

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
SEPTEMBER 14, 2010

REFERENCE VIDEO DATED SEPTEMBER 14, 2010

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 14, 2010. Mayor Gwen Shelton was present and presiding. The following named Aldermen were present:

Joe Askins; Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; and Marty Pepper

Also present was James S. Hereford, Jr., City Attorney, and James H. Lee, City Administrator.

The prayer and pledge was led by Alderman Danny Bryant.

Approval of Minutes:

Motion was made by Pat Fraley, seconded by Marty Pepper, to approve the minutes of the August 2010, Meeting. Upon roll call, the following voted:

Aye

Joe Askins; Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; and Marty Pepper

Nay

None

Mayor Shelton declared the minutes approved.

Approval of Bills and Additional Bills:

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve the bills and additional bills for payment. Upon roll call, the following voted:

Aye

Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; and Joe Askins

Nay

None

Mayor Shelton declared the bills and additional bills approved.

Reports:

Police Officers Justin S. Raby and Richard Tucker were sworn in by Mayor Shelton.

Fayetteville City School Budget Amendment:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve the Fayetteville City School Budget Amendment. Upon roll call, the following voted:

Aye

Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; Joe Askins; and Danny Bryant

Nay

None

Mayor Shelton declared the motion adopted.

FPU Report:

Joe Askins reported that the emergency power to the Main Lift Station is now connected. For the 2010 Pole Inspection Program, seventy-one (71) of the four hundred and one (401) poles have been replaced. The Telecom Department has upgraded the internet back bone, and is currently working with customers to reboot their equipment to restore their connections.

School Board Report:

Dorothy Small stated the City School System purchased a portable building. Half (1/2) of the building has been delivered, with the rest of the building to be delivered soon. The school system will be hiring a part-time teacher to help with the Special Education Gifted program. Ninety (90) students have been registered for the FAST Program.

Police Report:

Danny Bryant reported the Police Department had 143 incidents with 60 arrests, 53 traffic crashes, 61 traffic citations, and police activity totaling 2,319.

Fire Report:

Marty Pepper reported the Fire Department had 65 calls for service with 44 medical calls, 2 motor accidents (with injuries), and no property losses.

Recreation Report:

Michael Stewart reported the Recreation Department is requesting to use the "Gymnasium Funds" to repair and upgrade various projects at the Recreation Center and Parks.

Planning and Zoning Report:

Pat Fraley stated the Planning Commission discussed a site plan for Fayetteville Housing Authority, and two site plans for Don Gray. The Planning Commission received and reviewed a request from the Riverbend Conference Center for a zoning change from C2 to A1. The Planning Commission also discussed the closing of three (3) City streets.

Administrator's Report:

Jim Lee stated that Kelly Services is no longer in the Municipal Building, and welcomed JMcNeal's Business to the building. Mr. Lee stated the front doors to the Municipal Building will be closed for two (2) to four (4) weeks due to roof repair work. Mr. Lee read a letter from the Planning Commission, written by Lindsey Galyon, addressed to the Board of Mayor and Alderman urging the Board to authorize a traffic control study once the new Access Road was completed. Mr. Lee stated there is grant money available.

Mayor's Report:

Mayor Shelton discussed the "Trail of Tears" motorcycle memorial ride taking place Saturday, September 18th, 2010 between 10:00 a.m. to 1:00 p.m. The National Corvette Club came in to town this past weekend, and enjoyed their time in the City of Fayetteville due to the hospitality of the citizens, police and business owners.

Appointment to the Planning Commission:

Motion was made by Danny Bryant, seconded by Michael Stewart, to reappoint Marion Anderton to the Planning Commission. Upon roll call, the following voted:

Aye

Pat Fraley; Michael Stewart; Marty Pepper; Joe Askins; Danny Bryant; and Dorothy Small

Nay

None

Mayor Shelton declared the motion adopted.

