorothy Small, to approve up to \$5,000.00 to acquire the Brookemeade drainage easement by all means necessary available. Upon roll call, the following voted:

Aye:

Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant and Dorothy Small

Nay:

None

Mayor Law declared the motion approved.

Ordinance 2016-01:

Ordinance No. 2016-01, an ordinance entitled, “An Ordinance of the City of Fayetteville, Tennessee to Accept State Project Number: 52951-3534-04 (Frito Lay Project),” was considered. Said Ordinance is as follows:

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE TO ACCEPT
STATE PROJECT NUMBER: 52951-3534-04 (FRITO LAY PROJECT)

WHEREAS, The Industrial Development Board, SAPA Extrusions North America, LLC, James L. and Brenda Easley, Henry G. Wright, III have graciously dedicated with the City of Fayetteville, Tennessee, the real property described in Exhibit "A", which is attached hereto and hereby incorporated herein by reference, for the use and benefit of the public, and in particular, for a public street which is known as State Project Number: 52951-3534-04 running in a northerly direction from its present southerly terminus stated in Exhibit "A", and ending its northerly point at State Route 10 (Winchester Highway) and;

WHEREAS, said property was heretofore been retained as private property with maintenance responsibility vested in said grantors, and;

WHEREAS, The State of Tennessee as per State Project Number: 52951-3534-04 have offered said street for dedication and acceptance by the City of Fayetteville, and;

WHEREAS, the Mayor and Board of Alderman of the City of Fayetteville, Tennessee, a Tennessee municipal corporation, deem it in the best interest of all parties for the City of Fayetteville to accept the responsibility of maintaining, repairing and hereafter utilizing State Project Number: 52951-3534-04 as a public or city street.

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

SECTION 1: The City of Fayetteville, Tennessee accepts the dedication of said real property and utilized as a public street.

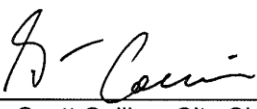
SECTION 2: The City of Fayetteville, Tennessee accepts responsibility for maintaining and repairing said street and its associated appurtenances.

SECTION 3: Jonathan D. Law, Mayor of the City of Fayetteville, Tennessee, shall be, and is hereby authorized, empowered and directed to execute any and all such documents, agreements, instruments and certificates as may be necessary or appropriate in his discretion to complete this acceptance.

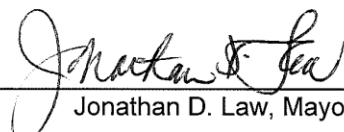
BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage, the public welfare requiring it.

Adopted by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, on this

12th day of January, 2016.



Scott Collins, City Clerk



Jonathan D. Law, Mayor

Motion was made by Gwen Shelton, seconded by Michael Whisenant, to approve Ordinance No. 2016-01. Upon roll call, the following voted:

Aye:

Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small and Violet Harry

Nay:

None

Mayor Law declared the motion approved.

Ordinance 2016-02:

Ordinance No. 2016-02, an ordinance entitled, "An Ordinance to Name a New City Street and Rename a Portion of an Existing City Street in Fayetteville, Tennessee," was considered. Said Ordinance is as follows:

ORDINANCE NO. 2016-02
CITY OF FAYETTEVILLE, TENNESSEE

AN ORDINANCE TO NAME A NEW CITY STREET AND RENAME A PORTION OF
AN EXISTING CITY STREET IN FAYETTEVILLE, TENNESSEE

WHEREAS, the Board of Mayor and Alderman have approved the dedication of a new street that will connect to a portion of the existing **Chenault Ford Road** within the corporate limits of Fayetteville; and,

WHEREAS, Tennessee Code Annotated §7-86-127 grants local governments the power to name public roads located within their corporate limits; and,

WHEREAS, it is recognized that the new street is required to be named in order to facilitate orderly and efficient growth, postal and emergency service operation; and,

WHEREAS, it has been determined that the newly constructed street will become an extension of a portion of the existing **Chenault Ford Road**; and,

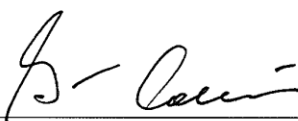
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE, THAT:

SECTION 1. The City of Fayetteville hereby names the newly constructed street as **Chenault Ford Road**.

