REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FEBRUARY 8, 2011

REFERENCE VIDEO DATED FEBRUARY 8, 2011

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 February 8, 2011. Mayor John Ed Underwood, Jr., was present and presiding. The following named Aldermen were present:

Danny Bryant; Marty Pepper; Dorothy Small; Pat Fraley; Michael Stewart; and Thomas Young, Sr.

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

The prayer was lead by Alderman Stewart and the pledge was lead by Alderman Young.

Service Award:

Mayor Underwood presented the City's prior Mayor, Gwen W. Shelton with a plaque for her service from 2006-2010.

Approval of Minutes:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve the minutes of the January 2011 Meeting. Upon roll call, the following voted:

Aye
Danny Bryant; Thomas Young, Sr.; Dorothy Small; Michael Stewart; and Marty Pepper

Nay
None

Abstain
Pat Fraley

Mayor Underwood declared the minutes approved.

Approval of Bills and Additional Bills:

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve the bills and additional bills for payment. Upon roll call, the following voted:

Aye
Thomas Young, Sr.; Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; and Danny Bryant

Nay
None

Mayor Underwood declared the bills and additional bills approved.

Reports:

Industrial Development Board:

Gwen Shelton, Industrial Development Board Executive Director, reported that the IDB Board has two priorities for 2011. The first priority would be to have a sewer system developed at the Posey Industrial Park, and the second priority would be to find funding for a Spec Building.

Fayetteville City School Budget Amendment #4:

Motion was made by Dorothy Small, seconded by Danny Bryant, to approve Fayetteville City School's Budget Amendment #4 for regular instruction program, other student support, regular instruction program support services, maintenance of plant-additional funds for salaries and operation of plant-additional funds for payment of water and sewer.

Aye
Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; Danny Bryant; and Thomas Young, Sr.

Nay
None

Mayor Underwood declared the motion approved.

FPU Report:

Britt Dye, CEO of Fayetteville Public Utilities, stated that FPU is working on the final cost of moving the Biosolids. For the month of January, there was a 16.7% increase in the purchase of gas, compared to January 2010. Mr. Dye stated that the registration of the Greenhouse Gas report has been completed and filed with the Environmental Protection Agency.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 62 calls for service with 44 medical calls, and 4 vehicle accidents with injuries.

Police Report:

Police Chief Doug Carver reported that there were 101 incidents with 40 arrest, 30 crashes, and 56 citations for a total of 1,880 events.

Public Works:

There was no update due to Eddie Plunkett's absence.

Recreation Report:

Rickey Honey, Recreation Director, reported softball and baseball sign-ups have started which will continue for the next two weeks. Mr. Honey stated that the roofers have started replacing the roof on the Recreation building.

Planning and Zoning Report:

Ryan Tyhuis, City Planner, reported that for the month of January there were 6 building permits for a total of $178.00 in fees at a value of $26,460.00. The Planning Commission reviewed site plans for the Sterling Green project, and a self-service storage expansion project on Huntsville Highway. Mr. Tyhuis reported that the request to amend the Home Occupation Ordinance was denied. Mr. Tyhuis stated that the asbestos in the Glenwood Hotel has been removed, and demolition should begin in the next few weeks.

Administrator's Report:

Mr. Lee stated that the work on the Municipal Building's roof, doors, lights, and windows is complete. The Recreation roof repairs should be finished within the week, followed by repairs on the inside of the building.

Resolution R-11-03 Charter of the City of Fayetteville, Tennessee:

Motion was made by Danny Bryant, seconded by Pat Fraley, to postpone Resolution R-11-03, the Charter of the City of Fayetteville, Tennessee, until March 8, 2011, to make the necessary corrections recommended by MTAS (Municipal Technical Advisory Service) and the State Legislative Research Department.

Aye
Pat Fraley; Michael Stewart; Marty Pepper; Danny Bryant; Thomas Young, Sr.; and Dorothy Small

Nay
None

Mayor Underwood declared the motion adopted.

