

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
November 10, 2009

REFERENCE VIDEO DATED NOVEMBER 10, 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 November 10, 2009. 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:

1. Motion was made by Joe Askins, seconded by Pat Fraley, to approve the minutes of the Called Meeting for September 17, 2009. Upon roll call, the following voted:

Aye

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

Abstain

Marty Pepper

Nay

None

Mayor Shelton declared the minutes approved.

2. Motion was made by Pat Fraley, seconded by Joe Askins, to approve the minutes of the October 2009 Meeting. 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 minutes approved.

3. Motion was made by Joe Askins, seconded by Danny Bryant, to approve the minutes of the Called Meeting for October 29, 2009. Upon roll call, the following voted:

Aye

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

Abstain

Marty Pepper

Nay

None

Mayor Shelton declared the minutes approved.

Approval of Bills and Additional Bills:

Motion was made by Danny Bryant, seconded by Michael Stewart, to approve the bills and additional bills for payment. 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 bills and additional bills approved.

Reports:

Police Officer Thomas Sanders II was sworn in by Mayor Shelton.

Main Street Update:

Marie Caldwell, representing Main Street, stated everything was ready and in place for the Host. She has appeared on several local TV networks. The Host Festivities will begin Friday night with the lighting of the Elgan Brooks Memorial Christmas Tree at 5pm. In the 'At Home in Tennessee' magazine is an article on the City of Fayetteville called "Holding on to History". The Bicentennial kickoff is set for Monday, November 16th at 12pm in the courtroom of the courthouse.

Donation of Bench in Memory of Lt. Eric Emmert:

On behalf of the Vanntown Volunteer Fire Department, Andy Rodriguez and Adam Taylor presented a bench in tribute to Lt. Eric Emmert in honor of his service to the community and country. They would like to donate the bench to the City at the Stone Bridge Park. Motion was made by Michael Stewart, seconded by Dorothy Small, to accept the bench on behalf of Lt. Eric Emmert to be placed at the Stone Bridge Park, in honor of his service to the city and giving his life for the country.

Aye

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

Nay

None

Mayor Shelton declared the motion adopted.

Little League Baseball Upgrades:

Michelle Parken presented to the Board of Mayor and Alderman upgrades to the Little League Field at King Park to make this field a viable field for the Little League. These upgrades will include the movement of the backstop 60ft from State Property, adding first and third baselines with dugouts, an open air press box, new brick-mixer dirt, lights, and optional upgrades including a portable scored board, a portable sound system and bleachers, as well as an air conditioner for the concession stand. Motion was made by Michael Stewart, seconded by Marty Pepper, to allow the Little League Committee to proceed with the upgrades to the Little League Field at King Park ball field.

Aye

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

NAY

None

Mayor Shelton declared the motion adopted.

FPU Report:

Joe Askins reported repaired four water main leaks and service lines. The FPU Board has had preconstruction meeting on the Tanyard Branch - Laten Bottom Wastewater Treatment Plant. The Industrial Park Lift stations should be completed within a week. Of the 227 poles that need to be replaced, 183 have been completed.

School Board Report:

Dorothy Small reported the Construction on the boy's bathroom was completed and work will begin on the girl's bathroom around Christmas break, both projects total cost around \$20,000 to \$21,000. An emergency purchase will have to be made for a boiler for Ralph Askins School, due to the fact there is no hot water. The IT Department, School Nurses, and Maintenance Supervisors pay scale has been adjusted and will take effect in January.

Police Report:

Danny Bryant reported that Jerry Taylor and Sharp Communications has finished the installation of the Byrne Grant Equipment of a new file server and database server as well as 5 lab tops for the patrol cars. The police had 135 incidents with 64 arrests, 48 traffic crashes, 57 traffic citations, and police activity events totaled \$1,816.00. The Criminal Investigation Division has 296 cases: 10 open, 6 closed, 5 arrest, 4 Grand Jury Presentations, and 4 Grand Jury Indictments.

Fire Report:

Marty Pepper reported 77 calls for the Fire Department 56 medical calls, 2 motor accidents (with injuries), and there was no property loss.

Recreation Report:

Michael Stewart reported the Recreation Board discussed the bench for dedication for Lt. Emmert, and the upgrades for the Little League Field at King Park. Sports are finished at all of the fields, and now the Recreation Department is starting to prepare for next year's season.

Planning and Zoning Report:

Pat Fraley reported the Planning Committee discussed on the rezoning request for the Cotton Mill from C-3 to I-1, which was granted to be sent on to the Board of Mayor and Alderman. Danny Shelton's resignation was accepted from the Historical Zoning Board. Kate Young appeared before the Committee with the Historic Overlay District (a large number of areas outside the public square) to be zoned as part of the Historical District. There were three districts for consideration; two were approved to allow the Board of Mayor and Alderman consider and the third district which encompasses North Main and just around the corner of Bright Ave was not approved. The upper story residential dwelling designated as 107 Main St. South is asking for approval for renovation to the building.

