

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
JULY 13, 2010

REFERENCE VIDEO DATED JULY 13, 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 July 13, 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 Joe Askins.

Approval of Minutes:

Motion was made by Pat Fraley, seconded by Dorothy Small, to approve the minutes of the June 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 Joe Askins, seconded by Danny Bryant, 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:

Admiral Kelso's Recognition Dinner:

Laura Monks and Carolyn Deaton stated that there will be a dinner at the Fayetteville/Lincoln County Museum on August 23rd to honor and recognize Admiral Kelso for his work and service. The

Fayetteville/Lincoln County Chamber of Commerce will be holding their 2nd Annual "Lettuce do Lunch" this Friday, the July 16th, 2010.

Leadership Lincoln:

Jim Malone and Patty Wright discussed the Lincoln Leadership program accepting applications for the 2010-2011 class. The group is self-supporting and has eight (8) classes from September to May.

FPU Report:

Joe Askins reported that the force main tie-ins are completed at the Industrial Park Lift Station as well as the Main Lift Station at the Wastewater Plant. The gas main, at the Posey Industrial Park, has been tested and is now fully operational. The Gas Department plans to change 600 meters this summer. The Telecom Department is working with the Educational Network Association on installing fiber optics to all county schools.

School Board Report:

Dorothy Small stated furniture for the new classrooms at Ralph Askins School has been ordered. The School Board is looking at replacing some of the PTAC unit air conditioners at Ralph Askins with DigiSmart units. TVA completed a study of the DigiSmart unit and found the unit would lower energy consumption by 35%. The system has hired 9 new teachers for the upcoming school year.

Police Report:

Danny Bryant reported the Police Department had 141 incidents with 77 arrests, 43 traffic crashes, 76 traffic citations, and police activity totaling 1,696. The Criminal Investigation Division has 251 cases: 25 open, 9 closed, and 18 arrests.

Fire Report:

Marty Pepper reported the Fire Department had 65 calls for service with 46 medical calls, 5 motor accidents (with injuries), and no property losses. The roof repair work for Station 2 is completed with work to begin soon on Station 1's roof.

Recreation Report:

Michael Stewart reported that the State Softball Church League Tournament will be held here in Fayetteville. There will be no fall softball or baseball due to the lack of participation.

Planning and Zoning Report:

Pat Fraley stated the Planning Commission discussed and approved the site plan for Hickory Trace Townhomes Phase II, for nine (9) units to be built for rental purposes. The Planning Commission also discussed Greenbank's possible plans for the Robert E. Lee Garden Estates. Mr. Ryan Tyhuis, the City Planner, informed the Planning Commission of a new state law that will take effect as of January 1st, 2011 requiring newly installed swimming pools, over 36 inches in depth, to have an audio alarm.

Administrator's Report:

Jim Lee stated that this year's City Auction has been cancelled because there are not enough items to sell. The City Police Department has hired Brandi Williams as a Police Officer. The City has adopted CIGNA as the new insurance carrier. A new Personal Policy has been drafted, with copies being issued to the Department Heads and the Board of Mayor and Alderman. A Work Session will be planned to review the draft and make additional changes.

Mayor's Report:

Mayor Shelton thanked the Bicentennial Committee for the hard work for the Bicentennial Celebration. Mayor Shelton recognized Chief Douglas Carver with a Proclamation for being a public servant for 40 years.

Resolution No R-10-04 – Plan of Service for Norris Properties:

Resolution R-10-04, To Adopt a Plan of Service for the Annexation of a Certain Area by the City of Fayetteville, Tennessee; was considered, which is as follows:

RESOLUTION No: R-10-04
CITY OF FAYETTEVILLE, TENNESSEE

A RESOLUTION ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF A CERTAIN AREA BY THE CITY OF FAYETTEVILLE, TENNESSEE:

WHEREAS, *Tennessee Code Annotated § 6-51-102* requires that a plan of service be adopted by the municipal governing body prior to passage of an annexation ordinance; and

WHEREAS, a significant portion of the following described parcel of property currently lies within the Fayetteville corporate limits; and,

