

CALLED MEETING  
BOARD OF MAYOR AND ALDERMAN  
September 17, 2009

REFERENCE VIDEO DATED SEPTEMBER 17, 2009

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public called session at the regular meeting place of said board in the Municipal Building at 5:30 P.M. on September 17, 2009, to discuss the Robert E. Lee Garden Estates. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

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

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

Mr. Carman stated the original plan was to build 25 units, 1 gatehouse, with a clubhouse, as a gated community. Thus far, 10 units have been completed, as well as updating the plumbing, storm, and septic drains. Two units have been bought, with interest in the other units and 2 to be occupied soon. Mr. Carman stated it would not be economical to build the other 15 units because the market will not absorb these units. Would like to develop a new plant for the property with one possibility being to turning the lower end into a park to be donated to the city (for the city to possibly maintain) with no clubhouse, add an irrigation system and to finish building the existing streets. Mr. Carman stated he could not get the support to build the other 15 units and it would not be in the best interest of the city. Current owners will have some say in the development of the new plans, but future prospective owners are being advised about the changes, and are allowed to leave if it does not work out the way they like. Work with the Developer, City Administrator, and City Planner will be scheduled and recommendation will be brought before the Board of Mayor and Aldermen at a public hearing.

**Community Comments:**

1. Ryan Tyhuis – City Planner – Is there difficulty with the lending institution?  
What about the construction of the roads, when will they be finished and who will maintain them -- owners or the homeowners association?
2. Michael Whisenant – 210 Bright Ave. – Where is their dumpster? Who is the Developer?

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Mayor

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Clerk

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
OCTOBER 13, 2009

REFERENCE VIDEO DATED OCTOBER 13, 2009

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 October 13, 2009. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

Joe Askins  
Danny Bryant  
Dorothy Small

Pat Fraley  
Michael Stewart  
Marty Pepper

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

The prayer and pledge were led by Minister Jim Black of Washington St. Church of Christ.

**Approval of Minutes:**

Motion was made by Joe Askins, seconded by Danny Bryant, to approve the minutes of the September 2009 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 Marty Peppers, seconded by Joe Askins, 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;**

### **Mainstreet Update:**

Marie Caldwell, representing Main Street, discussed the next downtown merchants meeting is November 20<sup>th</sup> held at the First National Bank Community Room at 5pm. The Bicentennial kickoff is set for Monday, November 16<sup>th</sup> at 12pm in the courtroom of the courthouse.

### **School Board Adjustment:**

Dorothy Small stated there were several amendments to the school's budget due to the stimulus money they are receiving. Title Amendment Three for the School Board budget, career ladder extended contract grant amount had been modified from 61.9%, of the previous calendar year, rather than the 82.2% a shortfall of \$11,250 that was moved from the general fund to make up for the shortfall. The School Board already approved this amendment. Motion was made by Joe Askins, seconded by Marty Pepper, to adopt the Title Amendment Three of the School Board System. Upon roll call, the following voted:

#### Aye

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

#### NAY

None

### **FPU Report:**

Joe Askins reported that the Hardees and Liberty lift station are completed. The FPU Board has approved the lowest bidder for the Tanyard Branch - Laten Bottom Wastewater Treatment Plant and the Industrial Park Lift stations to be awarded. November 1<sup>st</sup> the water rates will increase 14% and waste water rates will increase by 20%. The Gas Department has started laying the main gas line at the Posey Industrial Park. The gas leak survey found 38 underground gas leaks. The Park City substation work is still continuing. Of the 227 poles that need to be replaced, 174 have been completed. The telecommunications has added 2 new high definition channels. FPU will be featured in the Fall 2009 National Energy Magazine.

### **School Board Report:**

Dorothy Small reported the new science lab will be featured on the school's website. Construction on the boy's bathroom will soon begin. The alarm system was knocked out at the Fayetteville Junior High; Columbia Fire Equipment is doing the repairs at \$9,973.45. The School Board received \$7,000 from the city auction. The IT Department pay scale is being evaluated and will be adjusted.

### **Police Report:**

Danny Bryant reported the police had 135 incidents with 48 arrests, 44 traffic crashes, 51 citations, and police activity events totaled 1,901. The Criminal Investigation Division has 290 cases: 11 open, 5 closed, 4 arrest and 2 Grand Jury Indictments.

### **Fire Report:**

Marty Pepper reported 787 calls for the Fire Department 59 medical calls, 8 motor accidents (with 1 extrication), and there was no property loss.

