

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
APRIL 8, 2008

REFERENCE VIDEO DATED APRIL 8, 2008

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, held an open, public session at the regular meeting place of said board in the Municipal Building of said city at 5:00 p.m. on April 8, 2008. Mayor Gwen Shelton was present and presiding. The following aldermen were present:

Richard Bolles
Carolyn Denton
Dorothy Small
Joe Askins
Marty Pepper
Walter Sloan

Also present was Kevin Helms, City Administrator, and Steve Broadway, City Attorney.

The prayer was led by Walter Sloan, and the Pledge of Allegiance was led by Dorothy Small.

Motion was made by Walter Sloan seconded by Marty Pepper to approve the minutes of the meeting. Upon roll call, the following voted:

<u>AYE</u>	<u>NAY</u>
Richard Bolles	None
Carolyn Denton	
Dorothy Small	
Joe Askins	
Marty Pepper	
Walter Sloan	

Mayor Shelton declared the minutes approved.

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

<u>AYE</u>	<u>NAY</u>
Carolyn Denton	None
Dorothy Small	
Joe Askins	
Marty Pepper	
Walter Sloan	
Richard Bolles	

Mayor Shelton declared the bills and additional bills approved.

Britt Dye gave the report on FPU activities and Alice Palacio gave a report on Main Street activities.

Motion was made by Walter Sloan seconded by Dorothy Small to approve the amount quoted on the requisition of \$26,084.15 for the new lights and sign posts for downtown. This amount is approximately \$9,000 more than originally planned. Upon roll call, the following voted:

Aye
Dorothy Small
Joe Askins
Marty Pepper
Walter Sloan
Richard Bolles
Carolyn Denton

Nay
None

Mayor Shelton declared the motion adopted.

An interlocal agreement with 911 for the IT Director was discussed as follows:

**INTERLOCAL COOPERATION AGREEMENT
FOR
INFORMATION TECHNOLOGY SUPPORT
BETWEEN LINCOLN COUNTY EMERGENCY COMMUNICATIONS
DISTRICT AND CITY OF FAYETTEVILLE, TENNESSEE**

Pursuant to Tenn. Code Ann. 7-86-105(b)(6), this Interlocal Cooperation Agreement for Emergency Communications (the "Agreement") is entered into between and among the City of Fayetteville, Tennessee (the "City"), a political subdivision of the State of Tennessee, and Lincoln County Emergency Communications District (the "District"), a municipality and public corporation created and established pursuant to Tenn. Code Ann. 7-86-101, *et seq.*

WHEREAS, the District was established for the purpose of providing a system of emergency communications whereby a caller dialing 911 would immediately be connected to a public safety answering point that would quickly and efficiently assure that the appropriate emergency responders were notified; and

WHEREAS, such a system results in the saving of life, a reduction in the destruction of property, quicker apprehension of criminals and ultimately saving of money; and

WHEREAS, the District was established as a statutory municipality or public corporation in perpetuity, authorized to fund its operations through a bona fide emergency telephone service charge on all service users within its borders, whether business or residential, public or private, profit making or not-for-profit, including governmental entities, and

WHEREAS, the City and the District desire to conduct certain operations related to emergency communications jointly as contemplated by Tenn. Code Ann. 7-86-105(b)(6), including the payment of salary and benefits to an information technology employee; and

WHEREAS, the City authorized the execution of this interlocal agreement between the City and the District by its resolution adopted on the 8th day of April, 2008; and

WHEREAS, the District, acting by and through its Board of Directors, authorized the execution of this interlocal agreement between the City and the District by its resolution adopted on the ___ day of ___, 200 ___; and

