

ADJOURNED MEETING
BOARD OF MAYOR AND ALDERMEN
MAY 22, 2009

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public adjourned session at the regular meeting place at the Municipal Building in said city at 9:00 a.m. on May 22, 2009, having adjourned from May 20, 2009, to this date. Mayor Gwen Shelton was present and presiding, and 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.

Dennis Huffer, MTAS attorney, was also available at the meeting by phone.

Citizen's Charter Committee members Michael Whisenant, Homer Thompson, and Kate Young were also present.

James S. Hereford, Jr. called attention to Article IV, Section 6 (H) and Article V, Section 1. These sections have some wording changes for clarification.

Proposed Resolution R-09-06 was considered for the board's approval.

Motion was made by Dorothy Small seconded by Michael Stewart to accept the Charter as edited by the City Attorney and Dennis Huffer, MTAS. Upon roll call, the following voted:

Aye
Dorothy Small
Pat Fraley
Michael Stewart

Nay
Joe Askins
Danny Bryant
Marty Pepper

In a tie, the Mayor is entitled to vote, and Mayor Shelton voted aye.

Mayor Shelton declared the motion adopted, but the vote was not sufficient to allow the charter to be submitted to the Legislature for approval.

Comments were made by Charter Committee members Kate Young, Michael Whisenant, and Homer Thompson.

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

MAYOR

CLERK

CALLED MEETING
BOARD OF MAYOR AND ALDERMEN
MAY 20, 2009

REFERENCE VIDEO DATED MAY 20, 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 of said city at 12:00 noon on May 20, 2009, the meeting having been called for the purpose of discussing the tentative budget and changes to the charter. 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.

Present for the Citizen's Charter Committee were Michael Whisenant, Homer Thompson, and Suzanne Wager.

Motion was made by Dorothy Small seconded by Marty Pepper to give tentative budget approval on the proposed budget presented to the aldermen. Upon roll call, the following voted:

| | |
|-----------------|------------|
| <u>Aye</u> | <u>Nay</u> |
| Joe Askins | None |
| Danny Bryant | |
| Dorothy Small | |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |

Mayor Shelton declared the motion adopted.

Mr. Dennis Huffer, MTAS attorney, was also available at the meeting by phone.

The charter, as presented by the Citizen's Committee, has been reviewed by MTAS, with some changes in wording noted. Suggested changes to the MTAS last revision were made by James H. Lee, and any substantive changes made were highlighted on the aldermen's copies.

The first item discussed was page C-9, Item E, Office of Mayor. The MTAS draft states the Mayor shall have general supervision of the City Administrator. James Lee expressed concerns about this language, since this is a change from draft 5. Mr. Huffer explained the reason for this change as the need to maintain the chain of command.

The next item discussed was Mr. Lee's proposal to require 5 affirmative votes for removal of the City Administrator. Article V. City Administrator, Section 1 has no provision for removal of the City Administrator. Mr. Lee's suggestion is to add that provision. If the mayor was allowed to vote, two-thirds of the total would be 5. Michael Whisenant stated the committee felt comfortable with 4 votes.

Motion was made by Michael Stewart seconded by Danny Bryant to accept the MTAS proposal on Article IV, Section 6 (The office of Mayor) (E) Shall have general supervision of the City Administrator. Upon roll call, the following voted:

| | |
|-----------------|------------|
| <u>Aye</u> | <u>Nay</u> |
| Danny Bryant | None |
| Dorothy Small | |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |
| Joe Askins | |

Mayor Shelton declared the motion adopted.

Motion was made by Danny Bryant seconded by Joe Askins to amend the proposed charter to require 5 votes out of 7 to be affirmative for all appointed positions. After discussion, this motion was withdrawn by Mr. Bryant since he stated this was not the intent of his motion, and the second was withdrawn by Mr. Askins.

Motion was made by Danny Bryant seconded by Joe Askins to amend Article V, Section 1 by adding “; and must receive five (5) affirmative votes for removal.” Upon roll call, the following voted:

| | |
|-----------------|------------|
| <u>Aye</u> | <u>Nay</u> |
| Dorothy Small | None |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |
| Joe Askins | |
| Danny Bryant | |

Mayor Shelton declared the motion adopted.