46th Annual Art Show Permit:

Motion was made by Dorothy Small, seconded by Pat Fraley, to approve Fayetteville-Lincoln County Art Center's request to close the inside of the square for the 46th Annual Art Show on April 15th and 16th, 2011. Upon roll call, the following voted:

Aye
Michael Stewart; Marty Pepper; Danny Bryant; Thomas Young, Sr.; Dorothy Small; and Pat Fraley

Nay
None

Mayor Underwood declared the motion approved.

Parade Permit for Stewarts Chapel Baptist Church – 5k Run and 1 Mile Walk:

Motion was made by Pat Fraley, seconded Michael Stewart, to approve Stewarts Chapel Baptist Church request to have a 5k run and 1 mile walk for April 9, 2011. Upon roll call, the following voted:

Aye
Marty Pepper; Danny Bryant; Thomas Young, Sr.; Dorothy Small; Pat Fraley; and Michael Stewart

Nay
None

Mayor Underwood declared the motion approved.

Resolution R-11-04 Initial Resolution to Issue General Obligation Bonds:

CITY OF FAYETTEVILLE, TENNESSEE

RESOLUTION: R-11-04

The Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, met in regular session at the Municipal Building, Fayetteville, Tennessee at 5:00 p.m. on February 08, 2011, with John Ed Underwood, Jr., Mayor, presiding, and the following members present:

There were absent:

None.

James Lee, City Clerk, was also present.

After the meeting was duly called to order, the following resolution, it was introduced by Dorothy Small and seconded by Danny Bryant and after due deliberation, was adopted by the following vote:

AYE:

Danny Bryant, Thomas Young, Sr., Dorothy Small, Pat Fraley, Michael Stewart, Marty Pepper

NAY:

None.

CITY OF FAYETTEVILLE, TENNESSEE

RESOLUTION: R-11-04

INITIAL RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE, TENNESSEE, TO ISSUE GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $10,000,000

WHEREAS, the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee (the "Municipality") has determined that it is necessary and advisable to issue general obligation bonds for the purpose of financing certain public improvements as more fully set forth herein; and

WHEREAS, pursuant to Section 9-21-205, Tennessee Code Annotated, prior to issuing bonds for said purposes, it is necessary to adopt an initial resolution authorizing said bonds.

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

1. For the purpose of providing funds for the (i) construction, renovation, improving, fixturing and furnishing of schools and other public buildings (ii) making of public improvements for the Municipality, including without limitation, the construction, improvement, repair and paving of streets, roads, bridges, greenways, sidewalks and related lighting infrastructure and drainage; (iii) acquisition of land for future public improvements for the Municipality; (iv) acquisition of all property, real and personal, appurtenant to the foregoing (the "Projects"); (v) payment of legal, fiscal, administrative, architectural and engineering costs incident to the Projects and incident to the indebtedness described herein, and (vi) payment of costs of issuance and sale of the general obligation bonds, the Municipality is hereby authorized to issue general obligation bonds in an aggregate principal amount of not to exceed $10,000,000. The bonds shall bear interest at a rate or rates not to exceed 6% per annum and shall be payable from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality.

2. The City Clerk of the Municipality is hereby authorized and directed to cause the foregoing resolution to be published in full in a newspaper having a general circulation in the Municipality for one issue of said paper following by the following notice:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the general obligation bonds, such bonds will be issued as proposed.

Jim Lee, City Clerk

3. This Resolution shall be in immediate effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 8th day of February, 2011.

/s/ _____
Mayor

/s/ _____
City Clerk

STATE OF TENNESSEE)

COUNTY OF LINCOLN)

I, Jim Lee, certify that I am the duly qualified and acting City Clerk of the City of Fayetteville, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a regular meeting of the governing body of the Municipality held on February 08, 2011; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to an initial resolution for not to exceed $10,000,000 in indebtedness of the Municipality.

WITNESS my official signature and seal of said Municipality on this the 8th day of February, 2011.