NOW, THEREFORE, in consideration of the promises and covenants set forth herein, and for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Purpose.** This Agreement is for the purpose of establishing the manner, terms and conditions by which the City and the District shall jointly pay for the costs of the salary and benefits of an information technology employee.
2. **Funding.** The District hereby agrees to be responsible for funding one-half of the salary, benefits and other necessary and incidental expenses of an information technology employee; and the City agrees to fund the balance of the remaining one-half of the salary, benefits and other necessary and incidental expenses of an information technology employee.
3. **Term.** The Parties hereby agree that this agreement shall continue until terminated by one of the parties, each party having the right to terminate the agreement upon written notice of 90 days.
4. **Nondiscrimination.** The parties hereby agree, warrant and assure that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the performance of this agreement on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee state constitutional or statutory law.
5. **Severability.** If any of the terms and conditions of this contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this agreement are declared severable.
6. The parties agree that the first priority shall be given to prompt repair of district emergency communications equipment directly supporting emergency services.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of this 8th day of April, 2008.

For the City



Name:

Title:

For the District



Name:

Title: Board chairman

Motion was made by Joe Askins seconded by Carolyn Denton to enter into this agreement. Upon roll call, the following voted:

Aye

Joe Askins

Marty Pepper

Walter Sloan

Richard Bolles

Carolyn Denton

Dorothy Small

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Walter Sloan seconded by Marty Pepper to proceed with a three-point project on synchronization of traffic signals to include (1) Thornton Taylor/Wilson Parkway to Independence Drive, and (2) Emergency preemption system for Thornton Taylor/Wilson Parkway - not to exceed \$85,000, and (3) Engineering to look at River Road -- not to exceed \$3500. Upon roll call, the following voted:

Aye

Marty Pepper

Walter Sloan

Richard Bolles

Carolyn Denton

Dorothy Small

Joe Askins

Nay

None

Mayor Shelton declared the motion adopted.

A new agreement with W. S. Carman was discussed which will extend the deadline on the Robert E. Lee Project. This agreement is as follows:

AGREEMENT

This Agreement entered into this 4th day of April, 2008, by and between City of Fayetteville, hereinafter "City" and Mainstream Development, LLC, hereinafter "Mainstream";

WHEREAS, City deeded real estate to Mainstream, by deed dated May 5, 2006, of record in the Register's Office of Lincoln County, Tennessee in Deed Book X-13, page 161; and

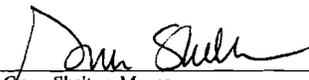
WHEREAS, said deed established a date certain for full development of May 5, 2008, and in the event Mainstream failed to fully develop by that date, that Mainstream would request an extension, and City would not unreasonably withhold such extension of time; and

WHEREAS, Mainstream has made such a request and City has agreed to such extension.

NOW, THEREFORE, City and Mainstream agree that an extension is granted and the parties agree that full development of the premises shall be completed on or before May 1, 2009. Mainstream agrees to begin construction on two (2) buildings, "C" and "G" no later than April 21, 2008, with completion no later than October 21, 2008, weather permitting. Construction of the remaining buildings shall be concurrent with the construction of buildings "C" and "G". In the event that Mainstream fails to fully develop said property by May 1, 2009, Mainstream shall request an extension and approval by Board of Mayor and Aldermen, which approval shall not be unreasonably withheld.

Mainstream further agrees to furnish a new letter of credit in the amount of \$125,000.00, with an expiration date of May 1, 2009.

City of Fayetteville

By: 
Gwen Shelton, Mayor

ATTEST: 
Kevin Helms, City Clerk

Mainstream Development, LLC

By: _____
William S. Carman, Sr., Member

Motion was made by Dorothy Small seconded by Marty Pepper to include benchmarks in this agreement to the start and completion dates. Upon roll call, the following voted:

- Aye
- Walter Sloan
- Richard Bolles
- Carolyn Denton
- Dorothy Small
- Joe Askins
- Marty Pepper

- Nay
- None

Mayor Shelton declared the motion adopted.