Appointments to the Fayetteville-Lincoln County Regional Airport Authority Board:

1. Motion was made by Joe Askins, seconded Dorothy Small, to reappoint Ron Mahal to the Fayetteville-Lincoln County Regional Airport Authority Board. Upon roll call, the following voted:

Aye

Michael Stewart; Marty Pepper; Joe Askins; Danny Bryant; Dorothy Small; and Pat Fraley

Nay

None

Mayor Shelton declared the motion adopted.

2. Motion was made by Dorothy Small, seconded Michael Stewart, to move Brian Carter from the "At Large" member to the City Appointment. Upon roll call, the following voted:

Aye

Dorothy Small; Michael Stewart; and Joe Askins

Nay

None

Abstain

Danny Bryant; Pat Fraley; and Marty Pepper

Mayor Shelton declared the motion a tie and due to a conflict of interest, she would not vote on this matter; therefore she would bring forth a new appointment next month.

Ordinance 2010-10 – To Change the Compensation for the Fayetteville Housing Authority:

Ordinance 2010-10, to Amend the Fayetteville Municipal Code by Replacing Section 1-501 of the Municipal Code of the City of Fayetteville, Tennessee, with Amended Section 1-501 to Provide for the Compensation of Commissioners of Fayetteville Housing Authority; was considered, which is as follows:

**ORDINANCE NO. 2010-10
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE TO AMEND THE FAYETTEVILLE MUNICIPAL CODE
BY REPLACING SECTION 1-501 OF THE MUNICIPAL CODE OF THE CITY OF
FAYETTEVILLE, TENNESSEE, WITH AMENDED SECTION 1-501 TO PROVIDE FOR
THE COMPENSATION OF COMMISSIONERS OF FAYETTEVILLE HOUSING
AUTHORITY**

WHEREAS, current Section 1-501 of the Municipal Code of the City of Fayetteville was added by Ordinance No. 95-11, in June of 1995, and the Board of Mayor and Aldermen have determined that it is insufficient considering the present cost of living indices and the responsibilities involved in serving as a commissioner of The Fayetteville Housing Authority, and

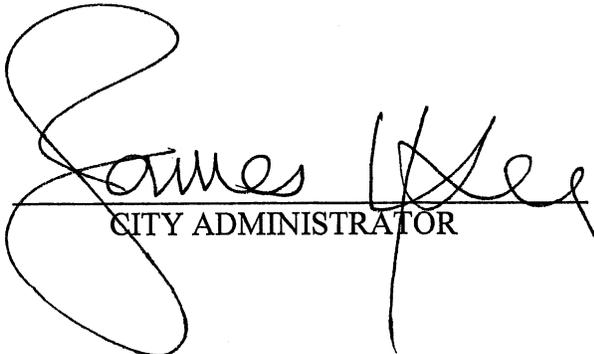
WHEREAS, the Board of Mayor and Alderman of the City of Fayetteville desire to adequately compensate the commissioners for their responsibilities by amending the Municipal Code of the City of Fayetteville to raise the level of compensation from \$75.00 per month to \$200.00 per month.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Alderman of the City of Fayetteville, Tennessee, that current Section 1-104 is replaced by the following amended section 1-501:

Section 1-501. Compensation of commissioners of Fayetteville Housing Authority. Each Commissioner of The Fayetteville Housing Authority shall be paid the sum of \$200.00 per month for their services on the Authority Board provided that no part of said compensation shall be paid from state or federal funds.

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

Adopted this the 14th day of September, 2010.


CITY ADMINISTRATOR


MAYOR

Motion was by Joe Askins, seconded by Pat Fraley, to accept Ordinance 2010-10. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; Dorothy Small; Pat Fraley; and Michael Stewart

Nay

None

Mayor Shelton declared the Ordinance approved.

Halloween Celebration:

Motion was made by Joe Askins, seconded by Danny Bryant, to celebrate Halloween on Saturday, October 30th, instead of Sunday, October 31st for “Trick or Treating”. Upon roll call, the following;

Aye

Joe Askins; Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; and Marty Pepper

Nay

None

Mayor Shelton declared the motion approved.