/s/ James L Lee
City Clerk

(SEAL)

Resolution R-11-04, an initial resolution authorizing the City of Fayetteville, Tennessee, to issue general obligation bonds in an aggregate principal amount of not to exceed $10,000,000.00; was considered, which is as follows:

Motion was made by Dorothy Small, seconded by Danny Bryant, to approve Resolution R-11-04. Upon roll call, the following voted:

Aye
Danny Bryant; Thomas Young, Sr.; Dorothy Small; Pat Fraley; Michael Stewart; and Marty Pepper

Nay
None

Mayor Underwood declared the Resolution adopted.

Board Appointments:

1. Motion was made by Danny Bryant, seconded by Pat Fraley, to reappoint Dandy Bradford to the Recreation Board. Upon roll call, the following voted:

   Aye
   Thomas Young, Sr.; Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; and Danny Bryant

   Nay
   None

   Mayor Underwood declared the motion approved.

2. Motion was made by Pat Fraley, seconded by Dorothy Small, to appoint Richard Lewis to the Recreation Board. Upon roll call, the following voted:

   Aye
   Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; Danny Bryant; and Thomas Young, Sr.

   Nay
   None

   Mayor Underwood declared the motion approved.

3. Motion was made by Dorothy Small, seconded by Marty Pepper, to appoint Todd Storey to the Recreation Board. Upon roll call, the following voted:

   Aye
   Pat Fraley; Michael Stewart; Marty Pepper; Danny Bryant; Thomas Young, Sr.; and Dorothy Small

   Nay
   None

   Mayor Underwood, Jr., declared the motion adopted.

4. Motion was made by Marty Pepper, seconded by Pat Fraley, to reappoint William Hancox to the Fayetteville Housing Authority. Upon roll call, the following voted:

   Aye
   Michael Stewart; Marty Pepper; Danny Bryant; Thomas Young, Sr.; Dorothy Small; and Pat Fraley
   Nay
   None

   Mayor Underwood declared the motion approved.

Bid for Tax Sale Property Located at 1109 Locust St:

Motion was made by Danny Bryant, seconded by Pat Fraley, to accept the preliminary bid of One Thousand Five Hundred Dollars ($1,500) from Larry and Chenita Henderson for the property located at 1109 Locust Street. Upon roll call, the following voted:

Aye
Marty Pepper; Danny Bryant; Thomas Young, Sr.; Dorothy Small; Pat Fraley; and Michael Stewart

Nay
None

Mayor Underwood declared the motion approved.

Recreation Center, Swimming Pool and Storage Building Roof Repairs:

Mr. Lee advised that TML insurance will not cover the bid amount to fix the Recreation, Swimming Pool, and Storage building roofs, an additional Three Thousand Dollars ($3,000.00) will be needed. Motion was made by Pat Fraley, seconded Danny Bryant, to approve the additional funding of Three Thousand Dollars ($3,000.00) for the roof repairs. Upon roll call, the following voted:

Aye
Danny Bryant; Thomas Young, Sr.; Dorothy Small; Pat Fraley; Michael Stewart; and Marty Pepper

Nay
None

Mayor Underwood declared the motion approved.

Call for Public Hearing to De-Annexation of land from the Eldad Road to Lees Creek Road:

Motion was made by Dorothy Small, seconded by Michael Stewart, to call for a Public Hearing to de-annex all the lands from the old City Limits (Eldad Road) to Lees Creek Road. Upon roll call, the following voted:

Aye
Thomas Young, Sr.; Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; and Danny Bryant

Nay
None

Mayor Underwood declared the motion approved.

Call for Public Hearing to Rezone East Haven:

Motion was made by Pat Fraley, seconded by Marty Pepper, to call for a Public Hearing for the rezoning of East Haven from C-3 to R-3. Upon roll call, the following voted:

Aye
Dorothy Small; Pat Fraley; Michael Stewart; Marty Pepper; Danny Bryant; and Thomas Young, Sr.

Nay
None

Mayor Underwood declared the motion approved.

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

_____
Mayor

_____
Clerk