Motion was made by Joe Askins seconded by Dorothy Small to concur with the Finance Committee recommendation to pay \$19,000 from the Mary Bright Wilson sale proceeds to repair the roof at the Art League Building. Upon roll call, the following voted:

Aye

Richard Bolles
Carolyn Denton
Dorothy Small
Joe Askins
Marty Pepper
Walter Sloan

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Joe Askins seconded by Marty Pepper to take bids for paving at the Lions Club Complex around the concession stand and between the fields. This work has been estimated at approximately \$25,000. Upon roll call, the following voted:

Aye

Carolyn Denton
Dorothy Small
Joe Askins
Marty Pepper
Walter Sloan
Richard Bolles

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Walter Sloan seconded by Dorothy Small to authorize an actuarial study of employee benefits for the audit as required by GASB 45 at a cost of \$5,500. Upon roll call, the following voted:

Aye

Dorothy Small
Joe Askins
Marty Pepper
Walter Sloan
Richard Bolles
Carolyn Denton

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Joe Askins seconded by Marty Pepper to share the cost of an ad in R&D Magazine with Lincoln County as recommended by the Finance Committee with the total cost at approximately \$1035.00. Upon roll call, the following voted:

Aye

Joe Askins
Marty Pepper
Walter Sloan
Richard Bolles
Carolyn Denton
Dorothy Small

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Joe Askins seconded by Dorothy Small to fund the \$8,000 for the kiosk proposed by Main Street. Upon roll call, the following voted:

Aye

Marty Pepper
Walter Sloan
Richard Bolles
Carolyn Denton
Dorothy Small
Joe Askins

Nay

None

Mayor Shelton declared the motion adopted.

A discussion was held on compensating the Fire Chief at the fire chief rate during the period he was serving as interim fire chief. After much discussion, motion was made by Walter Sloan seconded by Richard Bolles to move to the next item on the agenda. Upon roll call, the following voted:

Aye
Walter Sloan
Richard Bolles
Carolyn Denton
Dorothy Small
Joe Askins
Marty Pepper

Nay
None

Ordinance 2008-9 regarding setting planning fees was considered, which is as follows:

ORDINANCE NO. 2008-9
CITY OF FAYETTEVILLE, TENNESSEE

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE TO ADD A SCHEDULE OF FEES FOR PLANNING COMMISSION.

WHEREAS, the Board of Mayor and Alderman of the City of Fayetteville desires to add as Schedule of Fees for Planning Commission and any existing fees that are in conflict therewith are hereby repealed and stricken.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Alderman, that the following new section is added to the City of Fayetteville Municipal Code:

SECTION 1. "14-202. Planning Commission Schedule of Fees. The following fees are hereby enacted and any existing fees that are in conflict therewith are hereby repealed and stricken:

SEE ATTACHMENT "A"

SECTION 2. This ordinance shall take effect upon its passage, the public welfare requiring it.

ADOPTED THIS 8th DAY OF April, 2008.


MAYOR


CITY ADMINISTRATOR

ATTACHMENT "A"
PLANNING COMMISSION SCHEDULE OF FEES

REQUEST TO REVISE SUBDIVISION *after final plat is approved	\$100.00 plus \$5.00 per lot
ANNEXATION REQUEST LESS THAN 10 ACRES 10 ACRES OR MORE	\$150.00 \$300.00
ANNEXATION REQUEST --Fayetteville Public Utilities *fee for engineering cost estimate when a utility service must be extended to the requested annexation area *fee must be paid for each applicable utility service extension (water, sewer, and/or gas) * gas extension is optional	\$500.00
REZONING REQUEST (Overlay and PUD included)	\$100.00 plus \$5.00 per acre or fraction thereof
RENEWAL OF EXPIRED SUBDIVISION/PLAT	\$100.00 plus \$5.00 per lot
MINOR SUBDIVISION (LESS THAN 5 LOTS)	\$ 75.00
MAJOR SUBDIVISION (5 OR MORE LOTS) PRELIMINARY AND FINAL PLAT (combined review fee) * includes initial review and one (1) review for corrections * developer initiated plat change must include fee with submission	\$150.00 plus \$5.00 per lot
MIXED PLANNED UNIT DEVELOPMENT (one-time fee) * preliminary and final master development plan review	\$500.00 PLUS \$5.00 PER UNIT COMMERICAL/RESIDENTAL
PARKING LOTS, CELL TOWERS, AND ALL OTHER SITE PLANS	\$150.00
HOME OCCUPATION	\$ 25.00