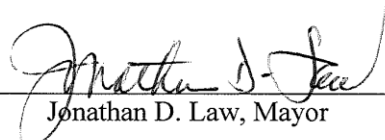
SECTION 2. The newly constructed and named street is shown on the attached map labeled Exhibit A and shall be incorporated herein by reference.

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

ADOPTED THIS 12th DAY OF January, 2016.



Scott Collins, City Clerk



Jonathan D. Law, Mayor

Motion was made by Dorothy Small, seconded by Anna Catherine Cowley, to approve Ordinance No. 2016-02. Upon roll call, the following voted:

Aye:

Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry and Michael Whisenant

Nay:

None

Mayor Law declared the motion approved.

Ordinance 2016-04:

Ordinance No. 216-04, an ordinance entitled, “An Ordinance of the City of Fayetteville, Tennessee Amending the Fayetteville Municipal Code Title 14, Chapter 2, Entitled Zoning Code Chapter 5 Section 14-508 Otherwise Known as the Sign Ordinance,” was considered. Said Ordinance is as follows:

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE AMENDING THE FAYETTEVILLE MUNICIPAL CODE TITLE 14, CHAPTER 2 ENTITLED ZONING CODE CHAPTER 5 SECTION 14-508 OTHERWISE KNOWN AS THE SIGN ORDINANCE.

WHEREAS, the Planning Commission of the City of Fayetteville, Tennessee has reviewed Chapter 5, Section 14-508 Standards for Signs, Billboards and other Advertising Structures; 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 reviewed and recommended this amendment for adoption on October 27, 2015; and,

WHEREAS, this amendment has been reviewed and a public hearing was held by the Fayetteville Board of Mayor and Aldermen on November 12, 2015; and,

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

Chapter 5, Section 14-508 KNOWN AS THE SIGN ORDINANCE is hereby amended as follows:

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In its entirety

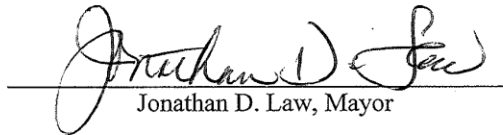
IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING: (SEE ATTACHED) with the exception of the following: Item j. Off-premise Non-commercial Directional Signs and Item k. Off-premise Destination Signs- See Pages 29 and 30

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage, the public welfare requiring it.

Adopted this 12th day of January, 2016.



Scott Collins, City Clerk



Jonathan D. Law, Mayor

Motion was made by Dorothy Small, seconded by Michael Whisenant, to approve Ordinance No. 2016-04. Upon roll call, the following voted:

Aye:

Dorothy Small, Violet Harry, Michael Whisenant and Gwen Shelton

Nay:

Anna Catherine Cowley and Danny Bryant

Mayor Law declared the motion approved.

Student Advisory Request - \$500:

Motion was made by Danny Bryant, seconded by Michael Whisenant, to approve up to \$500 and to allow the Student Advisory to use the lot on Locust for this purpose. Upon roll call, the following voted:

Aye:

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton and Anna Catherine Cowley

Nay:

None

Mayor Law declared the motion approved.

Computer for Mayor up to \$1,000:

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve up to \$1,000 for a computer for the Mayor's Office. Upon roll call, the following voted:

Aye:

Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley and Danny Bryant

Nay:

None

Mayor Law declared the motion approved.

Air Curtain for Municipal Building up to \$5,000:

Motion was made by Gwen Shelton, seconded by Dorothy Small, to approve up to \$5,000 for an air curtain for the Administrative building. Upon roll call, the following voted:

Aye:

Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant and Dorothy Small

Nay:
None

Mayor Law declared the motion approved.

Mudpuppy and Waterdog Contract:

A full and thorough discussion was held concerning the Mudpuppy and Waterdog Contract. Motion was made by Danny Bryant, seconded by Violet Harry, to accept the Mudpuppy and Waterdog contract and to authorize the mayor to sign it and to stay within the funds allocated with the contract. Upon roll call, the following voted:

Aye:
Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small and Violet Harry

Nay:
None

Mayor Law declared the motion approved.