**Recreation Report:**

Michael Stewart reported the Recreation Board discussed the sewer lines for the little girls' restroom at the Lions Club Park and the Bike Trail, which will be discussed later in the meeting. The parks are in the process of being shut down for the winter.

**Planning and Zoning Report:**

Pat Fraley reported the Planning Committee approved the final plat on the E911 Communications Center. Mr. Cowell commented on the car wash, across from his restaurants, asking about the ingress and regress issues. The committee approved the building inspectors report.

**Administrator's Report:**

Jim Lee reported that 1 new Police Officer had been hired – Thomas Sanders II (post qualified). TML is working on property insurance by inspecting new additional property.

**Mayor's Report:**

Mayor Shelton discussed the upcoming Host for November 13 -15 and the Bicentennial Celebration on the 16<sup>th</sup>. The Chamber is having a membership banquet on Monday, the 19<sup>th</sup>, which is open to the public and will be recognizing three businesses Parks Jewelry, Jim McNeal, and Parsons Oil Company. Congratulated Mark Cobb on the Award the Airport has received. Charles Gleghorn, with the Library, will bring a financial report of the Library in 90 days for the Board of Mayor and Alderman to review.

**Hazards Mitigation Plan:**

Resolution R-09-16, a resolution to adopt the revised and restated Lincoln County all Hazards Mitigation Plan; was considered, which is as follows:

**CITY OF FAYETTEVILLE**

**Resolution No. R-09-16**

**A RESOLUTION TO ADOPT THE REVISED AND RESTATED  
LINCOLN COUNTY ALL HAZARDS MITIGATION PLAN.**

**WHEREAS**, it is in the best interest of the City of Fayetteville, Tennessee, to adopt the revised and restated Lincoln County All Hazards Mitigation Plan to express a continued commitment to mitigation as a means of reducing the human and economic costs of natural and man-made disasters for the citizens of Fayetteville, Tennessee.

**WHEREAS**, the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, recognize the threat that natural hazards pose to people and property; and

**WHEREAS**, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

**WHEREAS**, an adopted all hazards mitigation plan is required as a condition of future grant funding for mitigation projects; and

**WHEREAS**, Lincoln County, Tennessee, participated jointly in the planning process with the City of Fayetteville, Tennessee, in the preparations of an All Hazards Mitigation Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, hereby adopts the revised and restated Lincoln County All Hazards Mitigation Plan as an official plan for the City of Fayetteville, Tennessee; and

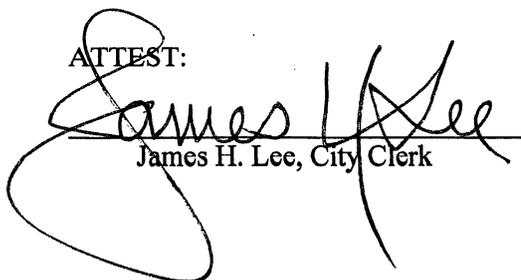
**BE IT FURTHER RESOLVED** that the City of Fayetteville agrees to exercise the authority vested in it by the United States Constitution, the Tennessee State Constitution and The Home Rule provisions of state law to create an administrative and legal framework that proactively supports the Lincoln County All Hazard Mitigation Program; and

**BE IT FURTHER RESOLVED**, that Lincoln County, Tennessee, is hereby authorized to submit on behalf of the City of Fayetteville, Tennessee, the revised and restated All Hazards Mitigation Plan to Federal Emergency Management Agency officials for final review and approval.

Passed this the 13th day of October, 2009.

  
Gwen Shelton, Mayor

ATTEST:

  
James H. Lee, City Clerk

Motion was made by Danny Bryant, seconded by Joe Askins, to adopt Resolution R-09-16. 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.

**Review of March Minutes:**

Motion was made by Dorothy Small, seconded by Joe Askins, to review the March 2009 Board of Mayor and Alderman Minutes' for corrections. 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.

**Library:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to bring forth a review of the expenditures of the library. Amendment made by Pat Fraley, seconded by Danny Bryant, that the information should be supplied to the City Administrator. A second amendment made by Pat Fraley, seconded by Joe Askins, for the review of expenditures to be from the time of the budget approval to present date. 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 adopted.

Motion was made by Dorothy Small, seconded by Michael Stewart, to fund the Library Board for the requested amount up to \$30,000 as a one-time expenditure.