BED AND BREAKFAST	\$ 50.00 (INCLUDES SITE PLAN REVIEW)
TEMPORARY USE PERMITS	
Carnival/Circus	\$250.00
Limited Duration Goods and Seasonal Merchandise	\$ 50.00
Temporary Buildings	\$ 50.00
Real Estate Sales Offices	\$ 50.00
Religious Tent Meetings	\$ EXEMPT
Temp. Dwelling incase of Medical Hardship	\$ EXEMPT
Temp. Dwelling incase of other Special Services	\$150.00 (BZA Approval)
Temp. Manufacture of Road Materials	\$150.00 (BZA Approval)
Temporary Stands (fireworks, etc.)	\$200.00
CALL SPECIAL MEETINGS	\$150.00
SPECIAL EXCEPTION/VARIANCE	\$150.00
REQUEST TO AMEND A PROVISION OF THE ZONING ORDINANCE	\$100.00

NOTE:

- *All fees are non-refundable and are due at time of submission.
- *Each fee shall be considered separate unless otherwise specified.
- *Each phase of development shall be considered separate.
- *Listed fees shall be paid in addition to any applicable building permit and/or license fees.

Motion was made by Walter Sloan seconded by Marty Pepper to adopt ordinance 2008-9. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Richard Bolles	None
Carolyn Denton	
Dorothy Small	
Joe Askins	
Marty Pepper	
Walter Sloan	

Mayor Shelton declared Ordinance 2008-9 adopted.

Resolution R-08-4, concerning HOME Program Policies and Procedures, was read by Steve Broadway. This change is necessary due to some work not being done properly in the 1999 HOME program, and this change would allow this improper work to be completed under this grant. The resolution is as follows:

**AMENDMENT ONE
TO THE HOME PROGRAM
POLICIES AND PROCEDURES**

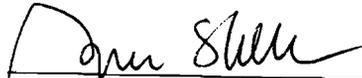
The HOME Program Policies and Procedures for The City of Fayetteville are amended as follows:

1. Section 9. Eligibility Requirements of Property to be Rehabilitated:
 - B. Eligibility Criteria
 - Remove item number 5. The dwelling has not received HOME assistance in the past 10 years.

All other provisions of the Policies and Procedures dated August 15, 2007 remain unchanged.

NOW, BE IT THEREFORE RESOLVED AS FOLLOWS: that the City of Fayetteville, acting by and through its Board of Aldermen, hereby amends the set of Policies and Procedures. These Policies and Procedures are to serve as official guidelines for the day to day operation of the City of Fayetteville's Housing Rehabilitation Program.

DATED this the 8th day of April, 2008.



Mayor

WITNESSED:



Motion was made by Joe Askins seconded by Dorothy Small to adopt this resolution. Upon roll call, the following voted:

Aye
Carolyn Denton
Dorothy Small
Joe Askins
Marty Pepper
Walter Sloan
Richard Bolles

Nay
None

Mayor Shelton declared the motion adopted.

Walter Sloan requested consideration of a non-conflict ordinance for candidates for office which he read. It was decided to look at this proposal at the next work session.

The need for enforcement of the sign ordinance because of the large number of signs attached to power and telephone poles was discussed. A possibility of running a public service ad on Channel 6 on this subject was proposed.

After all department reports were given, motion was made, seconded, and unanimously adopted to adjourn.

MAYOR

Clerk