WHEREAS, the area proposed for annexation into the corporate limits of City of Fayetteville, Tennessee lies within Fayetteville's Urban Growth Boundary, as required by law, and is a 2.20 ± acres portion of the land described as follows:

PROPERTY ANNEXATION AREA

PROPERTY OWNER	MAP	PARCEL	DEED BOOK	PAGE
NORRIS PROPERTIES, LLC.	68	38.00	I12	517

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

SECTION 1. Pursuant to the provisions of T.C.A. § 6-51-102, there is hereby adopted, for the area bounded as described above, the following plan of services:

A. Police

1. Patrol, response to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
2. Any increase in personnel, equipment, or facilities will be dependent upon future development plans.

B. Fire

1. Fire protection by the present personnel and equipment of the fire department, within the limitations of available water supply and response time from fire stations, will be provided on the effective date of annexation.
2. Any increase in personnel, equipment, or facilities will be dependent upon future development plans.

C. Water

1. Water for domestic, commercial, and industrial use will be provided at current city rates, from existing city lines, on the effective date of annexation, and thereafter from new lines as deemed necessary under current city policies and procedures concerning density, development patterns, and future development plans.
2. Fayetteville Public Utilities has stated that water for fire protection is dependent upon availability of funds, surveys, engineering studies, design, and plans as well as expansion of surrounding development. Additional water lines and hydrants needed for fire suppression services will be made available within a reasonable amount of time.

D. Wastewater

1. The necessary interceptor and trunk lines to serve the annexed area are currently available on the property.

E. Refuse Collection

1. The same regular refuse collection service currently provided within the city will be extended to the annexed area upon, and after, the effective date of annexation by existing personnel, equipment, and facilities.
2. Any increase in personnel, equipment, or facilities will be dependent upon future development.

F. Streets

1. Routine and emergency maintenance of public streets are currently provided to the proposed area.
2. Reconstruction and resurfacing of streets, installation of storm drainage, and construction of curbs, gutters, and sidewalks will be accomplished under existing city policies.
3. Regular cleaning of streets with curbs and gutters is currently provided to the proposed area.
4. Street lights will be installed in accordance with the standard policies of the city.
5. Traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and/or traffic engineering standards.

G. Schools

1. The current development status of the area being proposed for annexation will not impact the level of service provided by the Fayetteville City School System.
2. When development occurs, the current level of service will be extended to the annexed area through existing personnel, equipment, and facilities.

H. Inspections and Code Enforcement

1. Any construction inspection services currently conducted by the city will begin in the annexed area upon the effective date of annexation.
2. Floodplain Management regulation will be extended to flood prone areas of the annexed area upon the effective date of annexation.

I. Planning and Zoning

1. The planning and zoning jurisdiction of the city will extend to the annexed area on the effective date of annexation and will, thereafter, encompass the entirety of the annexed area. The annexation ordinance will zone all property in the annexed area as R-2, Medium Density Residential District.

J. Parks and Recreation

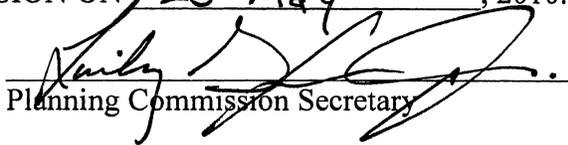
1. Residents of the annexed area may use all city recreational facilities, parks, ball fields, etc., upon the effective date of annexation. The prevailing standards and policies now used in the existing city will be applied in expanding the recreational and program facilities in the enlarged city.
2. Fees for use of recreational facilities will be charged at existing city rates on the effective date of annexation. It is anticipated that approximately zero (0) acres will need to be developed as parks, playgrounds, etc., to serve the annexed area.

K. Electric

1. Electric service is currently available to the annexed area and will be extended on the same basis and policies as the existing city.
2. When development occurs, existing electrical facilities servicing the area may require upgrading to accommodate the developments total service load.