Aye

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

NAY

None

**City Attorney request for reimbursement:**

Motion was made by Joe Askins, seconded by Pat Fraley, to reimburse the City Attorney for the amount listed on the revised copy from March through September for \$16,020.99. 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 motion adopted.

**Sewer Line at Little Girls Field:**

Motion was made by Dorothy Small, seconded by Danny Bryant, to approve the \$11,747.70 to improve the sewer line for the little girls' softball field. Amendment made by Dorothy Small, seconded by Danny Bryant, to add the words "up to" before \$11,747.70. 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 motion adopted.

**Animal Shelter Truck:**

Motion was made by Dorothy Small, seconded by Pat Fraley, to purchase a new truck for the Animal Shelter, spending up to \$22,000. 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 motion adopted.

**Trimming of Foster Holly's:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to take the low bid of \$1,750 for the trimming of the Foster Holly's before the Host. 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.

**Transportation Enhancement Program:**

Resolution R-09-17, a resolution of the Tennessee Department of Transportation (TDOT) has responsibility for the administration of the Tennessee Department of Transportation – Transportation Enhancement Program (TEP) which is designed to assist communities in their efforts to enhance transportation concerns; was considered, which is as follows:

**RESOLUTION NO. R-09-17**

**CITY OF FAYETTEVILLE, TN**

WHEREAS, the Tennessee Department of Transportation has responsibility for the administration of the Tennessee Department of Transportation-Transportation Enhancement Program (TEP) which is designed to assist communities in their efforts to enhance transportation concerns.

WHEREAS, the City of Fayetteville, acting by and through its Board of Aldermen proposes to apply for 2010 TEP funds for the purpose of performing eligible transportation enhancement activities that will benefit the majority of the residents of the City of Fayetteville.

WHEREAS, the City of Fayetteville will provide local financial support in conjunction with the TEP funds to complete the project; and

WHEREAS, the City of Fayetteville, as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Fayetteville as follows:

THAT, Mayor Gwen Shelton is hereby authorized to execute and submit an application with appropriate assurances to the State of Tennessee, Department of Transportation, requesting Fiscal Year 2010 TEP funds for Phase II of the Fayetteville Sidewalk Connector Project: and

THAT, the City of Fayetteville will be responsible for the local cash/match toward the project to be provide in full by the general account; and

THAT, Mayor Gwen Shelton be and is hereby designated and appointed as Financial Officer and to perform on behalf of the City of Fayetteville, Tennessee, those acts and assume such duties as are consistent with said position.

READ AND ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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ATTEST:

\_\_\_\_\_

Motion was made by Marty Pepper to approve Resolution R-09-17. This motion died for lack of a second. Motion was made by Dorothy Small, seconded by Michael Stewart, to table the Resolution R-09-17. Upon roll call, the following voted:

Aye

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

Nay

Joe Askins

Mayor Shelton declared the motion tabled.

**Interlocal Cooperative Action (TML):**

Resolution R-09-18, to adopt the revised and restated Interlocal Cooperation Agreement relative to participation in the TN Municipal League Risk Management Pool; was considered, which is as follows:

**CITY OF FAYETTEVILLE**  
**Resolution No. R-09-18**

**A RESOLUTION TO ADOPT THE REVISED AND RESTATED  
INTERLOCAL COOPERATION AGREEMENT RELATIVE TO PARTICIPATION IN THE  
TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL.**

**WHEREAS**, Chapter 282 of the Tennessee Public Acts of 1979 grants governmental entities the specific power to secure risk management insurance, or self-insurance for themselves and their employees in different areas of liability and insurability through joint and cooperative action with other municipalities under Section 12-801 *et seq.*, Tennessee Code Annotated, as amended, known as the Interlocal Cooperation Act; and

**WHEREAS**, the Cities of Athens and Hendersonville have heretofore entered into an agreement under said Interlocal Cooperation Act to create and establish the TML Risk Management Pool, a not-for-profit corporation, for the purpose of organizing and operating an insurance pool offering risk management and other related services in addition to basic insurance coverages; and

**WHEREAS**, said agreement authorized any political subdivision of the State of Tennessee to become a participant in said agreement by adoption of an appropriate ordinance or resolution; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, has determined that said municipality will benefit from its participation in said agreement with the City of Athens and Hendersonville and such other municipalities as may participate therein; and