Article IV, Board of Mayor and Aldermen, Section 11 was discussed. Motion was made by Dorothy Small seconded by Danny Bryant to accept the MTAS recommendation stating an ordinance or measure must receive at least four (4) affirmative votes to become effective. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Danny Bryant to amend Article V, City Administrator, Section 3. Duties to say the City Administrator shall act under the direction of and shall be responsible to the Mayor and Aldermen. This motion died for lack of a second.

Motion was made by Dorothy Small seconded by Michael Stewart to accept the MTAS recommendation on Article V, Section 3 – Duties (of City Administrator) which states the City Administrator shall act under the general supervision of the Mayor, shall be responsible to the full Board. Upon roll call, the following voted:

Aye

Michael Stewart
Joe Askins
Dorothy Small
Pat Fraley

Nay

Marty Pepper
Danny Bryant

Mayor Shelton declared the motion adopted.

The meeting was adjourned until Friday, May 22, 2009, at 9:00 a.m. to vote on the final draft.

Gwen Shelton, Mayor

Clerk

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
MAY 12, 2009

REFERENCE VIDEO DATED MAY 12, 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 May 12, 2009. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

Danny Bryant
Dorothy Small
Pat Fraley
Marty Stewart
Marty Pepper

Absent: Joe Askins (Note that Mr. Askins came in at a later time)

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

The prayer and pledge were led by Rev. Billy Fowler, Christian Fellowship Church.

Motion was made by Danny Bryant seconded by Dorothy Small to approve the minutes of the April 2009 meetings. Upon roll call, the following voted:

| | |
|-----------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Danny Bryant | None |
| Dorothy Small | |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |

Mayor Shelton declared the minutes approved.

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

| | |
|-----------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Danny Bryant | None |
| Dorothy Small | |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |

Mayor Shelton declared the bills and additional bills approved

Joe Askins came into the meeting at this time.

Jim Malone, who serves as our health insurance agent, discussed the health insurance proposal. Due to a 32% projected rate increase by United Health Care, quotes were requested from other carriers. Mr. Malone recommended going with Blue Cross Blue Shield. The employee deductible would increase to \$2500, and a HRA (Health Reimbursement Account) would be used where the City could pay this increase in deductible. The total cost to the City would be \$579,850, which would actually be \$32,000 less cost to the City.

Nathan Ward gave the Industrial Development Report with Farm Safety Day scheduled for May 7 and Industrial Appreciation Day for May 29.

Britt Dye gave the utilities report; Dorothy Small gave the report on City Schools, with a moment of silence being observed in memory of Caleb Gill.

Danny Bryant reported on Police Department activities with 8 cases closed; and Marty Pepper discussed the Fire Department activities with 74 calls.

Michael Stewart stated the drain cover problem at the swimming pool has been corrected, and he discussed Kid's Fish Day and the proposed bike trail at the Lions Club Complex.

Pat Fraley reported on the Planning Commission plans recommendation to rezone from R-3 to C-3 at 523 and 525 W. Market. She also discussed the Land Use and Transportation Plan.

Jim Lee discussed the most recent charter proposal, which is available for public inspection at the Library and the Municipal Building. The Public Works Director position has been narrowed to 3 candidates.

Mayor Shelton stated a comment section has been added to the City web site, and the Board agenda will be posted on the web site on the day of the meeting.

Mayor Shelton stated an offer had been made on the property proposed for a new Recreation Center, and this offer had been turned down. We are still looking at properties.

Ordinance 2009-02, concerning changing the name of Line Drive to Skyview Drive, was discussed, which is as follows:

ORDINANCE NO. 2009-2

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE, CHANGING THE NAME OF A STREET FROM "LINE DRIVE" TO "SKYVIEW DRIVE"

WHEREAS, the Mayor and Board of Aldermen desire a safe and secure community for all residents and visitors to the City of Fayetteville; and

WHEREAS, there are two streets by the same name of "Skyline" in the City of Fayetteville, and

WHEREAS, the confusion thus created was the cause of the public dropping the first part of the name "Skyline" and referring to one of the streets as "Line Drive", and

WHEREAS, the street referred to as "Line Drive" was spelled many different ways ("Lyon", "Lion", "Lying", etc.) by residents and visitors, and thus causing more confusion, and

WHEREAS, a consensus has developed with the citizens living on the street, and a written request presented to change the name "Line Drive" to "Skyview Drive", 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 to so change the name and reduce the confusion.