Administrator's Report:

Jim Lee reported the End of Year Reports are finished. The City is working very hard on catching up Business Licenses. As the City Administrator, communication is very important therefore I have an open door policy for the citizens of Fayetteville and they are welcome to come by and talk at anytime.

Mayor's Report:

Mayor Shelton reported the reason for the Greenway Project being rejected was because the City would have had to pay \$93,000 to complete the project and there were several safety issues concerning the project. As for the question, was it legal or not for the Vice-Mayor to sign the City Administrator's Contract, Sid Helmsley, Chief Attorney of MTAS, said it was not legal. Tomorrow at 8:30am the Lincoln Co. High School will have a Veteran's Day Program.

City Attorney's Role and Profession Services:

Motion was made by Danny Bryant, seconded by Marty Pepper, to have a committee comprised of Mayor Shelton, City Administrator James Lee, and Vice-Mayor Pat Fraley to evaluate any services for the City Attorney. 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.

“Chamber Bucks” for Employees:

Motion was made by Joe Askins, seconded by Michael Stewart, to allow the Finance Director Tonya Steelman to purchase and give “Chamber Bucks” to the city employees. 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.

Motorcycle Group and Keep Fayetteville/Lincoln Co Beautiful:

Alderman Small stated she would not like to take from the table the motion of renewing the contract with the motorcycle club at the Keep Fayetteville Lincoln County Beautiful building because the new information, just given to them, needs to be reviewed and studied further.

Appointment to the Historical Zoning Board:

There was a recommendation to appoint Vice-Mayor Pat Fraley to the Historical Zoning Board, who has respectively declined. Someone from the Planning Commission Board has to be appointed to the Historical Zoning Board. Mayor Shelton will go back to the Planning Board to ask for a volunteer for this position.

Purchasing Policy:

Resolution R-09-19, a resolution to amend the purchasing policy and procedure manual for the City of Fayetteville to require purchase order requests for items costing five hundred dollars (\$500) or more; was considered, which is as follows:

CITY OF FAYETTEVILLE
Resolution No. R-09-19

A RESOLUTION TO AMEND THE PURCHASING POLICY AND PROCEDURE MANUAL FOR THE CITY OF FAYETTEVILLE TO REQUIRE PURCHASE ORDER REQUESTS FOR ITEMS COSTING FIVE HUNDRED DOLLARS (\$500.00) OR MORE.

WHEREAS, The City of Fayetteville currently requires a purchase order request for the purchase of items costing one hundred dollars (\$100.00) or more; and

WHEREAS, the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, recognize that it would be to the benefit of the citizens of the City of Fayetteville to allow the City to purchase items costing less than five hundred dollars (\$500.00) without the necessity of a purchase order request.

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

Section 1. The threshold for purchases requiring a purchase order request is increased from one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

Section 2. This resolution shall be attached as an addendum to the City of Fayetteville Purchasing Policy and Procedure Manual until such time that said manual is revised.

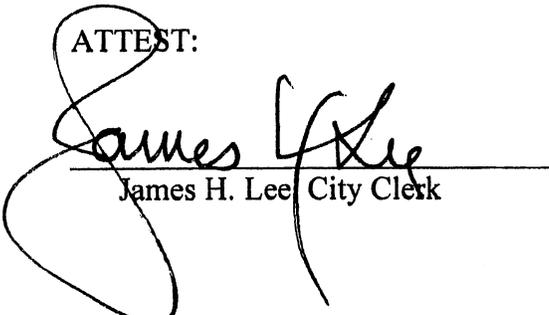
Section 3. Upon revision of the City of Fayetteville Purchasing Policy and Procedure Manual every instance of the one hundred dollar (\$100.00) threshold for purchase order requests shall be amended to read five hundred dollars (\$500.00).

Section 4. This resolution shall become effective immediately upon its adoption, the public welfare requiring it.

Resolved this 10th day of November, 2009.


Gwen Shelton, Mayor

ATTEST:


James H. Lee, City Clerk

Motion was made by Pat Fraley, seconded by Danny Bryant, to approve Resolution R-09-19. 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 Resolution adopted.

Storage Fee for Seized Vehicles:

Motion was made by Michael Stewart, seconded by Joe Askins, to establish a storage fee of \$25.00 per day for seized vehicles. 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 motion adopted.