The Closing of Two (2) Accounts at Regions Bank:

1. Motion was made by Dorothy Small, seconded by Danny Bryant, to approve the closing of the “Kid’s Park” account at Regions Bank. Upon roll call, the following voted:

Aye

Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; and Joe Askins

Nay

None

Mayor Shelton declared the motion approved.

2. Motion was made by Danny Bryant, seconded by Marty Pepper, to approve the closing of the “Solid/Waste” account at Regions Bank. Upon roll call, the following voted:

Aye

Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; Joe Askins; and Danny Bryant

Nay

None

Mayor Shelton declared the motion approved.

Amendment to Resolution 10-05 – Public Inspection of, access to, and the Duplication of Public Records:

Motion was made by Danny Bryant, seconded by Joe Askins, to approve the amendment to Resolution 10-05. Upon roll call, the following voted:

Aye

Pat Fraley; Michael Stewart; Marty Pepper; Joe Askins; Danny Bryant; and Dorothy Small

Nay

None

Mayor Shelton declared the motion approved.

Signing the BoJangles Quick Claim Deed:

Motion was made by Danny Bryant, seconded by Dorothy Small, to allow Mayor Shelton to sign the Donna Haddock (BoJangles) quit claim deed. Upon roll call, the following voted:

Aye

Michael Stewart; Marty Pepper; Joe Askins; Danny Bryant; Dorothy Small; and Pat Fraley

Nay

None

Mayor Shelton declared the motion approved.

Recreation Center utilizing the “Gymnasium Fund”:

Motion was made by Joe Askins, seconded by Michael Stewart, to allow the Recreation Department to spend up to two hundred and thirty-five thousand dollars (\$235,000) of the “Gymnasium Fund” for improvements to the recreation building and properties. Upon roll call, the following voted:

Aye

Joe Askins; Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; and Marty Pepper

Nay

None

Mayor Shelton declared the motion approved.

Ordinance 2010-06 – Walls and Fences

Ordinance 2010-06, To Amend the Zoning Ordinance of Fayetteville, Tennessee, to Provide for the Inclusion of Amendments to Chapter 4, Section 14-413 Walls and Fences; was considered, which is as follows:

**ORDINANCE NO. 2010-06
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF FAYETTEVILLE,
TENNESSEE TO PROVIDE FOR THE INCLUSION OF AMENDMENTS TO
CHAPTER 4, SECTION 14-413 WALLS AND FENCES**

WHEREAS, the Board of Mayor and Alderman of the City of Fayetteville desire to safeguard life, health, and property, and to promote public welfare and provide for orderly development through the adoption and enforcement of its comprehensive zoning ordinance; and,

WHEREAS, the Board did adopt said zoning ordinance on July 14, 1998; and,

WHEREAS, Chapter 4, Section 14-413 **Walls and Fences** was added to the zoning text by Ordinance 2000-1 adopted on January 11, 2000; 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 recommended this ordinance amendment for adoption at their meeting on April 27, 2010; and,

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

SECTION 1. Chapter 4, Section 14-413, Subsection A. stating: "The wall or fence shall be constructed entirely within the lot lines of the permitted lot or parcel."

IS HEREBY DELETED AND REPLACE WITH THE FOLLOWING:

Subsection A. "The wall or fence is permitted to be built on the property line(s) of a lot or parcel."

SECTION 2. Chapter 4, Section 14-413, Subsection B. stating: "Determination of height shall be measured from grade to the highest point of the wall or fence."

IS HEREBY DELETED AND REPLACE WITH THE FOLLOWING:

Subsection B. "Determination of height shall be measured from grade to the highest point of the wall or fence, specifically excluding barbed/razor wire utilized in conjunction with security fencing."

