

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
JANUARY 12, 2010

REFERENCE VIDEO DATED JANUARY 12, 2010

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 January 12, 2010. Mayor Gwen Shelton was present and presiding. The following named Aldermen were present:

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

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

The prayer and pledge were led by Alderman Joe Askins.

Approval of Minutes:

Motion was made by Joe Askins, seconded by Marty Pepper, to approve the minutes of the December 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 Danny Bryant, 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.

Employee Recognition:

Motion was made by Dorothy Small, seconded by Marty Pepper, to approve the purchasing of Plaques to give to employees for years of service. 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 approved.

Mayor Shelton recognized the following employees:

5 years of Service – Candy Fitch, Thomas Fowler, Jonathan MacDonald, Andrew Rodriguez, Samuel Smiley, and Michael Pendergrass

10 years of Service – Douglas Carver, Larry Divens, John Griffin, Carlos Hadley, Thomas Metcalf, Billy Miles Sr., and Vivian Roland

15 years of Service – Anthony Mitchell and Larry Moon

20 Years of Service – James Ridiner

30 Years of Service – Johnny Street

Reports:

Keep Fayetteville/Lincoln Co. Beautiful Update:

Gail Randolph stated that 630,758 pounds or 315.4 tons of paper was recycled for the 2009 year. Great American Clean-up is set to start in March and Household Hazardous Waste will be in March, the date will be announced at a later time. Ms. Randolph thanked the America Development Corporation for donating a bailer to them.

Industrial Development Board Update:

David Bagley stated the Director of the IDB, Nathan Ward, left December 31, 2009. Elaine Middleton is running the day to day operations with the help and guidance of the Board Members. The Board is currently accepting applications, and hopeful to have the position filled by the end of the 1st Quarter. The IDB Board has been in discussion with MTAS (Municipal Tennessee Advisory Service) and CTAS (County Tennessee Advisory Service) on evaluating them. Once the evaluation has been completed, the IDB Board will provide a copy to the City.

Humane Society/Animal Shelter Update:

Kim Emami-Davis thanked the Board of Mayor and Alderman for the new truck. The Animal Shelter has received a grant for \$15,000 to refurbish the floor with an Anti-Microbial Flooring. They have applied for a \$10,000 grant for a commercial washer and dryer. They will be hosting an event on February 13th, 2010 at Ninth Grade Academy at 6p.m. called Lincoln's Got Talent, for more information on this event call 433-3726 or go to www.lincolngottalent.com.

Main Street Update:

Marie Caldwell, representing Main Street, thanked FPU for their help with the Christmas lights and the Banners. Thanked Gary Stieger and the Trustees for their help with the Christmas decorations at the Court House. Thanked Kathy Anderson and Anderson Ford for the Christmas Tree Benefit Auction, in which all proceeds went to help local non-profit organizations. Currently Ms. Caldwell is working on Fayetteville Main Street recertification, which is due in three weeks. The first meeting for the 18th Annual Host of Christmas Past will be February 18th. Fayetteville Main Street's annual fundraiser will be at the end of February with the theme of "A Night at New Orleans".

FPU Report:

Joe Askins reported the water line at the New Industrial Park has been installed. The gas pipe has been installed at the Posey Industrial Park It still needs to be tested, and valves installed before service can start. The 2009 pole replacement program has been completed. The wiring for the lights and sign at Redstone Federal Credit Union has been changed and has been functioning well. The system reached 96 megawatts of power being used last week, and the system had no problems.

School Board Report:

Dorothy Small reported the boiler work and bathroom renovations have been completed. The School Board has asked the School Superintendent to look at updating the bathrooms at Ralph Askins School. The current School Superintendent, Billy Joe Evans, will be retiring from the school system as of June 30th, 2010. The School Board will start taking applications March 1st, 2010, hoping to fill the position by July 1st, 2010.