**WHEREAS**, it has been proposed that the City of Fayetteville, Tennessee, enter into a contract with the TML Risk Management Pool, a copy of said contract being attached hereto as Exhibit A and incorporated herein as fully as though copies; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, has reviewed the provisions of said contract and has determined it to be in the best interests of said municipality and its citizens that appropriate steps be taken to enter into said contract.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, hereby adopts the revised and restated Interlocal Cooperation Agreement relative to participation in the Tennessee Municipal League Risk Management Pool as follows:

1. The City of Fayetteville, Tennessee, shall participate in the agreement between the Cities of Athens and Hendersonville and such other municipalities as participate therein, said agreement being to cooperate in creating establishing and contracting with the TML Risk Management Pool, a not-for-profit Tennessee corporation organized to provide a method for political subdivisions of the State of Tennessee to obtain risk management, insurance, self-insurance or any combination thereof for any and all areas of liability or insurability.

2. The form, content and provisions of the contract, a copy of which is attached hereto as Exhibit A and incorporated herein as fully as though copied, are hereby approved.

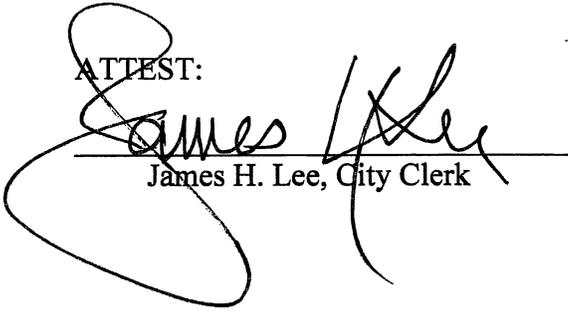
3. Mayor Gwen Shelton is empowered and directed on behalf of the City of Fayetteville, Tennessee, to enter into said contract with the TML Risk Management Pool for certain services of risk management and insurance in accordance with Chapter 282 of the Tennessee Public Acts of 1979, and to take such steps as may be necessary to implement and carry out the intent of the Resolution.

4. This resolution shall become effective upon its passage, the public welfare requiring it.

APPROVED AND ADOPTED THIS 13th DAY OF October, 2009.

  
Gwen Shelton, Mayor

ATTEST:

  
James H. Lee, City Clerk

Resolution-TML-CoopAgmt.sh

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve Resolution R-09-18. 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 adopted.

**Campbell Street:**

Motion was made by Dorothy Small, seconded by Joe Askins, to approve the closing of Campbell Street for the Art Center during the Host weekend (Saturday and Sunday). 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 adopted.

**LCHS Homecoming Parade:**

Motion was made by Dorothy Small, seconded by Michael Stewart, to approve the Parade Permit for the Lincoln County High School Homecoming Parade. 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 adopted.

**Bike Trail:**

Motion was made by Joe Askins, seconded by Dorothy Small, to allow construction of the Bike Trail to take place on City property. 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.

**Heart Walk:**

Motion was made by Joe Askins, seconded by Michael Stewart, to approve having the Heart Walk. Upon roll call, the following voted:

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

Nay  
None

Mayor Shelton declared the motion adopted.

**Board Appointment:**

Motion was made by Dorothy Small, seconded by Marty Pepper, to reappoint Wayne Smith to the Board of Zoning and Appeals. Upon roll call, the following voted:

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

Abstain  
Pat Fraley

Nay  
None

Mayor Shelton declared the motion adopted.

**Charter Update:**

Motion was made by Joe Askins, seconded by Danny Bryant, to review the minutes to find out if the Charter Committee is a standing or ad hoc committee. After much discussion, Alderman Askins amended the motion stating if the board wants this to be a standing committee to review the charter or other issues of the city. After further discussion, Alderman Askins withdrew his motion and Alderman Bryant withdrew his seconded.

Motion was made by Dorothy Small, seconded by Michael Stewart, to make the Citizen's Advisory Charter Committee as a standing committee as follows:

Kate Young  
Lewis Curtis

Jim Roark  
Debbie Fraley

Eugenia Lancaster  
Susanne Wager

Jeff Mathis  
Tom Bagley

Michael Whisenant  
Cindy Kite

Homer Thompson

Upon roll call, the following voted:

Aye

Dorothy Small and Michael Stewart

Nay

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Mayor Shelton declared the motion failed.