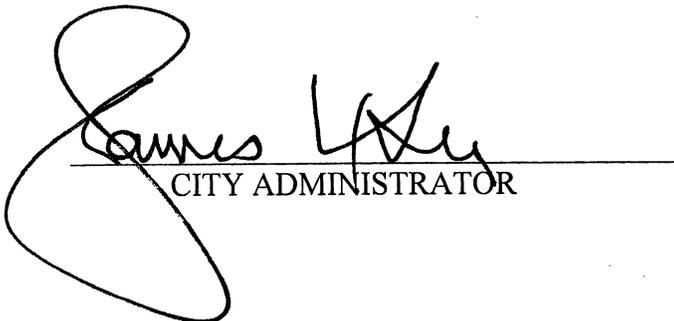
SECTION 2. This resolution shall become effective after its passage, the public welfare requiring it.

APPROVED AND RECOMMENDED FOR ADOPTION BY THE FAYETTEVILLE
MUNICIPAL/REGIONAL PLANNING COMMISSION ON 25 May, 2010.



Planning Commission Secretary

ADOPTED THIS 13th DAY OF July 2010.



CITY ADMINISTRATOR



MAYOR

Motion was made by Marty Pepper, seconded by Danny Bryant, to approve the above referenced Resolution No. R-10-04. 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 Resolution adopted.

Ordinance No. 2010-09:

Ordinance 2010-09, An Ordinance to Annex Certain Territory and to Incorporate the Same Within the Corporate Boundaries of the City of Fayetteville, Tennessee; was considered, which is as follows:

**ORDINANCE NO. 2010-09
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE THE
SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAYETTEVILLE,
TENNESSEE**

WHEREAS, a public hearing before this body was held on the 13TH day of July, 2010, pursuant to a notice thereof published in the Elk Valley Times on June 23, 2010; and,

WHEREAS, it appears that the prosperity of Fayetteville, Tennessee and of the territory herein described may be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and,

WHEREAS, the annexation of such territory may be deemed necessary for the welfare of the residents and property owners of the said affected territory and Fayetteville, Tennessee as a whole; and,

WHEREAS, a plan of services for this area was adopted by resolution of July 13, 2010 as required by *Tennessee Code Annotated* Section 6-51-102;

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

SECTION 1: In accordance with T.C.A. Sections 6-51-101 to 6-51-118, there is hereby annexed into the City of Fayetteville, Tennessee, and incorporated within the corporate boundaries thereof, a 2.20 ± acre portion of following described territory adjoining the present corporate boundaries:

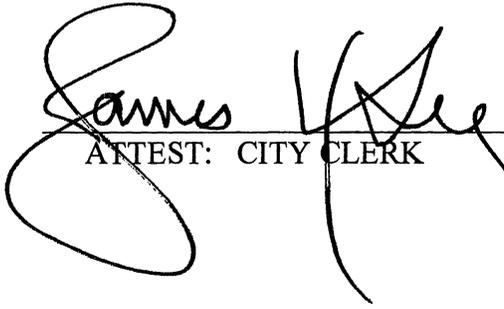
<u>PROPERTY OWNER</u>	<u>MAP</u>	<u>PARCEL</u>	<u>DEED BOOK</u>	<u>PAGE</u>
Norris Properties, LLC.	68	38.00	I12	517

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 2: Embracing that part of civil district number 8 of Lincoln County, Tennessee, and more fully described, and reflected on the attached map which is incorporated by reference as Exhibit "A" fully set out herein, to wit:

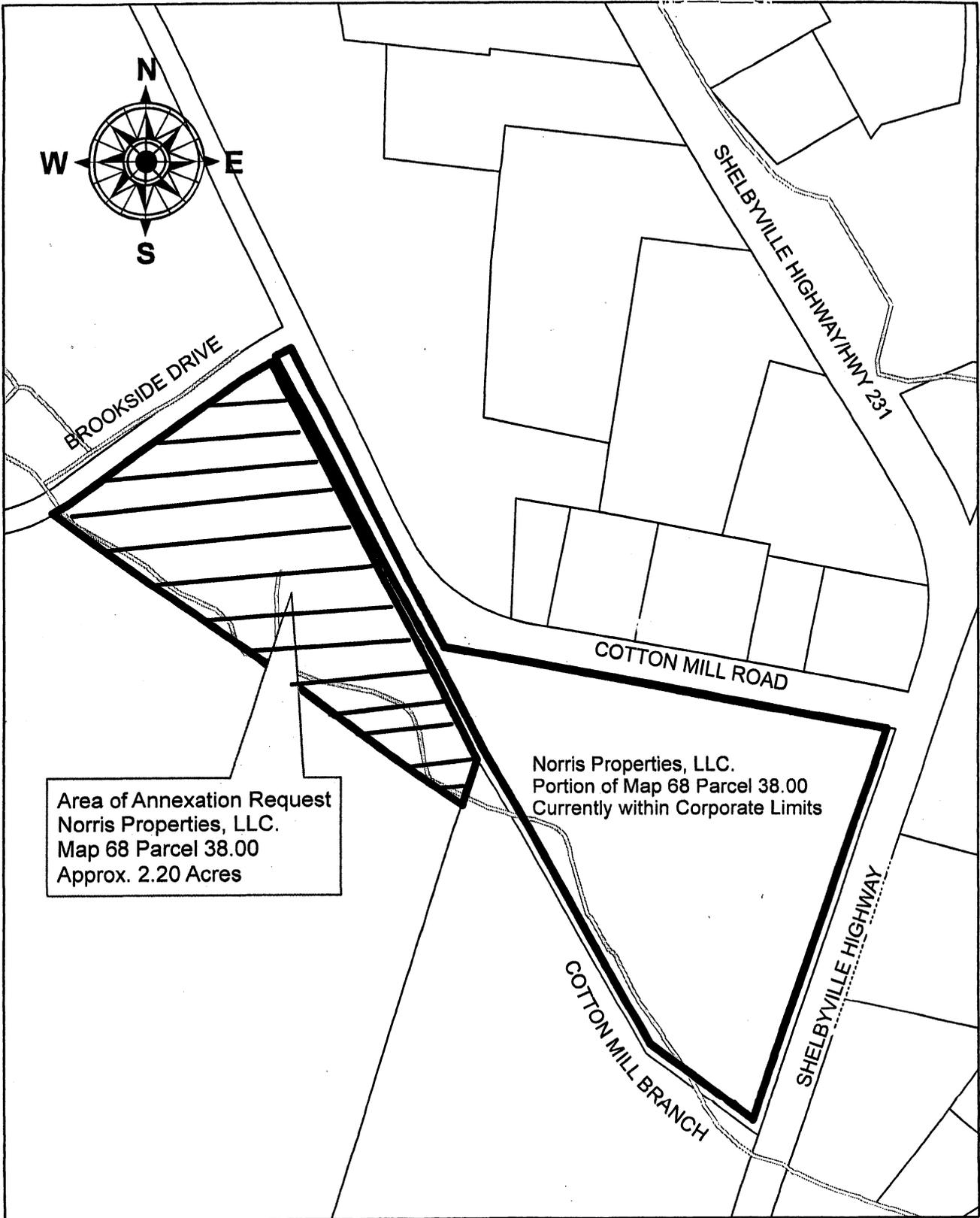
SECTION 3: This ordinance shall be effective 30 days from and after its passage, the public welfare requiring it.

ADOPTED THIS 13th DAY OF July, 2010.


ATTEST: CITY CLERK


MAYOR

EXHIBIT "A"



Area of Annexation Request
Norris Properties, LLC.
Map 68 Parcel 38.00
Approx. 2.20 Acres

Norris Properties, LLC.
Portion of Map 68 Parcel 38.00
Currently within Corporate Limits

Motion was made by Joe Askins, seconded by Danny Bryant, to approve the above referenced Ordinance 2010-09. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the Ordinance adopted.

Ordinance No. 2010-06 – Walls and Fences:

Ordinance 2010-06, to Amend the Zoning 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 _____, 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 C. stating: “The finished side shall face towards adjoining property(ies) or street(s).”

IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING:

Subsection C. “The finished side shall face toward adjoining property(ies) or street(s) with the exception of lots or parcels utilized for permitted agricultural use(s), the finished side of the fence is permitted to face toward the interior of the lot or parcel.”

SECTION 4. 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 5. 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 _____ DAY OF _____, 2010.

MAYOR

CITY ADMINISTRATOR

WALLS AND FENCES, STANDARDS. Walls and fences are permitted in any zoning district, except the C-1 Zone, in accordance with the following standards:

- A. The wall or fence shall be constructed entirely within the lot lines of the permitted lot or parcel.
- B. Determination of height shall be measured from grade to the highest point of the wall or fence.
- C. The finished side shall face towards adjoining property(ies) or street(s).
- D. The wall or fence must provide access to any easements.
- E. The wall or fence shall not encroach onto any public right-of-way.
- F. The wall or fence shall be maintained so as not to be unsightly, have broken or missing sections, or create a hazard to any person(s).
- G. Barbed wire fencing shall not be permitted in any residential district (excluding agricultural properties or farms in existence).
- H. Any wall or fence constructed on a corner lot shall not create a visual obstruction as defined in Section 14-408.
- I. Maximum height for walls and fences shall be in accordance with the following table:

ZONING	FRONT YARD	SIDE YARD	REAR YARD
Residential Zones (R-1, R-2 and R-3)	4 feet, if chain link or any other material that is 75% unobstructed, otherwise, 3 feet	6 feet, all types	6 feet, all types
Commercial Zones (C-2, C-3, C-4 and C-5)	6 feet, all types	8 feet, all types	8 feet, all types
Industrial Zones (I-1 and I-2)	8 feet, all types	8 feet, all types	8 feet, all types

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

Motion was made by Joe Askins, seconded by Danny Bryant, to postpone any action with respect to Ordinance 2010-06 until the August Board Meeting. 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.

Riverbend De-annexation:

No motion was made; therefore the request for De-annexation died due to the lack of a motion.

Parade Permit Application for Annual Trail of Tears Re-Enactment:

Motion was made by Danny Bryant, seconded by Marty Pepper, to approve the parade permit for the Annual Trail of Tears Re-Enactment in October. 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.

Animal Shelter's Roof:

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve to spend no more than \$3,000 to fix the Animal Shelter's Roof, contingent on the County paying a matching amount. 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.

Jointly-owned lot deeded to Museum:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve a convergence of the City's interest in an owned lot to the Fayetteville-Lincoln County Museum. Said lot is shown on the attached aerial map as MAP 79L-B PARCEL 1.01. Upon roll call, the following voted:

Aye

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

LINCOLN AVENUE SOUTH

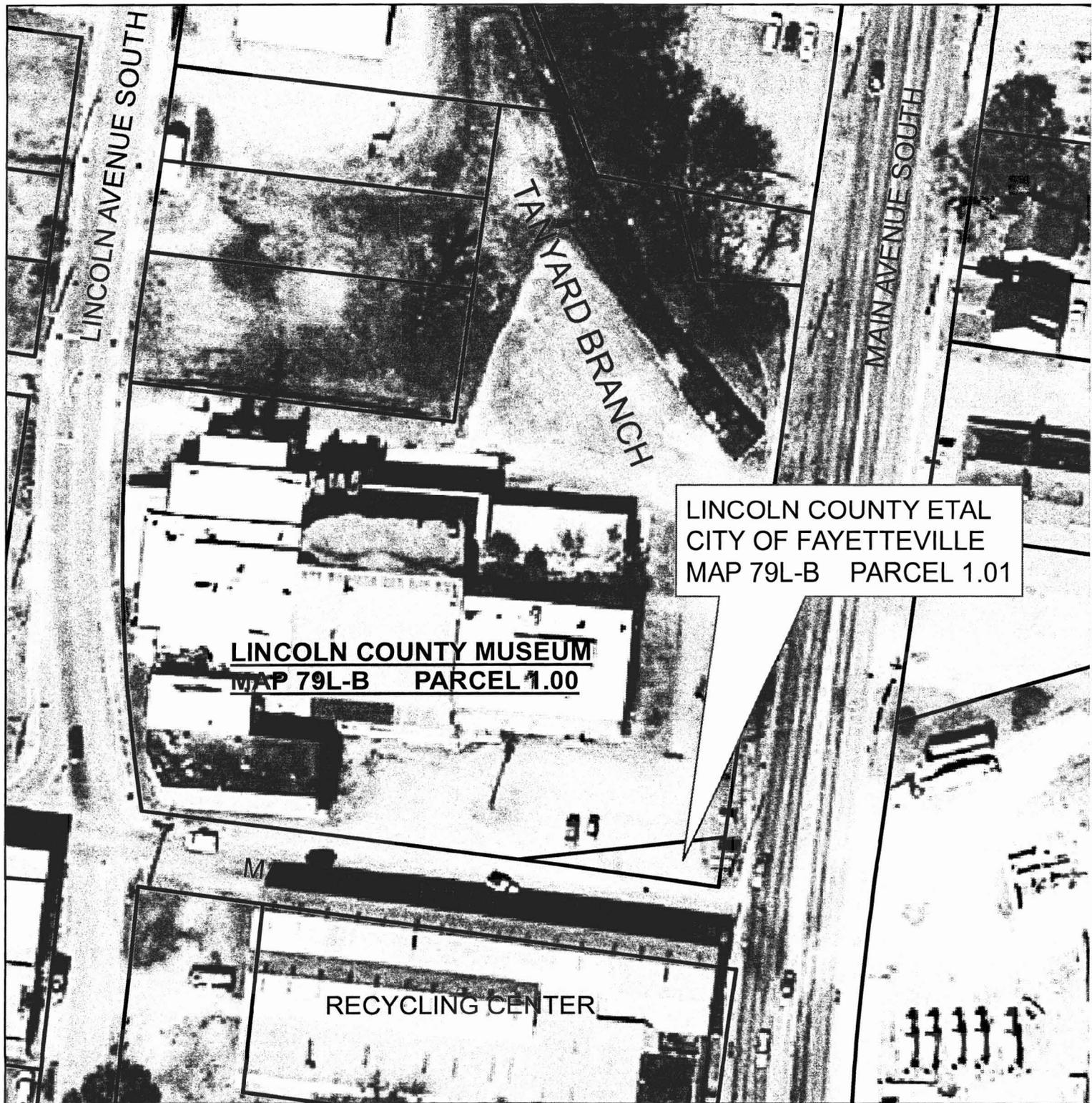
TANNYARD BRANCH

MAIN AVENUE SOUTH

LINCOLN COUNTY MUSEUM
MAP 79L-B PARCEL 1.00

LINCOLN COUNTY ETAL
CITY OF FAYETTEVILLE
MAP 79L-B PARCEL 1.01

RECYCLING CENTER



Nay
None

Abstain
Danny Bryant

Mayor Shelton declared the motion approved.

Bid on Mayberry Lot:

Motion was made by Joe Askins, seconded by Danny Bryant, to accept Troy and Bridgett Hopkins' bid for the City/County owned lot on 305 Mayberry Street. 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.

Recommendations for FPU Board Appointments:

1. Motion was made by Joe Askins, seconded by Dorothy Small, to reappoint Dr. Janine Wilson to the FPU Board. 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.

2. Motion was made by Joe Askins, seconded by Danny Bryant, to reappoint Glen Oldham to the FPU Board. Upon roll call, the following voted:

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

Nay
None

Recreation Center Air Condition units:

Mr. Lee informed the Board that one of the air condition units at the Recreation Center has gone out and will have to be replaced. The City received a grant for one hundred thousand dollars (\$100,000.00). Mr. Lee stated the grant is suppose to replace the air condition units at the Municipal Building and the Main Fire

Station. Any funding leftover could be applied towards the purchasing of new units for the Recreation Center.

Community Comments:

No Comments were made.

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

Mayor

Clerk