Budget Amendments:

1. Ordinance 2009-08, Amending the annual budget and capital programs or the City of Fayetteville, TN, for the fiscal year 2009, which is as follows:

ORDINANCE NO. 2009 – 08

AN ORDINANCE AMENDING THE ANNUAL BUDGET AND CAPITAL PROGRAM OF THE CITY OF FAYETTEVILLE, TENNESSEE, FOR FISCAL YEAR 2009,

WHEREAS, the Board of Mayor and Alderman find it necessary to accomplish certain special projects funded by these allocations; and

WHEREAS, Tennessee Code Annotated requires these items to be budgeted expenditures;

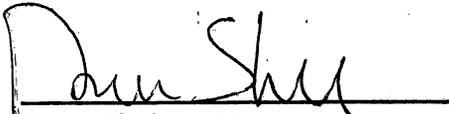
NOW, THEREFORE BE IT ORDAINED by the Board of Mayor and Alderman of the City of Fayetteville, Tennessee, that the following amounts be added to the budgeted amounts set forth for fiscal year 2009 in Ordinance No 2008-10.

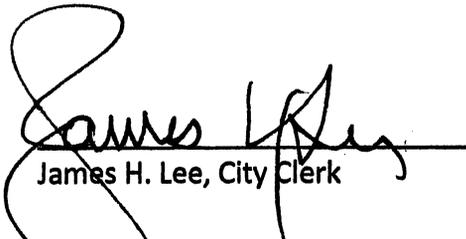
General Government	\$ 55,840
Public Works	\$ 91,790
Capital	\$ 386,455

This ordinance shall take effect upon its passage, the public welfare requiring it. All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

November 10, 2009

Date


Gwen Shelton, Mayor


James H. Lee, City Clerk

Motion was made by Danny Bryant, seconded by Pat Fraley, to adopt Ordinance 2009-08. 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.

2. Ordinance 2009-09, Amending the annual budget and capital programs of the City of Fayetteville, TN, for the fiscal year 2009 (50% money), which is as follows:

ORDINANCE NO. 2009 – 09

AN ORDINANCE AMENDING THE ANNUAL BUDGET AND CAPITAL PROGRAM OF THE CITY OF FAYETTEVILLE, TENNESSEE, FOR FISCAL YEAR 2009,

WHEREAS, the Board of Mayor and Alderman has established a program to encourage efficient budget management by returning 50% of budgeted savings to departments; and

WHEREAS, Tennessee Code Annotated requires these items to be budgeted expenditures;

NOW, THEREFORE BE IT ORDAINED by the Board of Mayor and Alderman of the City of Fayetteville, Tennessee, that the following amounts be added to the budgeted amounts set forth for fiscal year 2010 in Ordinance 2009 – 03.

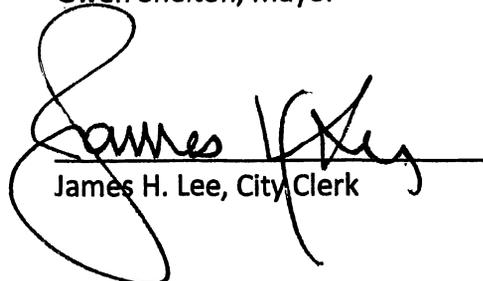
Emergency Communications	\$ 14,119
Administration	\$ 8,281
Information Technology	\$ 1,707
Purchasing	\$ 391
Planning & Codes	\$ 11,510
Street Department	\$ 20,838
Recreation	\$ 1,135
Pool	\$ 5,861

This ordinance shall take effect upon its passages, the public welfare requiring it. All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

November 10, 2009

Date


Gwen Shelton, Mayor


James H. Lee, City Clerk

Motion was made by Joe Askins, seconded by Danny Bryant, to adopt Ordinance 2009-09.
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 Ordinance adopted.

Renaming River Road:

Ordinance 2009-10, to change the name of the portion of “River Road” which lies within the city limits to “Lewis Curtis Boulevard”; was considered, which is as follows:

ORDINANCE NO. 2009-10

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE,
CHANGING THE NAME OF THE PORTION OF "RIVER ROAD" WHICH LIES
WITHIN THE CITY LIMITS TO "LEWIS CURTIS BOULEVARD"**

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, the portion of River Road which lies within the city limits has recently been widened and made safer to a large degree as a result of the efforts of Lewis W. Curtis; and

WHEREAS, it has been determined that such efforts should be recognized in a manner which shall clearly show the appreciation of the City of Fayetteville, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, a Tennessee municipal corporation, deem it to be appropriate to change the name of that portion of River Road which lies within the city limits to "Lewis Curtis Boulevard".

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

Section 1. The portion of River Road which lies within the city limits shall hereafter be named and referred to as "Lewis Curtis Boulevard".