Motion was made by Michael Stewart, seconded by Dorothy Small, to keep the 12 citizen committee and have them to continue to work on the Charter as the Citizens Charter Committee. After much discussion, amendment made by Michael Stewart, seconded by Dorothy Small, stating the Citizens Charter Committee is to be an ad hoc committee. 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 adopted.

**Lots Co-Owned:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept the bids on the two lots (509 W. Campbell St. Dist. 08 Map 079F Group C Parcel 23.00 and 515 Hamilton St. – Dist 08 Map 079K Group B Parcel 11) that are co-owned by the city and county which did not sell at the last tax sell. 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 adopted.

**Higher Liability Insurance Requirements:**

Ordinance 2009-06, Replacing Section 9-403 of the Municipal Code of the City of Fayetteville, TN, to establish higher liability insurance requirements, which is as follows:

Motion was made by Joe Askins, seconded by Danny Bryant, to adopt Ordinance 2009-06. 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.

**Contract:**

Motion was made by Michael Stewart, seconded by Dorothy Small, to rescind the proposed three year - \$302,000 contract that was voted on last month. Upon roll call, the following voted:

Aye

Michael Stewart and Dorothy Small

Nay

Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Mayor Shelton declared the motion failed.

**1. Administrator's Duties:**

Motion was made by Danny Bryant, seconded by Pat Fraley, to accept item number 1. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

NAY

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**2. Length of Contract:**

Motion was made by Danny Bryant, seconded by Marty Pepper, to accept item number 2 with the following changes from September 16<sup>th</sup>, to the date of approval to the three years from approval in which the appropriate dates will be inserted if and/or when the contract is accepted. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**3. Pay Scale Level:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept item number 3. Upon roll call, the following voted:

Aye

Joe Askins; Danny Bryant; Pat Fraley; and Mary Pepper

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**4. Benefits:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept item number 4. Upon roll call, the following voted:

Aye

Danny Bryant; Pat Fraley; Marty Pepper; and Joe Askins

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**5. Administrator's Same Benefits as Other City Employees:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to accept item number 5. Upon roll call, the following voted:

Aye

Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**6. Contract Termination 30 Day Notice:**

Motion was made by Danny Bryant, seconded by Marty Pepper, to accept item number 6. Upon roll call, the following voted:

Aye

Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**7. Contract Termination – “Just Cause”**

Motion was made by Pat Fraley, seconded by Danny Bryant, to accept item number 7.  
Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**8. Change form of Government:**

Motion was made by Marty Pepper, seconded by Danny Bryant, to accept item number 8.  
Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**9. Evaluation Process:**

Motion was made by Pat Fraley, seconded by Joe Askins, to accept item number 9.  
Upon roll call, the following voted:

Aye

Joe Askins; Danny Bryant; Pat Fraley; and Marty Pepper

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**10. Full Use of City Vehicle:**

Item number 10 was voted on during the September 8, 2009 Board Meeting.

**11. Resides within the City:**

Motion was made by Joe Askins, seconded by Marty Pepper, to accept item number 11.  
Upon roll call, the following voted:

Aye

Danny Bryant; Pat Fraley; Marty Pepper; and Joe Askins

Nay  
Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**12. Employed By the City:**

Motion was made by Joe Askins, seconded by Pat Fraley, to accept item number 12.  
Upon roll call, the following voted:

Aye  
Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Nay  
Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**13. City Pays for Local Civic Club Dues:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept item number 13.  
Upon roll call, the following voted:

Aye  
Pat Fraley; Marty Pepper; and Danny Bryant

Nay  
Michael Stewart; Joe Askins; Dorothy Small; and Mayor Shelton (to break tie)

Mayor Shelton declared the motion failed.

**14. City Pays for Professional Organization Dues:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to accept item number 14.  
Upon roll call, the following voted:

Aye  
Marty Pepper; Danny Bryant; and Pat Fraley

Nay  
Michael Stewart; Joe Askins; Dorothy Small; and Mayor Shelton (break tie)

Mayor Shelton declared the motion failed.