SECTION 3. Chapter 4, Section 14-413, Subsection I. stating: "Maximum height for walls and fences shall be in accordance with the following table:

THE TABLE IS HEREBY AMENDED BY ADDING, AFTER INDUSTRIAL ZONES, THE FOLLOWING:

<u>Zoning:</u>	<u>Front Yard:</u>	<u>Side Yard:</u>	<u>Rear Yard:</u>
Research/Technology Park Zones (T-P)	8 feet, all types	8 feet, all types	8 feet, all types

Agricultural Zones
(A-1)

6 feet, all types

6 feet, all types

6 feet, all types

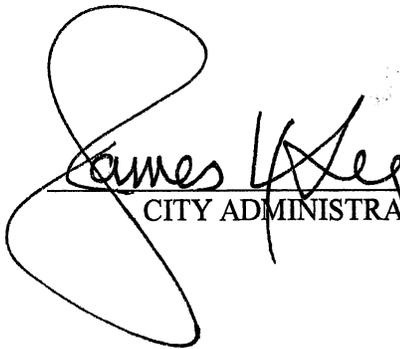
Any government or critical infrastructure facility shall be exempt from the height restrictions designated for the zoning district in which the facility is located but shall; however, be limited to a height of 8 feet as determined by Section 14-413(B).

A permit must be obtained prior to the construction of any wall or fence. The fee shall be calculated in accordance with the adopted Code fee schedule.

SECTION 4. 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 immediately upon its passage, the public welfare requiring it.

ADOPTED THIS 14th DAY OF September, 2010.


CITY ADMINISTRATOR


MAYOR

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve Ordinance 2010-06. Upon roll call, the following voted:

Aye

Danny Bryant; Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; and Joe Askins

Nay

None

Mayor Shelton declared the motion approved.

Ordinance 2010-11 – Abandoning a Portion of North Franklin Avenue:

Ordinance 2010-11, An Ordinance Abandoning a Portion of a City Street in Fayetteville, Tennessee; was considered, which is as follows:

ORDINANCE NO. 2010-11
CITY OF FAYETTEVILLE, TENNESSEE

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

WHEREAS, the Board of Mayor and Alderman has received a request from the Lincoln County Emergency 911 Board to close a portion of North Franklin Avenue depicted on the attached drawing so as to allow for the future construction of security fencing across a portion of said street; and,

WHEREAS, on August 24, 2010, and pursuant to T.C.A § 13-4-104, the Fayetteville Municipal/Regional Planning Commission has recommend that the street be abandoned; and,

WHEREAS, a public hearing was conducted by the Board of Mayor and Alderman on September 14, 2010; and,

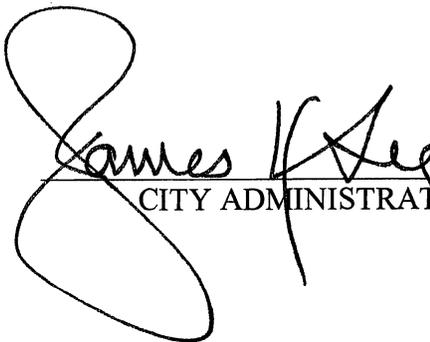
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE, THAT:

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

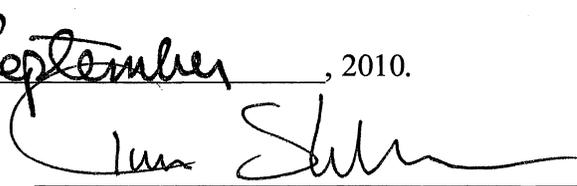
SECTION 2. The City of Fayetteville will not make further claims to ownership or use of the said area as a city street.

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

ADOPTED THIS 14TH DAY OF September, 2010.



CITY ADMINISTRATOR



MAYOR

EXHIBIT A



CHURCH

BOUGS ROGER ROCK

LON RINER

KEN HILTS

MOYERS AVENUE

NORTH FRANK AVENUE

CITY OF FAYETTEVILLE

911 CENTER

JOHN THOMPSON

REQUEST TO CLOSE R-O-W
OUTLINED IN YELLOW
(approx. 50' x 810')

STREET

Motion was made by Danny Bryant, seconded by Joe Askins, to approve Ordinance 2010-11. Upon roll call, the following voted:

Aye

Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; Joe Askins; and Danny Bryant

Nay

None

Mayor Shelton declared the Ordinance approved.