Tennessee Achieve Program:

Mayor Law presented this item. Tennessee Achieve is part of the Tennessee Promise that helps teens get into state schools and part of the program requires eight (8) hours of community service. Last year, sixty percent (60%) of these teens did not get their time in and resulted in them not receiving the Tennessee Promise. The state is suggesting that the cities and counties get together and have a day that is used for community service.

A soft vote was conducted and all board members voted aye.

Ordinance 2016-03:

Ordinance No. 2016-03, an ordinance entitled, “An Ordinance of the City of Fayetteville, Tennessee Amending the Fayetteville Municipal Code Title 15, Chapter 8, Entitled Roadblocks and Title 16, Chapter 1, Section 16-108 Entitled Parades and Assemblies Regulated,” was considered. Said Ordinance is as follows:

ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE
AMENDING THE FAYETTEVILLE MUNICIPAL CODE TITLE 15, CHAPTER 8,
ENTITLED ROADBLOCKS AND TITLE 16, CHAPTER 1, SECTION 16-108
ENTITLED PARADES AND ASSEMBLIES REGULATED.**

WHEREAS, the City of Fayetteville, Tennessee maintains regulations as to when and under what conditions roadblocks can be conducted currently codified in Section 15-801 of the City of Fayetteville Municipal Code; and

WHEREAS, the City of Fayetteville, Tennessee maintains regulations for parades and assemblies currently codified in Section 16-108; and

WHEREAS, the existing ordinances needs to be updated to delete certain anomalies and to add other elements to ensure that roadblocks, parades, foot or bicycle races, assemblies or other events are conducted in a safe and reasonable manner; and

WHEREAS, due to the similar nature of the regulations for roadblocks and the regulations for parades, foot or bicycle races, assemblies and other events, combining the such regulations in the same chapter of the City of Fayetteville Municipal Code is appropriate.

NOW, THEREFORE, BE IT ORDAINED by the City of Fayetteville Board of Mayor and Alderman that the Municipal Code shall be amended to read as follows:

CHAPTER 8

**REGULATION OF ROADBLOCKS, PARADES, FOOT OR
BICYCLE RACES, ASSEMBLIES OR OTHER EVENTS**

15-801. Roadblocks. It shall be unlawful for any individual, group, club or organization to hold a roadblock for the solicitation of contributions on the streets of the City of Fayetteville without securing a permit to conduct such activities. The granting or denial of such permits shall be regulated as follows:

(1) Any individual, group or organization seeking to conduct a roadblock for the solicitation

15-801. Roadblocks. It shall be unlawful for any individual, group, club or organization to hold a roadblock for the solicitation of contributions on the streets of the City of Fayetteville without securing a permit to conduct such activities. The granting or denial of such permits shall be regulated as follows:

- (1) Any individual, group or organization seeking to conduct a roadblock for the solicitation of contributions shall apply to the Chief of Police for a roadblock solicitation permit. In considering whether to grant such applications, the Chief of Police shall following the criteria set out in the City of Fayetteville Municipal Code in Title 9, Chapter 3, Section 9-302. In the event an application is denied, the applicant may appeal the denial pursuant to the terms of Title 9, Chapter 3, Section 9-303.
- (2) At the time the application is presented, the applicant shall provide a current driver's license as part of the application.
- (3) The Chief of Police and/or the City Administrator shall have the authority and responsibility to deny or revoke any roadblock solicitation permit if, in his or her opinion, conditions are unsafe for the conduction of such activities, violation(s) of any ordinance or event rules or regulations have occurred or for any other reason he or she deems it in the best interest of the community to do so.
- (4) Applications for such permits shall not be made more than twelve months prior to the date of the proposed event.
- (5) The Chief of Police shall issue no more than two (2) roadblock permits in any month and no more than eighteen (18) in any calendar year.
- (6) Permitted roadblocks shall be operated only between the hours of 9:00 a.m. and 12:00 p.m. (noon) and shall be limited to the following intersections:
 - a) Intersection of South Main Avenue (Huntsville Highway) and Thornton Taylor Parkway/Wilson Parkway.
 - b) Intersection of Winchester Highway and Thornton Taylor Parkway.
 - c) Intersection of North Main Avenue and Washington Street.
 - d) Intersection of West College Street and Lincoln Avenue.
- (7) No one younger than eighteen (18) years of age shall be permitted to participate in any roadblock in any capacity. No children or pets shall be allowed to participate in any roadblock.
- (8) Roadblock participants shall wear bright, highly visible clothing or vests prescribed by the Chief of Police.
- (9) Solicitors, including all street sale vendors, shall operate in the legal rights of way of intersections where activities are being conducted.
- (10) In the event an emergency vehicle approaches an intersection where a roadblock activity is being conducted, all roadblock participants shall exit the intersection until such time that the emergency vehicle has passed through the intersection and resumption of roadblock activities can be done in a safe manner without interference with such emergency vehicle.