Police Report:

Danny Bryant reported the police had 99 incidents with 55 arrests, 51 traffic crashes, 49 traffic citations, and police activity totaled \$1,869.00. The Criminal Investigation Division has 309 cases: 21 open, 7 closed, and 7 arrests.

Fire Report:

Marty Pepper reported 59 calls for the Fire Department 36 medical calls, 4 motor accidents (with injuries), and there was 2 structural fires with a total of \$14,500 in damages.

Recreation Report:

Michael Stewart reported the Recreation Department is working on various maintenance jobs on the facilities for next year, primarily the soccer fields and the Lions Club Baseball Field. They have been meeting with the Little League Baseball getting ready for the up-coming season.

Planning and Zoning Report:

Pat Fraley reported the Planning Committee did not have their last meeting.

Administrator's Report:

Jim Lee reported he had applied for a \$100,000 grant for heating and air conditioning units. This grant will be used to replace the units at the Fire Department and the Municipal Building. As for the loans for the windows, the windows have been ordered and they will be installed later this month. The Recreation Maintenance Superintendent position is being advertised to be filled. One of the City's Clerks has been transferred to Public Works to fill their open position.

Mayor's Report:

Mayor Shelton thanked Sheriff Blackwelder for allowing the Trustee's to come to the Municipal Building to do some small maintenance work to the building. On January 26, 2010 at 7pm in the Auditorium there will be a discussion on Tax Increment Financing (TIF), the speaker will be Mark Mamantov. Everyone is invited to attend this discussion.

Inventory List:

Motion was made by Dorothy Small, seconded by Danny Bryant, not to approve the change in the Inventory Asset list from \$100 to \$500 but asked the City Administrator to bring back a request lower than \$500 to the Board. 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.

Standing Committees:

Ordinance 2010-01, to replacing section 1-104 of the Municipal code of the City of Fayetteville, Tennessee, with sections 1-104 and 1-105 to reestablish standing committees and to provide for the annual election of officers for Boards and Committees; was considered, which is as follows:

CITY OF FAYETTEVILLE

ORDINANCE NO. 2010-01

REPLACING SECTION 1-104 OF THE MUNICIPAL CODE OF THE CITY OF FAYETTEVILLE, TENNESSEE, WITH SECTIONS 1-104 AND 1-105 TO REESTABLISH STANDING COMMITTEES AND TO PROVIDE FOR THE ANNUAL ELECTION OF OFFICERS FOR BOARDS AND COMMITTEES

WHEREAS, current Section 1-104 of the Municipal Code of the City of Fayetteville allows the Board of Mayor and Aldermen to handle the business and operations of the city previously handled by the finance committee, fire and police committee and public works committee, and

WHEREAS, the Board of Mayor and Aldermen of the City of Fayetteville find it in the best interest of the City of Fayetteville to re-establish standing committees to handle said business and operations and to re-establish boards and committees to elect officers.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, that Section 1-104 is replaced by the following Sections:

1-104. Standing committees. The three (3) committees of the Board of Mayor and Aldermen shall consist of not less than two (2) Aldermen each and shall be as follows:

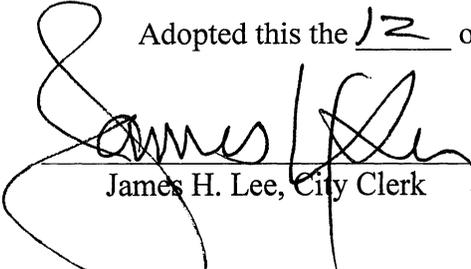
- (1) Finance,
- (2) Fire and Police, and
- (3) Public Works.

The committees and the chairman for each committee shall be elected by the Board of Mayor and Aldermen. (1979, §1-104; 2008, §1-104)

1-105. Boards and committees to elect officers annually. All boards and committees under the jurisdiction of and established by ordinance of the Board of Mayor and Aldermen are hereby required to have an annual election of officers. (1979, §1-105; 2008, §1-104)

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

Adopted this the 12 of January, 2010.


