

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
AUGUST 12, 2014

REFERENCE VIDEO DATED AUGUST 12, 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 August 12, 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

Not present was Michael Whisenant

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 Small

**Approval of Minutes:**

1. Motion was made by Danny Bryant, seconded by Dorothy Small, to approve the minutes of the July 2014 Meeting. Upon roll call, the following voted:

Aye

Danny Bryant, Tom Young, Dorothy Small, 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 July 16, 2014, Special Called Meeting. Upon roll call, the following voted:

Aye

Tom Young, Dorothy Small, Gwen Shelton and Marty Pepper

Nay

None

Abstain

Danny Bryant

Mayor Underwood declared the Special Called Minutes approved.

**Reports:**

**Oath of Office:**

Police Officer John Masiello, Jr., was sworn in by Mayor Underwood.

### **Fayetteville Lincoln County Chamber of Commerce:**

Carolyn Denton, the Director, reported that the annual golf tournament fundraiser, held on July 18<sup>th</sup>, was a big success. Ms. Denton explained that there will be 21 students from all 3 high schools participating on the Chamber Teen Board. Ms. Denton stated that the next two "Music in the Park" events will be held on August 20<sup>th</sup> and September 25<sup>th</sup>.

### **Fayetteville Main Street:**

Carol Foster, Main Street Director, reported that she met with a company named "Retail Strategies" to help recruit new businesses to the city. Ms. Foster explained that Main Street would be hosting a new festival in April 2015 called the "Slaw Burger Festival".

### **Fayetteville-Lincoln County Industrial Board:**

Elaine Middleton, Executive Director, stated that a portion of the Fayetteville-Lincoln County Industrial Park has received certification as a "Select Tennessee Site". Ms. Middleton explained that the relocation of the utilities for Frito-Lay will soon to be completed, which will complete the Frito-Lay expansion project.

### **Firecracker Chase:**

Dawn Dixon, representing the Firecracker Chase organizers, wanted to show their appreciation for allowing them to bring back the Chase after a 20 year absence. Ms. Dixon explained that the 2<sup>nd</sup> Annual Chase, held on June 28<sup>th</sup>, was a huge success with an increase of participants compared to last year. Ms. Dixon thanked the various volunteers and departments for helping to make the event run so smoothly.

### **Fire Report:**

Fire Chief Danny Travis reported that the Fire Department had 67 calls for service, 44 medical calls and 2 vehicle fires with a property loss of \$11,000.00.

### **Police Report:**

Police Chief Richard Howell reported that there were 236 incidents with 78 arrests, 48 crashes and 108 citations for a total of 1,850 events.

### **Recreation Report:**

Ricky Honey, Recreation Director, reported that the swimming pool will only be open on Saturday and Sunday thru the month of August from 1:00 p.m. to 5:00 p.m., with the pool to close August 31, 2014. Mr. Honey stated that the Archery Club will be having an archery tournament August the 23<sup>rd</sup> – 24<sup>th</sup> at Don Davidson Park.

### **Public Works:**

Eddie Plunkett, Public Works Director, reported that for the month of July 258 tons of sanitation was picked up, along with 305 tons of brush.

### **Planning and Codes Report:**

Jeff Siefert, Building Inspector, reported for the month of July there were three (3) building permits issued for approximately Two Hundred Fifty-Four Thousand, Five Hundred Sixty-One Dollars and 97/100 (\$254,561.97) in work to be done, with the fees being Seven Hundred Ten Dollars (\$710.00).

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

Mr. Collins reported that the Washington Street paving project is now in the final phase with paving to happen within ninety (90) days. Mr. Collins explained that there will be a meeting on August 22, 2014, for the master plan for the Greenway Project. Mr. Collins stated that the issues with the Camp Blount project are being worked-out and will be presenting information to the Board soon. Mr. Collins did mention that the Camp Blount site would be the only 1812 War Park for Tennessee.

**State Revolving Loan Funding:**

Motion was made by Gwen Shelton, seconded by Marty Pepper, to authorize the Mayor to sign the documents which will allow FPU to acquire Five Million, Seven Hundred Thousand Dollars (\$5,700,000.00) from State Revolving Fund for the dewatering and improvements to the Wastewater Treatment Plant. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**RUS Loan Funding:**

Motion was made by Dorothy Small, seconded by Danny Bryant, to authorize the Mayor to sign for RUS funding for Two Million, Four Hundred Thousand Dollars (\$2,400,000.00) to rebuild and upgrade the water treatment plant. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Ordinance No. 2014-10:**

Ordinance No. 2014-10, an ordinance entitled, "An Ordinance To Amend Title 10, Chapter 3 Of The Municipal Code Of The City Of Fayetteville", was considered. Said Ordinance is as follows:

**CITY OF FAYETTEVILLE  
ORDINANCE NO. 2014-10**

**AN ORDINANCE TO AMEND TITLE 10, CHAPTER 3 OF THE  
MUNICIPAL CODE OF THE CITY OF FAYETTEVILLE**

**WHEREAS**, Title 10, Chapter 3 of the Municipal Code of the City of Fayetteville contain provisions relating to the ownership and keeping of dangerous dogs within the City of Fayetteville; and

**WHEREAS**, the title 10, Chapter 3 of the Municipal Code of the City of Fayetteville contains provisions for having a dog declared a dangerous dog, thereby making the dog and its owner subject to the “dangerous dog” laws set forth in that Chapter; and

**WHEREAS**, the current version of Title 10, Chapter 3 of the Municipal Code of the City of Fayetteville mandates that all pit bulls are to be deemed “dangerous dogs” subject to the “dangerous dog” laws set forth in that Chapter; and

**WHEREAS**, the mandatorily designating pit bulls as “dangerous dogs” places an undue burden on the owners of pit bulls that do not exhibit behavior that would otherwise subject the dogs to the “dangerous dog” designation.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE**, that Title 10, Chapter 3 of the Municipal Code of the City of Fayetteville shall be amended as follows:

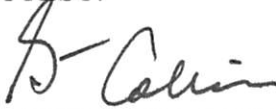
1. By deleting from Section 10-302 the phrase “and to regulate dogs that are commonly referred to as “pit bulls,” as defined herein.”
2. By deleting Section 10-303(8) in its entirety.
3. By deleting Section 10-310 in its entirety.

Approved and adopted this 12<sup>th</sup> day of August, 2014.



John Ed Underwood, Jr., Mayor

ATTEST:



Scott Collins, City Clerk

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve Ordinance No. 2014-10. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the Ordinance adopted.

**Ordinance No. 2014-11:**

Ordinance No. 2014-11, an ordinance entitled, "An Ordinance To Amend Title 10, Chapter 3, Section 10-109 Of The Municipal Code Of The City Of Fayetteville", was considered. Said Ordinance is as follows:

**CITY OF FAYETTEVILLE  
ORDINANCE NO. 2014-11**

**AN ORDINANCE TO AMEND TITLE 10, CHAPTER 3, SECTION 10-109  
OF THE MUNICIPAL CODE OF THE CITY OF FAYETTEVILLE**

WHEREAS, Title 10, Chapter 3, Section 10-109 of the Municipal Code of the City of Fayetteville establishes impoundment fees that the rabies control officer of the City of Fayetteville may charge when an animal is impounded; and

WHEREAS, the current fees no longer reflect to costs associated with impounding an animal and are, therefore, in need of adjustment.

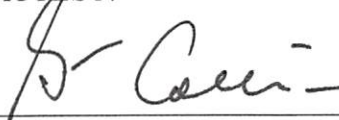
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE, that Title 10, Chapter 3, Section 10-109 of the Municipal Code of the City of Fayetteville shall be amended as follows:

1. All references to an impoundment fee of "\$2.00 per day" shall be amended to "\$10.00 per day."
2. The following sentences shall be deleted from Section 10-109, "The impoundment fee shall be \$4.00 for the first impoundment and for any subsequent impoundment of the same dog within six months of the first impoundment the fee shall be \$6.00 for the second and \$8.00 for any other impoundment. The impoundment fee shall be reduced by \$1.00 if the dog is wearing a valid numbered tag."

Approved and adopted this 12<sup>th</sup> day of August, 2014.

  
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John Ed Underwood, Jr., Mayor

ATTEST:

  
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Scott Collins, City Clerk

Motion was made by Marty Pepper, seconded by Gwen Shelton, to approve Ordinance No. 2014-11. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the Ordinance adopted.

**Parade Permit – Fast and Furriest:**

Motion was made by Danny Bryant, seconded by Tom Young, to approve the parade permit for the Fast and Furriest for October 18, 2014. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Parade Permit – Trail of Tears Re-enactment Walk:**

Motion was made by Dorothy Small, seconded by Danny Bryant, to approve the parade permit for the Trail of Tears Re-enactment Walk for October 25, 2014. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Parade Permit – Reindeer Run:**

Motion was made by Gwen Shelton, seconded by Danny Bryant, to approve the parade permit for the Reindeer Run for November 8, 2014. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Underwood declared the motion approved.

**Parade Permit – Slaw Burger Festival:**

Motion was made by Danny Bryant, seconded by Marty Pepper, to approve the parade permit for the Slaw Burger Festival for April 18, 2015. Upon roll call, the following voted:

Aye

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

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