Ordinance 2010-12 – Abandoning a portion of a road in the Fayetteville Housing Authority:

Ordinance 2010-12, An Ordinance Abandoning a Portion of a City Street in Fayetteville, Tennessee; was considered, which is as follows:

ORDINANCE NO. 2010- 12
CITY OF FAYETTEVILLE, TENNESSEE

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

WHEREAS, the Board of Mayor and Alderman has received a request from the Fayetteville Housing Authority to close the section of the street depicted on the attached drawing so as to allow for the future development of the property that the street presently occupies; and,

WHEREAS, on August 24, 2010, and pursuant to T.C.A § 13-4-104, the Fayetteville Municipal/Regional Planning Commission has recommend that the street be abandoned; and,

WHEREAS, a public hearing was conducted by the Board of Mayor and Alderman on September 14, 2010; and,

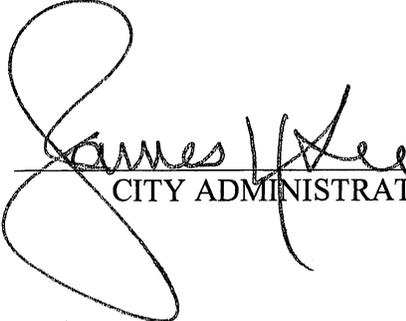
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE, THAT:

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

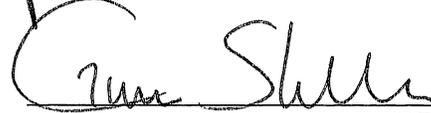
SECTION 2. The City of Fayetteville will not make further claims to ownership or use of the said area as a city street.

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

ADOPTED THIS 14th DAY OF September, 2010.