James H. Lee, City Clerk


Gwen Shelton, Mayor

Motion was made by Danny Bryant, seconded by Michael Stewart, to adopt Ordinance 2010-01 according to the list provided at the work session. 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 Ordinance adopted.

Review of the Industrial Development Board:

Motion was made by Dorothy Small, seconded by Michael Stewart, to rescind the Ordinance of April 2009, to stand down on our review and wait for the report on the Industrial Development Board from CTAS and MTAS. Upon roll call, the following voted:

Aye

Marty Pepper; Joe Askins; Dorothy Small; and Michael Stewart

Nay

Danny Bryant; and Pat Fraley

Mayor Shelton declared the motion adopted.

Board Appointments:

1. Historical Zoning Board:

Motion was made by Dorothy Small, seconded by Michael Stewart, to appoint Mayor Gwen Shelton to the Historical Zoning Board. 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.

2. Fayetteville Housing Authority Board:

Motion was made by Dorothy Small, seconded by Danny Bryant, to reappoint William McKinn to the Fayetteville Housing Authority Board. 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.

3. Recreation Board (1):

Motion was made by Dorothy Small, seconded by Michael Stewart, to reappoint Brian Carter to the Recreation Board. 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.

4. Recreation Board (2):

Motion was made by Dorothy Small, seconded by Marty Pepper, to appoint Michelle Parkin to the Recreation Board. 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.

Lees Creek Bridge:

Motion was made by Joe Askins, seconded by Danny Bryant, to spend up to \$7,000 for renovation repairs on the Lees Creek Bridge. 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.

Historical Zoning Overlay:

Ordinance 2010-02, to amend the Official Zoning Map of the City of Fayetteville, Tennessee to include the Downtown, Mulberry Ave. and South Elk Ave. Historic Zoning Overlay Districts; was considered, which is as follows:

ORDINANCE NO: 2010- 02

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE, TENNESSEE TO INCLUDE THE DOWNTOWN, MULBERRY AVENUE AND SOUTH ELK AVENUE HISTORIC ZONING OVERLAY DISTRICTS

WHEREAS, the Fayetteville Board of Mayor and Aldermen did create the Fayetteville Historic Zoning Commission, hereinafter "HZC", through the adoption of the Zoning Ordinance of Fayetteville, Tennessee dated July 14, 1998, and amended the creation of the "HZC" by Ordinance 2008-7; and,

WHEREAS, the "HZC" is charged with the duty of studying boundaries for historic zoning overlay districts and has conducted an analysis of potential historic zoning overlay district boundaries; and,

WHEREAS, the "HZC" met in open public meetings on June 16, 2009 and July 21, 2009 and recommends adoption of the Downtown, Mulberry Avenue and South Elk Avenue Historic Zoning Overlay Districts as the attached map describes; and,

WHEREAS, the Fayetteville Municipal Regional Planning Commission has reviewed and recommends adoption of the Downtown, Mulberry Avenue and South Elk Avenue Historic Zoning Overlay Districts as the attached map describes; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE THAT:

Section 1. The Official Zoning Map of the City of Fayetteville, Tennessee is hereby amended to include the Downtown, Mulberry Avenue and South Elk Avenue Historic Zoning Overlay District designations to the properties identified as shown on the map labeled Exhibit A and attached hereto.

Section 2. Repealer. Any ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this ordinance.

Section 3. Severability. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. This ordinance shall take effect from and after its passage the public welfare requiring it.

ADOPTED THIS _____ DAY OF _____ 2010.

Mayor

City Administrator



**DOWNTOWN HISTORIC ZONING
OVERLAY DISTRICT
(WORKING MAP)
FAYETTEVILLE, TENNESSEE**

- Parcels
- Corporate Limits
- Current Historic Overlay District
- Mulberry Avenue Historic Overlay District
- South Elk Avenue Historic Overlay District



Map Prepared By:
Department of Economic and Community Development
Local Planning Assistance Office
Fayetteville, TN
Geographic Information Systems
This is not an engineering map.