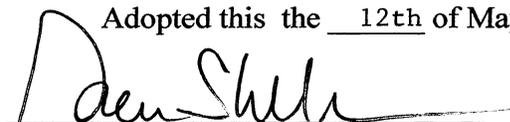
NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee:

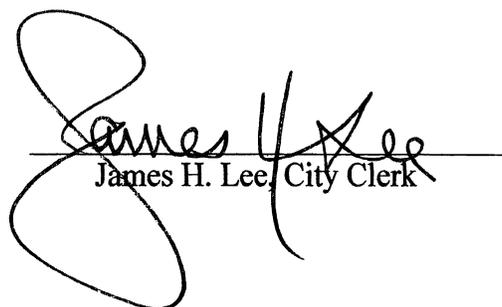
Section 1. The street heretofore known as and commonly referred to as "Line Drive" shall hereafter be named and referred to as "Skyview Drive".

Section 2. 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 renaming.

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

Adopted this the 12th of May, 2009.


Gwen Shelton, Mayor


James H. Lee, City Clerk

Motion was made by Joe Askins seconded by Dorothy Small to adopt ordinance 2009-02. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared Ordinance 2009-2 adopted.

Motion was made by Danny Bryant seconded by Joe Askins to approve the use of public streets for Tiger Tracks in the area of Ralph Askins School. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

Board appointments for June were discussed.

Motion was made by Pat Fraley seconded by Marty Pepper to approve the purchase of a 2003 Ford Explorer for \$3300 from the City School System for use in Codes Enforcement. Approximately \$1000 in costs will be needed to be spent on maintenance on the vehicle. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Danny Bryant seconded by Marty Pepper to approve putting out an RFP on paving streets. Upon roll call, the following voted:

Aye

Joe Askins
Danny Bryant
Dorothy Small

Nay

None

Pat Fraley
Michael Stewart
Marty Pepper

Mayor Shelton declared the motion adopted.

Motion was made by Danny Bryant seconded by Marty Pepper to approve paving at Brookstone Commons estimated at \$50,000 to \$60,000 based on the subdivision paving incentive. Upon roll call, the following voted:

| <u>Aye</u> | <u>Nay</u> |
|-----------------|------------|
| Danny Bryant | None |
| Dorothy Small | |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |
| Joe Askins | |

Mayor Shelton declared the motion adopted.

Motion was made by Pat Fraley seconded by Dorothy Small to approve transferring \$1,000 from other legal services and add \$3,000 additional for the total attorney retainer of \$20,000. Upon roll call, the following voted:

| <u>Aye</u> | <u>Nay</u> |
|-----------------|------------|
| Dorothy Small | None |
| Pat Fraley | |
| Michael Stewart | |
| Marty Pepper | |
| Joe Askins | |
| Danny Bryant | |

Mayor Shelton declared the motion adopted.

Motion was made by Dorothy Small, seconded by Pat Fraley to approve uniform rental for the Recreation outside staff, and to approve an allowance of \$200 per year for the Recreation clerical staff and \$100 per year for the Administration, Police, and Street clerical staff for shirts. Upon roll call, the following voted:

| <u>Aye</u> | <u>Nay</u> |
|-----------------|------------|
| Pat Fraley | None |
| Michael Stewart | |
| Marty Pepper | |
| Joe Askins | |
| Danny Bryant | |
| Dorothy Small | |

Mayor Shelton declared the motion adopted.

Approval of purchase of new mattresses for the Fire Department was given in the budget but new furniture was not approved. Motion was made by Dorothy Small seconded by Marty Pepper to allow the purchase of both items with a limit of \$9,000 to be spent. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Joe Askins seconded by Danny Bryant to call a public hearing for the June meeting on the proposed budget. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

Motion was made by Dorothy Small seconded by Danny Bryant to call a public hearing for the June meeting to consider rezoning from R-3 to C-3 at 523 and 525 W. Market. Upon roll call, the following voted:

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

There were no community comments, and motion was made, seconded, and unanimously adopted to adjourn.

Mayor

Clerk