

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
MARCH 10, 2015

REFERENCE VIDEO DATED MARCH 10, 2015

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 March 10, 2015. 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 Alderman Small and the pledge was lead by Alderman Harry

Adoption of Agenda:

Motion was made by Gwen Shelton, seconded by Dorothy Small, to adopt the agenda for March 10, 2015. 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 February 10, 2015, Minutes were read and approved as written.

Reports:

Fayetteville/Lincoln County Library:

Jill Rael, the Library Director, reported that Margaret Fowler, chairman of the Library Board, was awarded "Trustee of the Year Award" by the Tennessee Library Association. Ms. Rael explained that the Library Board has requested one-half (1/2) of the funding to fix/update the Library's front doors from the Lincoln County Commission, which will be voted on Tuesday, March 12, 2015. Ms. Rael reported that the Library is currently working on a long-range five (5) year plan.

Fayetteville City Schools:

Janine Wilson, the Director of Schools, discussed that the Middle School had been awarded a "STEM" Grant to begin an Engineering program. Dr. Wilson reported that registration for Pre-K is currently underway, with Kindergarten registration to begin on March 26th. Dr. Wilson stated that this year's graduation will be held on May 15, 2015, with 87 students to be graduating. Dr. Wilson explained that 26.8% of the students in Lincoln County are attending the City School System.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 61 calls for service and 45 medical calls.

Police Report:

Police Chief Richard Howell reported that there were 77 incidents with 38 arrests, 37 crashes and 50 citations for a total of 1,481 events.

Recreation Report:

Ricky Honey, Recreation Director, reported that due to all the ice, snow and rain the City Middle School and High School baseball, softball and soccer teams have had several delays to their seasons. Mr. Honey stated that Annual Easter Egg Hunt will be held Thursday, March 26th at 5:00 p.m.

Public Works:

Eddie Plunkett, Public Works Director, reported that for the month of February there was 180 tons of sanitation was picked up, along with 100 tons of brush and 4 tons of leaves.

Planning and Codes Report:

Jeff Siefert, Building Inspector, reported for the month of February there were ten (10) building permits issued for approximately Four Hundred Thirty-One Thousand, Seven Hundred Seventy-Five Dollars (\$431,775.00) in work to be done, with the fees being Two Thousand, Six Hundred Fifteen Dollars and 97/100 (\$2,615.97).

Administrator's Report:

Mr. Collins reported that House Bill 0169, which contains the City's request for the Hotel/Motel Tax, is moving forward to the Finance, Ways & Means Subcommittee. Mr. Collins explained that in conjunction with the Industrial Development Board and the Fayetteville/Lincoln County Chamber of Commerce, a committee has been created to help enhance the City and will meet with local High School students to help in this process. Mr. Collins stated that the Fabulous Fifties Show will begin March 19, 2015.

Ordinance No. 2015-01:

Ordinance No. 2015-01, an ordinance entitled, "An Ordinance Amending Zoning Ordinance Section 14-508, Otherwise Known As The Sign Ordinance To Allow And Regulate Digital Billboards In The Corporate Limits As Replacements For Traditional Billboards That Are Grandfathered Under Current Regulations", was considered. Said Ordinance is as follows:

ORDINANCE NO. 2015 -01
CITY OF FAYETTEVILLE, TENNESSEE

AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 14-508, OTHERWISE KNOWN AS THE SIGN ORDINANCE TO ALLOW AND REGULATE DIGITAL BILLBOARDS IN THE CORPORATE LIMITS AS REPLACEMENTS FOR TRADITIONAL BILLBOARDS THAT ARE GRANDFATHERED UNDER CURRENT REGULATIONS

WHEREAS, the City of Fayetteville has a sign ordinance in effect regulating signs in the City of Fayetteville, Tennessee: and,

WHEREAS, the current sign ordinance prohibits the installation of any new billboard type of signage and further regulates any existing billboard under the provisions of T.C.A § 13-7-208 commonly known as the “grandfather” clause; and,

WHEREAS, digital billboards are now technologically possible allowing billboard companies to use LCD, LED, and similar electronic technology to efficiently replace copy on billboards instead of using standard paper or vinyl; and,

WHEREAS, the Tennessee Department of Transportation has adopted regulations for the use of digital billboards along state routes but cities are authorized to adopt more restrictive provisions in local zoning regulations if digital billboards are to be permitted; and,

WHEREAS, the City of Fayetteville desires, under restricted circumstances, to allow digital billboards within its corporate limits as replacements to existing traditional billboards at existing locations, but requires certain regulations related to such use; and,

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

SECTION 1. That the City sign ordinance set forth in City Code 14-218 be amended as follows:

(a) Definition- Add a new definition in sub-section (2) for digital billboard as follows:

Digital Billboard- A Digital Billboard is an off premises billboard sign in excess of 80 square feet that is digital in nature and uses exclusively LCD (liquid crystal display),LED (light emitting diode), or similar electronic technology for providing content to the billboard.

(b) Under sub-section 14(1), this section shall be amended by adding the following language to the existing language:

However, existing billboards that are grandfathered under State law as pre-existing, non-conforming uses may be replaced with Digital Billboards of the same or lesser size.