CITY ADMINISTRATOR



MAYOR

EXHIBIT A

POPLAR AVE

CLOVER AV

LOCUST STREET

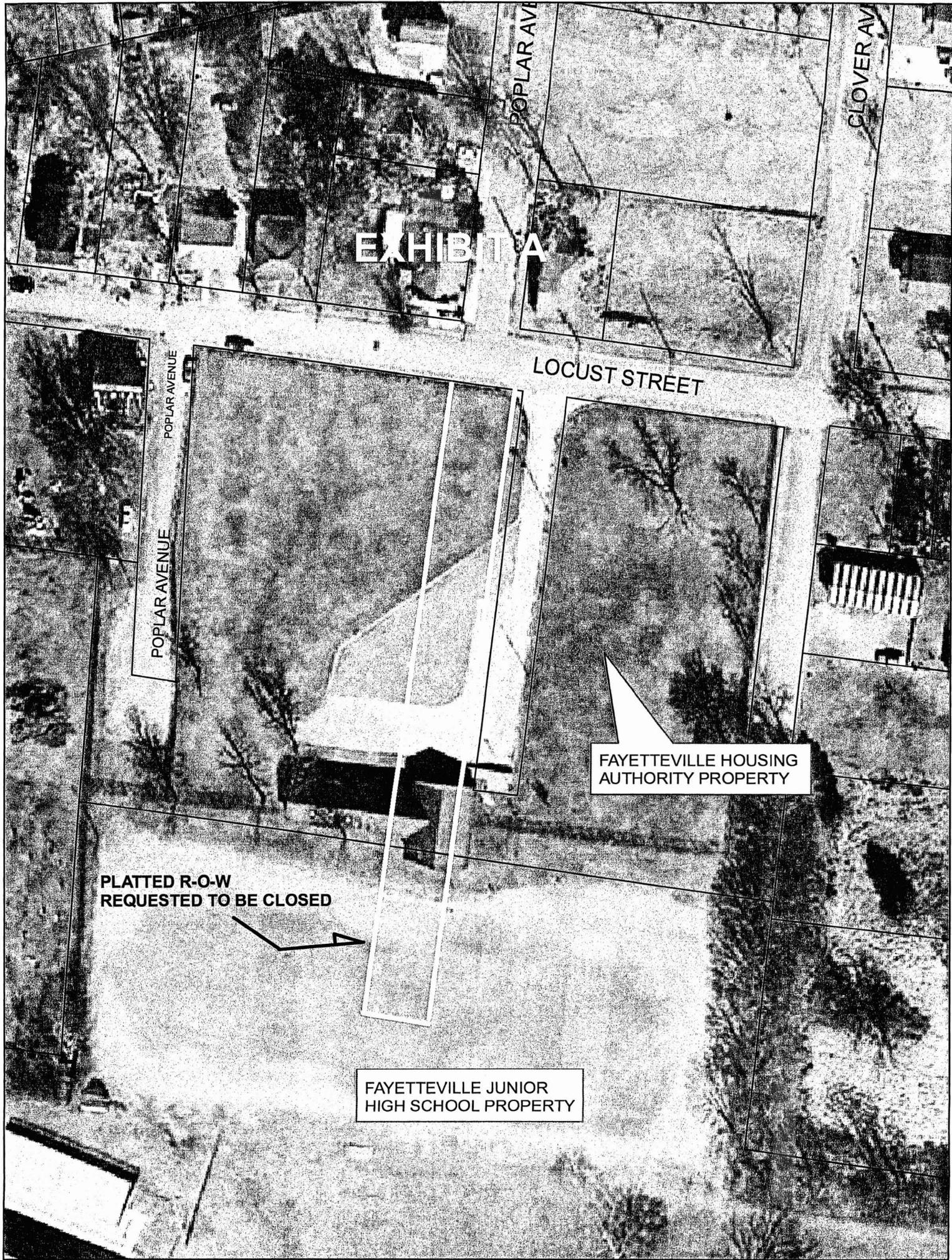
POPLAR AVENUE

POPLAR AVENUE

FAYETTEVILLE HOUSING
AUTHORITY PROPERTY

PLATTED R-O-W
REQUESTED TO BE CLOSED

FAYETTEVILLE JUNIOR
HIGH SCHOOL PROPERTY



Motion was made by Danny Bryant, seconded by Joe Askins, to approve Ordinance 2010-12. Upon roll call, the following voted:

Aye

Pat Fraley; Michael Stewart; Marty Pepper; Joe Askins; Danny Bryant; and Dorothy Small

Nay

None

Mayor Shelton declared the Ordinance approved.

Closing of Road – No name Road at Stone Bridge and the American Legion:

Motion was made by Danny Bryant, seconded by Joe Askins, to refer the closing of the “No Name” road at Stone Bridge and the American Legion back to the Planning Commission. Upon roll call, the following voted:

Aye

Michael Stewart; Marty Pepper; Joe Askins; Danny Bryant; Dorothy Small; and Pat Fraley

Nay

None

Mayor Shelton declared the motion approved.

Ordinance 2010-13 – Zoning of Norris Property to R-2:

Ordinance 2010-13, 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, which is as follows:

ORDINANCE NO. 2010- 13
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, on July 13, 2010 the Fayetteville Board of Mayor and Alderman did annex a certain portion of property into the corporate limits of Fayetteville and,

WHEREAS, the property was temporarily zoned R-2, Medium Density Residential, during annexation and a permanent zoning district designation is required; and,

WHEREAS, the Fayetteville Regional Planning Commission has recommended to the Board of Mayor and Alderman that the “Zoning Map of Fayetteville, Tennessee”, be amended as 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. The zoning classification for the 2.20 ± acre portion of the following parcel of property annexed into the corporate limits by Ordinance No. 2010-09 shall be R-2, Medium Density Residential.