Motion was made by Dorothy Small, seconded by Michael Stewart, to approve Ordinance 2010-02. Upon roll call, the following voted:

Aye

Dorothy Small; Michael Stewart

Nay

Marty Pepper; Danny Bryant; and Pat Fraley

Abstain

Joe Askins

Mayor Shelton declared the motion failed.

Upon review by the City Attorney of the Charter Section 5 “That in all cases in the transaction of business by the Board of Aldermen where there are only three (3) affirmative votes, the Mayor may cast an affirmative or negative vote, but no ordinance, by-law, or measure shall be passed, or person elected to any office by said board of Mayor and Aldermen of said city, unless the same shall receive at least four (4) affirmative votes. Four (4) of the Aldermen elected and qualified as aforesaid shall constitute a quorum for the transaction of all business”, in his opinion there should be a re-vote of Ordinance 2010-02, which is as follows;

Aye

Dorothy Small; Michael Stewart; and Mayor Shelton

Nay

Marty Pepper; Danny Bryant; and Pat Fraley

Abstain

Joe Askins

Mayor Shelton declared the motion failed, since four affirmative votes are needed.

Medical Center Boulevard:

Motion was made by Dorothy Small, seconded by Marty Pepper, to accept both the deeds of Lincoln County, Tennessee and Elk Realty and Building Company, Inc., as soon as we get executed deeds. 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.

Parade Permits:

1. Martin Luther King Memorial Walk

Motion was made by Dorothy Small, seconded by Danny Bryant, to allow the Martin Luther King Memorial Walk 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.

2. Art Festival

Motion was made by Dorothy Small, seconded by Danny Bryant, to allow the Art Council to close the inside of the square for April 15th-17th for the Arts Festival. 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.

Approval of Luna Law Group, PLLC:

Motion was made by Danny Bryant, seconded by Joe Askins, to pay Luna Law Group, PLLC \$14,552.71. Upon roll call, the following voted:

Aye

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

Nay

None

Medical Center Boulevard:

Motion was made by Danny Bryant, seconded by Michael Stewart, to accept Ordinance 2010-03, to accept Medical Center Boulevard as a City Street. Upon roll call, the following voted:

Aye

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

Nay

None

Abstain

Joe Askins

Mayor Shelton declared the Ordinance adopted.

Said Ordinance is as follows:

ORDINANCE NO. 2010-03

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE TO ACCEPT
MEDICAL CENTER BOULEVARD AS A CITY STREET**

WHEREAS, Lincoln County, Tennessee and Elk Realty & Building Company, Inc., have 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 use and benefit of the public, and in particular, for a public street which is known as Medical Center Boulevard running in an easterly direction from Thornton Taylor Parkway to its current terminus stated in Exhibit "A", and;

WHEREAS, said property has heretofore been retained as a private street with maintenance responsibility vested in said grantors, and;

WHEREAS, Lincoln County, Tennessee and Elk Realty & Building Company, Inc., have offered said street for dedication and acceptance by the City of Fayetteville, and;

WHEREAS, the Mayor and Board of Alderman of the City of Fayetteville, Tennessee, a Tennessee municipal corporation, deem it in the best interest of all parties for the City of Fayetteville to accept the responsibility of maintaining, repairing and hereafter utilizing Medical Center Boulevard as a public or city street.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE THAT:

SECTION 1: The City of Fayetteville, Tennessee accepts the dedication of said real property and said street shall continue to be named "Medical Center Boulevard" and utilized as a public street.

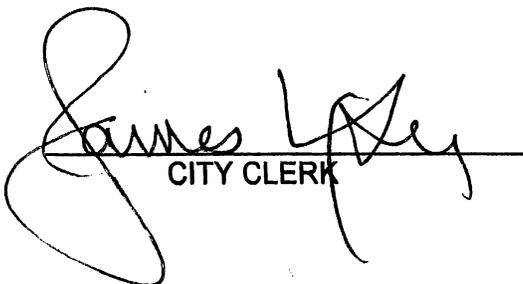
SECTION 2: The City of Fayetteville, Tennessee accepts responsibility for maintaining and repairing said street and its associated appurtenances.