**15. Administrator Spends Time in Professional Development and Education:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to accept item number 15.  
Upon roll call, the following voted:

Aye  
Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**16. Elected Officials Academy:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to delete item 16 from the contract. Upon roll call, the following voted:

Aye

Joe Askins; Danny Bryant; Pat Fraley; and Marty Peppers

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**17. Travel to Meeting and Seminars:**

Motion was made by Joe Askins, seconded by Marty Pepper, to accept item number 17. Upon roll call, the following voted:

Aye

Danny Bryant; Pat Fraley; Marty Pepper; and Joe Askins

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**18. Appointments to Organizational Offices:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept item number 18. Upon roll call, the following voted:

Aye

Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**19. Fidelity and Other Bonds Required:**

Motion was made by Pat Fraley, seconded by Joe Askins, to accept item number 19. Upon roll call, the following voted:

Aye

Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**20. Employee Covered Under City E&O Insurance:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to accept item number 20. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**21. City Provides Representation for Lawsuits:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept item number 21. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Danny Bryant; and Pat Fraley

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**22. Employee Unable to Perform Job:**

Motion was made by Pat Fraley, seconded by Marty Pepper, to accept item number 22. Upon roll call, the following voted:

Aye

Joe Askins; Danny Bryant; Pat Fraley; and Marty Pepper

Nay

Dorothy Small and Michael Stewart

Mayor Shelton declared the motion adopted.

**23. Vacation Leave:**

Item number 23 was voted on during the September 8, 2009 Board Meeting.

**24. Rescind March Contract Conditions On Terms of Contract:**

Motion was made by Danny Bryant, seconded by Marty Pepper, to rescind the March contract until December 2010. Upon roll call, the following voted:

Aye

Danny Bryant; Pat Fraley; Marty Pepper; and Joe Askins

Abstain

Dorothy Small

Nay

Michael Stewart

Mayor Shelton declared the motion adopted.

**Signing of the City Administrator's Contract:**

Motion was made by Danny Bryant, seconded by Marty Pepper, to appoint the Vice-Mayor Pat Fraley, in the place of the Mayor Gwen Shelton, to sign the City Administrator's contract. Upon roll call, the following voted:

Aye

Pat Fraley; Marty Pepper; Joe Askins; and Danny Bryant

Nay

Michael Stewart and Dorothy Small

Mayor Shelton declared the motion adopted.

**Community Comments:**

Community improvements comments were as follows:

1. Kevin Freeman – 210 Forest St. – appreciates the approval of the bike trail, and applauded those who voted for the City Administrator's contract.
2. Shirley Dangerfield. – thanked the city for giving the Library additional funding.
3. Paula Whisenant – 210 Bright Ave. – broken sidewalk in front of their house for 8 yrs., when will this be fixed? Is there any type of recourse for what has happen tonight?
4. Homer Thompson – expressed his displeasure of the treatment towards the mayor.
5. Eugenia Lancaster – 1<sup>st</sup> Ave. – stated the City of Fayetteville is the laughing stock of the state.
6. Roger Cowell – 1405 Huntsville Hwy. – where do we stand on the entrance of the car wash?
7. Lewis Curtis – River Rd. – shocked about the Vice-Mayor being allowed to sign the City Administrator's contract, and the raise given.
8. Marie Swearingen – 53 Ardmore Hwy. – if you are not ashamed of yourself, I am ashamed for you.

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

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Mayor

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Clerk

CALLED MEETING  
BOARD OF MAYOR AND ALDERMEN  
October 29, 2009

REFERENCE VIDEO DATED OCTOBER 29, 2009

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public called session at the regular meeting place of said board in the Municipal Building at 5:30 P.M. on October 29, 2009. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

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

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

**1. Tabled Motion – Resolution R-09-17 Phase II of the Tennessee Department of Transportation–Transportation Enhancement Program:**

Motion was made by Dorothy Small, seconded by Pat Fraley, to take off the table Resolution R-09-17 for discussion. Upon roll call, the following voted:

AYE

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

NAY

None

Mayor Shelton declared the motion approved.

Resolution R-09-17, a resolution of the Tennessee Department of Transportation (TDOT) has responsibility for the administration of the Tennessee Department of Transportation – Transportation Enhancement Program (TEP) which is designed to assist communities in their efforts to enhance transportation concerns; was considered, which is as follows:

Not Adopted

**RESOLUTION NO. R-09-17**

**CITY OF FAYETTEVILLE, TN**

**WHEREAS, the Tennessee Department of Transportation has responsibility for the administration of the Tennessee Department of Transportation-Transportation Enhancement Program (TEP) which is designed to assist communities in their efforts to enhance transportation concerns.**

**WHEREAS, the City of Fayetteville, acting by and through its Board of Aldermen proposes to apply for 2010 TEP funds for the purpose of performing eligible transportation enhancement activities that will benefit the majority of the residents of the City of Fayetteville.**