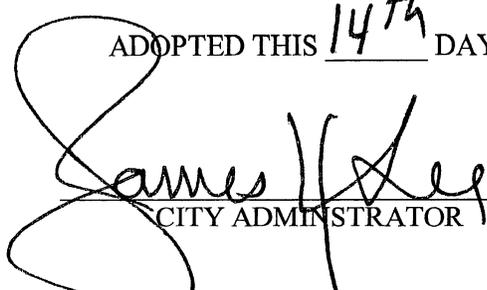
Section 2. Map and Parcel as follows, to wit:

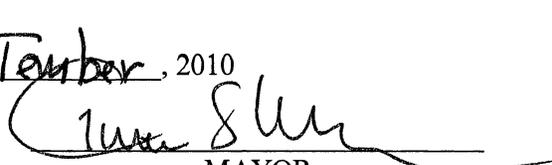
	Map	Parcel	Deed Book	Page
Norris Properties, LLC.	68	38.00	I12	517

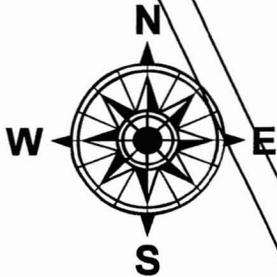
Beginning at a point in the center of Cotton Mill Branch on the east margin of Brookside Drive, 25 feet from its center, the northwest corner of the Douglas A. Schoenrock Property (deed book X13, page 257), the southwest corner of the Norris Properties Property (deed book I12, page 517, and the southwest corner of the property herein described; thence leaving said center and following said east margin North 49 degrees 31 minutes 03 seconds East 290.77 feet to a point on the west margin of the old N.C.& St. Lewis Railroad right-of-way; thence leaving said east margin and following said west margin South 34 degrees 00 minutes 00 seconds East 606.50 feet to a point in the west line of the Jerry G. McKinney Property (deed book Z12, page 784); thence leaving said west margin with the said McKinney west line South 09 degrees 56 minutes 26 seconds West 22.87 feet to a metal pin in line with the Cotton Mill Branch; thence leaving said west line and following said center of Cotton Mill Branch North 59 degrees 25 minutes 32 seconds West 312.51 feet; North 59 degrees 08 minutes 35 seconds West 162.55 feet; North 55 degrees 24 minutes 23 seconds West 68.02 feet; North 58 degrees 46 minutes 50 seconds West 107.31 feet to the point of beginning, containing 2.20 acres, lying in the 8th Civil District of Lincoln County Tennessee, and being a portion of the property recorded in deed book I12, page 517 in the R.O.L.C.

Section 3. This ordinance shall take effect from and after its passage, the public welfare requiring it.

ADOPTED THIS 14TH DAY OF September, 2010


CITY ADMINISTRATOR


MAYOR



BROOKSIDE DRIVE

SHELBYVILLE HIGHWAY/HWY 231

COTTON MILL ROAD

Norris Properties, LLC.
Portion of Map 68 Parcel 38.00
Currently within Corporate Limits
Presently Zoned R-2

Area of Zoning Designation Request (R-2)
Norris Properties, LLC.
Map 68 Parcel 38.00
Approx. 2.20 Acres

COTTON MILL BRANCH

SHELBYVILLE HIGHWAY

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve Ordinance 2010-13. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; Dorothy Small; Pat Fraley; and Michael Stewart

Nay

None

Mayor Shelton declared the motion approved.

Robert E. Lee Garden Estate Plan:

Motion was made by Dorothy Small, seconded by Michael Stewart, to send Robert E. Lee Garden Estate Plans to the Planning Commission, for their review: afterwards the Plans should come back to the Board for a final vote. Upon roll call, the following voted:

Aye

Dorothy Small; and Michael Stewart;

Nay

Joe Askins

Abstain

Danny Bryant; Pat Fraley; and Marty Pepper

Mayor Shelton declared the motion failed.

Community Comments:

1. Kevin Freeman – discussed the “Trails for Kids”.
2. Alan Booth – 411 Cherry St. – posed questions of the Board for not taking any action on Riverbend Farm’s request to de-annex.
3. Helen Fussell – stated that if the “Trails for Kids” is closed then they would not be able to do a fundraiser for the Imagination Library.
4. Farris Ralston - discussed that the closing of “Trail for Kids” is a mistake and the lost for those who spent hundreds (100’s) of voluntary hours to build the trails.
5. Monica Hartune – Old Camargo Rd. - posed questions on FPU dumping sludge on a field in a flood plan and close to a park.

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

Mayor

Clerk