15-802. Parades, Foot or Bicycles Races, Assembly or Other Events. It shall be unlawful for any individual, group or organization to hold any parade, foot or bicycle race, assembly or other event on the public streets of the City of Fayetteville without securing a permit to conduct such activities. The granting or denial of such permits shall be regulated as follows:

- (1) Any group, club or organization seeking to conduct a parade, foot or bicycle race, assembly or other activity shall obtain an application from the City Administrator and shall fully complete said application and return it to the City Administrator or a member of the administrative staff of the City of Fayetteville.
- (2) The City Administrator and/or the Chief of Police shall be authorized to issue permits for parades, foot or bicycle races, assemblies or other such events.
- (3) Permits shall not be issued for multiple events occurring at the same time unless in the opinion of the City Administrator and Chief of Police the events can be conducted without interfering with each other, without unduly burdening the Fayetteville Police Department and/or unduly interfering with traffic. In the event multiple applications are submitted for a particular date, priority shall be given to events being conducted by the City of Fayetteville, its various departments, the Fayetteville-Lincoln County Chamber of Commerce or Fayetteville Main Street, Inc.
- (4) In the event an application is denied, the applicant may appeal to the Board of Mayor and Aldermen by providing written notice of the applicant's intention to do so to the City Administrator.
- (5) At the time the application is presented, the applicant shall provide a current driver's license as part of the application.
- (6) The Chief of Police and/or the City Administrator shall have the authority and responsibility to deny or revoke any parade or event permit if, in his or her opinion, conditions are unsafe for the conduction of such activities, violation(s) of any ordinance or event rules or regulations have occurred or for any other reason he or she deems it in the best interest of the community to do so.
- (7) Any group, club or organization obtaining a permit under this section shall be responsible for immediately cleaning all litter left on the streets, sidewalks and surrounding areas as a result of the activity, and the failure to do so shall be unlawful. In the event a group, club or organization fails to clean litter associated with its activity and it becomes necessary for employees of the City of Fayetteville to conduct such cleaning activities, the group,

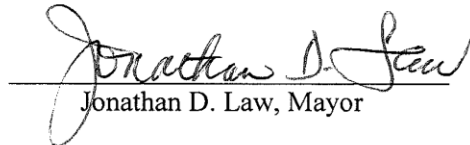
club or organization that failed to clean such litter shall be liable to the City of Fayetteville for the costs associated with having its employees perform such cleaning. Failure of a group, club or organization to adequately clean litter shall be an appropriate consideration in future applications by such groups.

- (8) Applications for such permits shall not be made more than twelve months prior to the date of the proposed event.
- (9) No more than one permit per year shall be issued for a specific event to any group, club or organization.


15-803. Unlawful Assembly. It shall be unlawful for any group or assembly of persons to stand, congregate or remain upon any public street, sidewalk or entrance to any public or private building or structure in the City of Fayetteville in such a way to obstruct, prevent or interfere with the free or unobstructed use of said streets, sidewalks or entrance by other persons. It shall be unlawful for any person to fail or refuse to move or disperse upon being ordered to do so by any police officer of the City of Fayetteville or other peace officer.

BE IT FURTHER ORDAINED that this amendment shall take effect from and after its passage, the public welfare requiring it.

Adopted this 12th day of January, 2016.


Jonathan D. Law, Mayor

Attest:



Scott Collins, City Clerk

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve Ordinance No. 2016-03. Upon roll call, the following voted:

Aye:

Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry and Michael Whisenant

Nay:

None

Mayor Law declared the motion approved.

Parade Permit – Martin Luther King, Jr. Parade – January 18, 2016:

A notification was made for the Martin Luther King, Jr. Parade, on January 18, 2016.

City Clerk

Mayor