(c) A new section shall also be added to City Code 14-218 with the following content:

Digital Billboards: Billboards that are existing in the City of Fayetteville which are grandfathered under State law as pre-existing, non-conforming uses may be replaced at the same location with Digital Billboards of the same or lesser size. Digital Billboards are otherwise prohibited in the City of Fayetteville. Such replacement Digital Billboards shall only be permitted if found to be in accordance with the following rules and regulations:

- (1) The message display shall remain static and fixed for a minimum of eight (8) seconds with a maximum transition time of one (1) second to the next message. Transitions shall not be scrolling, but shall be instantaneous.
- (2) Video, continuous scrolling messages and animation are prohibited.
- (3) The minimum spacing of the Digital Billboards shall be 2,000 feet between Digital Billboards measured billboard to billboard.
- (4) No person shall erect, operate, use or maintain a Digital Billboard without first obtaining and annually renewing a sign permit from the City of Fayetteville.
- (5) Digital Billboards must be single-faced with one display area.
- (6) Digital Billboards must be located at least one hundred (100) feet from any residentially zoned property measured from the closest point of any structural element of the billboard to the residential property line.
- (7) Displays on Digital Billboards are prohibited where they have varying light illumination and/or intensity (except as provided for in item 9 below), blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, traveling, tracing, twinkling or simulated movement or convey the illusion of movement other than the change of the entire copy of the sign message at one time.
- (8) No smoke, steam, or noise shall emanate from the Digital Billboard.

- (9) The light intensity of a Digital Billboard shall have a monitor to allow it to automatically adjust for natural ambient light conditions. Using industry standards, daytime brightness levels shall be no more than 90% maximum intensity. At night the brightness shall be reduced to no more than 20% of maximum light intensity for an LED (light emitting diode) sign.
- (10) Owners of Digital Billboards shall coordinate with the City of Fayetteville to convey real time emergency information such as Amber Alerts or National Disaster Directives.
- (11) A Digital Billboard shall be at the same or lesser height as the billboard it replaces.
- (12) A Digital Billboard shall be stationary and not contain any visible moving parts.
- (13) Digital Billboards shall conform to all applicable building standards and specifications adopted by the City of Fayetteville.
- (14) Digital Billboards shall not be lit externally, but instead only lit internally.
- (d) Section 14-508.7, Nonconforming and Non-complying Sign Provisions, shall be amended and the following language shall be added to the existing language as Section 14-508.7(3):

This section shall not apply to Digital Billboards which are regulated separately.

- (e) Section 14-508.3(4) shall be amended by adding the following language as sub-section (k):

This sub-section shall not apply to Digital Billboards which are regulated separately.

SECTION 2. This Ordinance shall become effective from and after its final passage of public welfare requiring it.

ADOPTED THIS 10th DAY OF March, 2015.



Scott Collins, City Clerk



Jon Law, Mayor

Motion was made by Dorothy Small, seconded by Gwen Shelton, to approve Ordinance No. 2015-01. 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 Ordinance adopted.

Strategic Plan:

Motion was made by Danny Bryant, seconded by Anna Catherine Cowley, to adopt the 2015 Strategic Plan. 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.

Police Building Bids:

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve the base bid and alternates 1 and 2 from BB&T Construction for the amount of Two Million, Sixty-Seven Thousand One Dollars (\$2,067,100.00). 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.

Purchase Properties for Frito-Lay Industrial Access Road:

Motion was made by Gwen Shelton, seconded by Danny Bryant, to approve the spending of "up to" Fifteen Thousand Dollars (\$15,000.00), for the Frito-Lay Industrial Access Road project, to purchase two (2) properties: one (1) property owned by Henry Grady Wright, III, Map 081 Parcel 2.07 and second (2) property owned by James and Brenda Easley, Map 81 Parcel 2.00. 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.

Land Swap and Sale of Property to Wright:

Motion was made by Dorothy Small, seconded by Gwen Shelton, to allow the Mayor, City Administrator, City Attorney and City Planner to negotiate terms of a land swap with property owner Henry Grady Wright, III, and then present those terms of agreement to the Board of Mayor and Alderman during April's Meeting. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Law declared the motion approved.

IDB Quarterly Reports:

Motion was made by Gwen Shelton, seconded by Dorothy Small, to formally invite the Industrial Development Board to give quarterly reports to the Board of Mayor and Alderman starting in April.

Motion was made by Danny Bryant, seconded by Michael Whisenant, to suspend the Robert's Rules of Order to discuss the issue informally. 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.

A full and thorough discussion was held on the Quarterly Reports being given by Outside Agencies at the Board Meetings.

Motion was made by Danny Bryant, seconded by Michael Whisenant, to continue the meeting under Robert's Rules of Order. 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.

Upon roll call, the following voted on the main motion:

Aye

Michael Whisenant, Gwen Shelton, Danny Bryant and Dorothy Small

Nay

Violet Harry and Anna Catherine Cowley

Mayor Law declared the main motion approved.

Affiliated Agencies Quarterly Reports:

No board action was taken on the matter.

City Administrator Contract:

Motion was made by Danny Bryant, seconded by Gwen Shelton, to delete a portion of paragraph 2 that states “beginning January 14, 2014, and ending January 13, 2017”, and replace with “beginning March 10, 2015, and ending March 9, 2018,”. Upon roll call, the following voted:

Aye

Michael Whisenant, Gwen Shelton, Danny Bryant and Dorothy Small

Nay

Anna Catherine Cowley and Violet Harry

Mayor Law declared the motion approved.

Appointment of Acting City Administrator:

Motion was made by Gwen Shelton, seconded by Violet Harry, to approve the appointment of Tonya Steelman, Finance Director, as the acting/interim City Administrator during any temporary absence or disability of the City Administrator. 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:

Motion was made by Gwen Shelton, seconded by Dorothy Small, to approve the parade permit for the Always Endure Walk on April 18, 2015. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Law declared the motion approved.

Parade Permit:

Motion was made by Dorothy Small, seconded by Anna Catherine Cowley, to approve the updated parade permit for the Slawburger Festival. 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.

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

Mayor

City Clerk