**WHEREAS, the City of Fayetteville will provide local financial support in conjunction with the TEP funds to complete the project; and**

**WHEREAS, the City of Fayetteville, as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of said grant.**

**NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Fayetteville as follows:**

**THAT, Mayor Gwen Shelton is hereby authorized to execute and submit an application with appropriate assurances to the State of Tennessee, Department of Transportation, requesting Fiscal Year 2010 TEP funds for Phase II of the Fayetteville Sidewalk Connector Project: and**

**THAT, the City of Fayetteville will be responsible for the local cash/match toward the project to be provide in full by the general account; and**

**THAT, Mayor Gwen Shelton be and is hereby designated and appointed as Financial Officer and to perform on behalf of the City of Fayetteville, Tennessee, those acts and assume such duties as are consistent with said position.**

**READ AND ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

**CITY OF FAYETTEVILLE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

Motion was made by Pat Fraley, seconded by Danny Bryant, to not apply for Phase II funding mentioned in Resolution R-09-17. Upon roll call, the following voted:

AYE

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

NAY

None

Mayor Shelton declared the motion adopted.

**2. Phase I – Tennessee Department of Transportation – Transportation Enhancement Program:**

Motion was made by Pat Fraley, seconded by Danny Bryant, to give Tennessee Department of Transportation (TDOT) back the phase I grant money. Upon roll call, the following voted:

Aye

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

NAY

None

Mayor Shelton declared the motion adopted.

**3. Redstone Drive as a City Street:**

Ordinance 2009-7, an ordinance for the City of Fayetteville to accept Redstone Drive as a city street; was considered, which is as follows:

ORDINANCE NO. 2009-7

AN ORDINANCE OF THE CITY OF FAYETTEVILLE TO ACCEPT  
REDSTONE DRIVE AS A CITY STREET

WHEREAS, Redstone Federal Credit Union, a credit union corporation, has generously dedicated to the City of Fayetteville, Tennessee, the real property described in Exhibit "A", which is attached hereto and hereby incorporated herein by reference, for the benefit of the public and, in particular, for a street which is known as Redstone Drive running from Bluff Drive to U. S. Highway 231/431; and

WHEREAS, said street has heretofore been maintained as a private street in order for Redstone Federal Credit Union to have control of same for the purpose of maintaining a private lighting system and other proprietary purposes; and

WHEREAS, Redstone Federal Credit Union has offered said street and street lighting system for dedication and acceptance by the City of Fayetteville; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, a Tennessee municipal corporation, deem it to be in the best interest of all interested parties for the City of Fayetteville through Fayetteville Public Utilities, its Board of Public Utilities, to accept the responsibility of maintaining and repairing the street lighting fixtures to be found upon Redstone Drive and other associated electrical equipment and to hereafter utilize Redstone Drive as a public or city street.

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

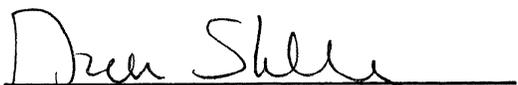
Section 1. The City of Fayetteville, Tennessee, accepts the dedication of said real property and said street shall continue to be named "Redstone Drive" and utilized as a public street.

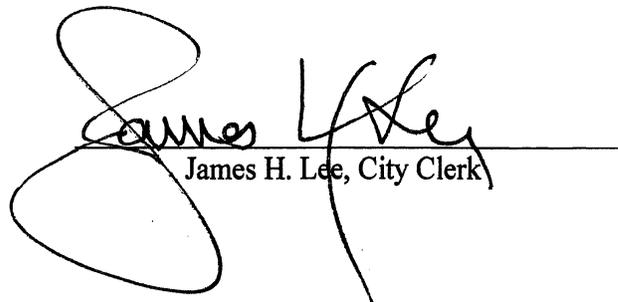
Section 2. The City of Fayetteville, Tennessee, accepts responsibility for maintaining and repairing the street lighting fixtures to be found upon Redstone Drive and other associated electrical equipment.

Section 3. Gwen W. Shelton, Mayor of the City of Fayetteville, Tennessee, shall be, and she is hereby authorized, empowered and directed to execute any and all such documents, agreements, instruments and certificates as may be necessary or appropriate in her discretion to complete this acceptance.

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

Adopted this the 29 of October, 2009.