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 _____ of November, 2009.

Gwen Shelton, Mayor

James H. Lee, City Clerk

Motion was made by Dorothy Small, seconded by Michael Stewart, to approve Ordinance 2009-10. Upon roll call, the following voted:

Aye

Dorothy Small; and Michael Stewart

Abstain

Joe Askins

Nay

Danny Bryant; Pat Fraley; and Marty Pepper

Mayor Shelton declared the Ordinance failed.

Motion was made by Michael Stewart, seconded by Dorothy Small, to amend Ordinance 2009-10 by changing the name to "Curtis-Askins Boulevard". Upon roll call, the following voted:

Aye

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

Abstain

Joe Askins

Nay

None

Mayor Shelton declared the Ordinance adopted.

Said Ordinance reads as follows:

ORDINANCE NO. 2009-10

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE,
CHANGING THE NAME OF THE PORTION OF "RIVER ROAD" WHICH LIES WITHIN
THE CITY LIMITS TO "CURTIS-ASKINS BOULEVARD"**

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, the portion of River Road which lies within the city limits has recently been widened and made safer to a large degree as a result of the efforts of Lewis W. Curtis and Joe R. Askins; and

WHEREAS, Lewis W. Curtis has distinguished himself as a career soldier and community minded citizen and Joe R. Askins has likewise distinguished himself as a career teacher and elected official; and

WHEREAS, it has been determined that such service should be recognized in a manner which shall clearly show the appreciation of the City of Fayetteville, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen of the City of Fayetteville, Tennessee, a Tennessee municipal corporation, deem it to be appropriate to change the name of that portion of River Road which lies within the city limits to "Curtis-Askins Boulevard".

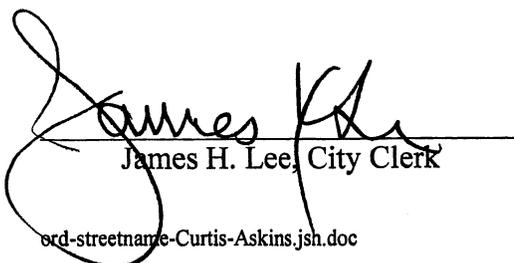
NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee:

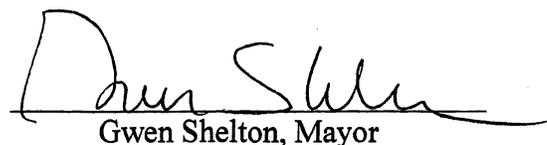
Section 1. The portion of River Road which lies within the city limits shall hereafter be named and referred to as "Curtis-Askins Boulevard".

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 10th of November, 2009.


James H. Lee, City Clerk


Gwen Shelton, Mayor

Emergency Generator for the Street Department:

Motion was made by Dorothy Small, seconded by Michael Stewart, instead of a budget amendment to have the street department use their 50% money to purchase the new generator. Upon roll call, the following voted:

Aye

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

Nay

Marty Pepper; and Danny Bryant

Mayor Shelton declared the motion adopted.

Charter Committee Date:

Chairman of the Charter Committee has asked November 19th for a work session, which died due to the lack of a motion.

Called Public Hearing:

1. Motion was made by Dorothy Small, seconded by Michael Stewart, to allow a public hearing on the Cotton Mill rezoning from C-3 to I-1. 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.

2. Motion was made by Dorothy Small, seconded by Pat Fraley, to allow a public hearing on the amendment to the Zoning Ordinance relating to planning fees. 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.

Community Comments:

Community improvements comments were as follows:

1. Stinson Knott – 54 Eastgate Circle. – I don't understand how there could be zero (0) cold cases, when the death of my brother still has not be solved? Also, why have the streets in the African American community not been paved for years? These roads are in terrible condition, full of potholes. Chief Carver stated that the zero cold cases means that no cases were turned over into the cold case file for the month of October.
2. Sam Gates – astonished by the lack of funding for the Fayetteville/Lincoln County Library and the lack of engagement.
3. Terrace Howard – 900 3rd Ave. – congratulations for passing money for the library but instead of giving the city employees a Christmas bonus, could have used that money to buy 150 books for the library.
4. Lewis Curtis – appreciates the naming of “River Road.” to “Curtis-Askins Boulevard”.
5. Jewell Hooper – did not mean any harm to ask for “River Road.” to be changed to Mr. Curtis's name, felt that he had done some work by coming to the meetings asking for this work to be done.
6. Roger Cowell – 1405 Huntsville Hwy. – why has the City not taken action against the Car Wash? The State Department of Transportation stated they would support the wishes of the City.

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

Mayor

Clerk