SECTION 3: Gwen W. Shelton, Mayor of the City of Fayetteville, Tennessee, shall be, and 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 ENACTED that this ordinance shall take effect from and after its passage, the public welfare requiring it.

Adopted by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, on this

12th day of January, 2010.


CITY CLERK

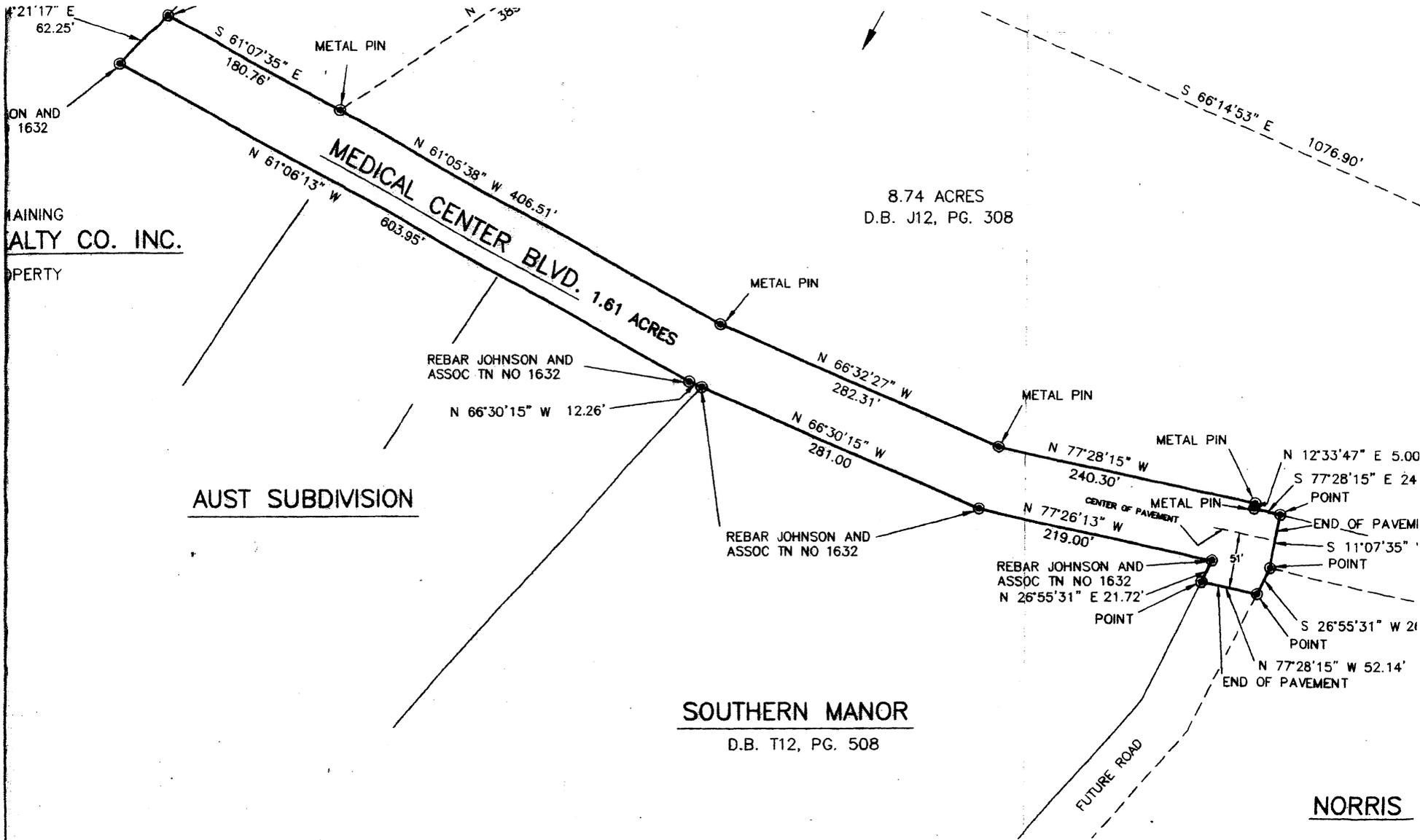

MAYOR

Exhibit "A"