  
Gwen Shelton, Mayor

  
James H. Lee, City Clerk

## EXHIBIT "A"

A certain tract or parcel of land, together with all improvements located thereon, lying, situate and being in the 8<sup>th</sup> Civil District of Lincoln County, Tennessee, and within the corporate limits of the City of Fayetteville, Tennessee, bounded and described as follows:

Beginning at a metal pin, found, being the northwest corner of William Brown, *et al*, Deed Book I14, Page 812, being a point in the line of a 20 foot utility easement, being a point in the east right-of-way of U. S. Highway 231/431, a 100 foot right-of-way, being the western most point of the southwestern right-of-way Redstone Drive, herein described; thence with the utility easements north line, with a curve to the right with a 30.00 foot radius, a chord bearing and distance of north 34 degrees 50 minutes 57 seconds east 42.41 feet to a metal pin, found; thence north 79 degrees 51 minutes 53 seconds east 435.82 feet to a metal pin, found; thence with a curve to the right with a 80.00 foot radius, a chord bearing and distance of south 56 degrees 15 minutes 44 seconds east 110.89 feet to a metal pin, found; thence south 12 degrees 23 minutes 22 seconds east 417.43 feet to a metal pin, found; thence with a curve to the right with a 33.51 foot radius, a chord bearing and distance of south 33 degrees 51 minutes 17 seconds west 48.41 feet to a metal pin, found, being the southern most point of the southwestern right-of-way, being a point in the right-of-way for Bluff Drive, a 50 foot right-of-way, being a southeastern corner of Lot 2, Plat Book 5, Page 20; thence with the north right-of-way of Bluff Drive north 80 degrees 05 minutes 56 seconds east 120.08 feet to a metal pin, found, being the most southeast corner of Redstone Drive, being a point in the line of Bluff Drive, being a point in the line of Roberta Kidd, *et al*, Deed Book T13, Page 784, being a point in the line of a 20 foot utility easement; thence with the utility easement with a curve to the right having a radius of 36.55 feet, a chord bearing and distance of north 56 degrees 10 minutes 16 seconds west 50.58 feet to a metal pin, found; thence north 12 degrees 23 minutes 22 seconds west 464.28 feet to a metal pin, found, being a point in the line of Lot 1, Plat Book 5, Page 20; thence with Lot 1 north 49 degrees 54 minutes 32 seconds east 104.41 feet to a metal pin, found, being a point in the line of Lot 1; thence leaving Lot 1 with a 20 foot utility easement south 79 degrees 51 minutes 53 seconds west 470.92 feet to a metal pin, set, capped Braden 1709, as will all set pins to follow, being the southeast corner of an easement for a billboard; thence south 79 degrees 51 minutes 53 seconds west 26.24 feet to a metal pin, found; thence with a curve to the right having a 30.04 foot radius, a chord bearing and distance of north 55 degrees 06 minutes 29 seconds west 7.71 feet to a metal pin, set, being the southwest corner of the billboard easement; thence continuing with the curve to the right, a chord distance of 34.74 feet to a metal pin, found, being a point in the east margin of the Highway 231/431; thence with Highway south 10 degrees 08 minutes 45 seconds east 110.00 feet to the point of beginning and containing 1.28 acres, more or less. Property described is Redstone Drive, a 50 foot right-of-way, as per survey of Paul Braden, TRLS #1709, 108 East College Street, Fayetteville, Tennessee 37334, dated July 31, 2009.

The hereinabove described real estate is a portion of the real estate heretofore conveyed unto Redstone Federal Credit Union, a credit union corporation, by deed of Roberta Kidd, Valerie W. Holloway, Fredna W. McAlister, and Ronald J. Phillips and Sally L. Phillips as Co-Conservators for Sandra L. Mason, a disabled person, by deed dated August 5, 2005, which deed is to be found of record in the Register's Office of Lincoln County, Tennessee, in Deed Book T13, Page 364, to which deed reference is here had for more particulars.

Motion was made by Danny Bryant, seconded by Michael Stewart, to adopt Ordinance 2009-7. Upon roll call, the following voted:

Aye

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

NAY

None

Mayor Shelton declared the motion adopted.

**4. FPU Lighting:**

Motion was made by Joe Askins, seconded by Danny Bryant, to allow FPU to change the lighting on Redstone Drive for \$2,400. Upon roll call, the following voted:

Aye

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

NAY

None

Mayor Shelton declared the motion adopted

**5. Community Comments:**

None

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Mayor

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Clerk