Re: Revised Medical Center Boulevard Description:

Beginning at a metal pin at the intersection of the east margin of Thornton Taylor Parkway, and the north margin of Medical Center Boulevard, the southwest corner of the Lincoln Medical Center Property (deed book J12, page 314), and the northwest corner of the property herein described; thence leaving said east margin and following said north margin along the south property line of the Lincoln Medical Center South 61 degrees 07 minutes 35 seconds East 180.76 feet to a metal pin; thence South 61 degrees 05 minutes 38 seconds East 406.51 feet to a metal pin; thence South 66 degrees 32 minutes 27 seconds East 282.31 feet to a metal pin; thence South 77 degrees 28 minutes 15 seconds East 240.30 feet to a metal pin; thence South 12 degrees 33 minutes 47 seconds West 5.00 feet to a metal pin; thence South 28 minutes 15 seconds East 24.79 feet to a point; thence leaving said north margin and crossing said Medical Center Boulevard at the end of its pavement South 11 degrees 07 minutes 35 seconds West 50.02 feet to a point on the south margin of said Medical Center Boulevard, at the intersection of the east margin of an unnamed street; thence leaving said south margin and following said east margin South 26 degrees 55 minutes 31 seconds West 26.87 feet to a point; thence leaving said east margin, crossing said unnamed street at the end of its pavement North 77 degrees 28 minutes 15 seconds West 52.14 feet to a point on the west margin of said unnamed street; thence North 26 degrees 55 minutes 31 seconds East 21.72 feet to a metal pin (Johnson #1632), the northeast corner of the Southern Manor Property (deed book T12, page 508), on the south margin of Medical Center Boulevard; thence leaving said west margin and following said south margin North 77 degrees 26 minutes 13 seconds West 219.00 feet to a metal pin (Johnson #1632); thence North 66 degrees 30 minutes 13 seconds West 12.26 feet to a metal pin (Johnson #1632); thence North 61 degrees 06 minutes 13 seconds West 603.95 feet to a metal pin on the east margin of Thornton Taylor Parkway; thence leaving said south margin and following said east margin North 44 degrees 21 minutes 17 seconds East 62.25 feet to the point of beginning, containing 1.61 acres, lying in the 8th Civil District of Lincoln County Tennessee, and being a portion of the property recorded in deed book N8, page 283 in the R.O.L.C.

FN: 09L-005A



21°17' E
 62.25'
 ON AND
 1632
 MAINING
 ALTY CO. INC.
 PROPERTY

MEDICAL CENTER BLVD. 1.61 ACRES
 N 61°06'13" W 603.95'

REBAR JOHNSON AND
 ASSOC TN NO 1632

N 66°30'15" W 12.26'

REBAR JOHNSON AND
 ASSOC TN NO 1632

REBAR JOHNSON AND
 ASSOC TN NO 1632
 N 26°55'31" E 21.72'
 POINT

SOUTHERN MANOR
 D.B. T12, PG. 508

FUTURE ROAD

NORRIS

Increase of Salary without Board approval:

Mayor Shelton indicated that a City Employee received an increase in salary after 6 months on the job.

Mr. Lee explained the duties of the administrator and that the merit increase was given after the evaluation of the employee.

Tonya Steelman, Finance Director, was called to explain about amending the budget at the end of the fiscal year.

Community Comments:

Catherine “Kate” Young – What is the status of the new Charter? What is the hurdle on moving forward?

Lewis Curtis - Now that Curtis-Askins Blvd. has been paved, can we have sidewalks and better lighting for the road?

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

Mayor

Clerk