

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
MARCH 11, 2014

REFERENCE VIDEO DATED MARCH 11, 2014

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 March 11, 2014. Mayor John Ed Underwood, Jr. was present and presiding. The following named Aldermen were present:

Danny Bryant, Marty Pepper, Gwen Shelton, Dorothy Small, Michael Whisenant and Tom Young

Also, present were Scott Collins, City Administrator and Johnny D. Hill, Jr., City Attorney

The prayer was lead by Alderman Bryant and the pledge was lead by Alderman Whisenant

Approval of Minutes:

Motion was made by Gwen Shelton, seconded by Michael Whisenant, to approve the minutes of the February 2014 Meeting. Upon roll call, the following voted:

Aye

Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton and Marty Pepper

Nay

None

Mayor Underwood declared the Minutes approved.

Reports:

Fayetteville/Lincoln County Library:

Jill Rael, the Library Director, discussed a "Friends Lecture Series" to begin in April and run through October 2014, which will offer various historians and literature writers each month. Ms. Rael explained that the Library will offer basic computer classes/workshops for those who are computer illiterate. Ms. Rael reported that for the month of February 100 new patrons obtained library cards.

Fayetteville City Schools:

Janine Wilson, the Director of Schools, discussed that the City School System has added over 400 students to the system over the last 4 years. Dr. Wilson reported that registration for pre-K and Kindergarten classes has begun for the 2014-2015 school year. Dr. Wilson stated that the first graduation class of the City High School will be held on May 16, 2014, as well as Tiger Tracks taking place the same day.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had 65 calls for service, with 1 vehicle fire with a property loss of approximately \$5,000.00, 38 medical calls and 5 accidents with injuries.

Police Report:

Police Chief Richard Howell reported that there were 109 incidents with 45 arrests, 43 crashes and 48 citations for a total of 1,545 events.

Recreation Report:

Ricky Honey, Recreation Director, reported that baseball and softball sign-ups have been completed with each season to begin in middle to late April. Mr. Honey stated that the Easter Egg Hunt will be held the middle of April, with more information to be given during April's Board Meeting.

Public Works:

Eddie Plunkett, Public Works Director, reported that for the month of February 192 tons of trash was picked up, along with 114 tons of brush and 9 tons of leaves.

Planning and Codes Report:

Jeff Siefert, Building Inspector, reported for the month of February there were six (6) building permits issued for approximately Ten Thousand, Two Hundred Nine Dollars and 55/100 (\$10,209.55) in work to be done, with the fees being One Thousand, Five Hundred Two Dollars and 90/100 (\$1,502.90).

Administrator's Report:

Mr. Collins stated that the City/County owned house on Locust Street has been demolished. Mr. Collins reported that the Washington Street Paving project has moved into the Utility Phase and is continuing to move forward. Mr. Collins explained that he would be attending the Tennessee Municipal League Conference in Nashville on March the 17th and 18th.

Rescind Motion to Purchase Lot at Franklin Avenue and College Street:

Motion was made by Marty Pepper, seconded by Danny Bryant, to rescind the motion to purchase the lot on the corner of College Street and Franklin Avenue "not to exceed" Seventy-Five Thousand Dollars (\$75,000.00), contingent on the City being able to build on the adjoining lot. Upon roll call, the following voted:

Aye

Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper and Danny Bryant

Nay

None

Mayor Underwood declared the motion approved.

Purchase of Lot at Franklin Avenue and College Street Pending Environmental Approval:

Motion was made by Gwen Shelton, seconded by Marty Pepper, to purchase the lot on the corner of Franklin Avenue and College Street pending an environmental study.

Motion was made by Danny Bryant, seconded by Michael Whisenant, to amend the main motion for the environmental study to be at the City's expense. Upon roll call, the following voted on the amendment:

Aye

Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant and Tom Young

Nay
None

Mayor Underwood declared the amendment approved.

Upon roll call, the following voted on the main motion:

Aye
Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young and Dorothy Small

Nay
None

Mayor Underwood declared the motion approved

Funding of Expenses Incurred for Police Building:

Motion was made by Gwen Shelton, seconded by Danny Bryant, for the engineering study, the environmental study and all other related expenses incurred for the Police Building project to be paid from the Fifty-Five Thousand Dollars (\$55,000.00) from the sale of the parking lot on Edison Street. Upon roll call, the following voted:

Aye
Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young, Dorothy Small and Michael Whisenant

Nay
None

Mayor Underwood declared the motion approved.

Ordinance No. 2014-03:

Ordinance No. 2014-03, an ordinance entitled, “An Ordinance To Establish Absentee By Mail Ballot Voting Procedures For Non-Resident Property Owners In Municipal Elections”, was considered. Said Ordinance is as follows:

**CITY OF FAYETTEVILLE
ORDINANCE NO. 2014-03**

**AN ORDINANCE TO ESTABLISH ABSENTEE BY MAIL VOTING
PROCEDURES FOR NON-RESIDENT PROPERTY OWNERS IN
MUNICIPAL ELECTIONS**

WHEREAS, City Charter Article III, Section 4, authorizes qualified voters of Lincoln County, Tennessee, residing outside the corporate limits of the City of Fayetteville but owning at least a fifty (50%) percent fee simple interest in taxable real property within the city limits of the City of Fayetteville having an assessed value of One Thousand Dollars (\$1,000) or more to register and vote in all city elections in the precinct or district in which the real estate is located (hereinafter referred to as “property rights voting”); and

WHEREAS, the Tennessee General Assembly has adopted legislation amending Tennessee Code Annotated, Title 2, Chapter 6, Part 2, to authorize municipalities that permit property rights voting to direct property rights voters to cast their municipal ballots as absentee by mail ballots; and

WHEREAS, the Lincoln County Election Commission has recommended and requested that the City of Fayetteville adopt the absentee by mail ballot procedure for property rights voters; and

WHEREAS, the City of Fayetteville desires to simplify the voting procedure for property rights voters and thereby increase and encourage voter participation in City elections.

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

All persons residing outside the Corporate Limits of the City of Fayetteville who own real property within the Corporate Limits of the City of Fayetteville and are entitled to vote in City of Fayetteville municipal elections pursuant to Fayetteville City Charter Article III, Section 4, and other general law requirements, shall cast their ballots in City of Fayetteville municipal elections by absentee by mail ballots.

Approved and adopted this 11th day of March, 2014.



John Ed Underwood, Jr., Mayor

ATTEST:



Scott Collins, City Clerk

Motion was made by Danny Bryant, seconded by Marty Pepper, to approve Ordinance 2014-03. Upon roll call, the following voted:

Aye

Marty Pepper, Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant and Gwen Shelton

Nay

None

Mayor Underwood declared the Ordinance adopted.

Resolution No. R-14-03:

Resolution No. R-14-03 for the City not to purchase the Echols Service Station lot at the delinquent tax sale due to environmental concerns, failed due to the lack of no motion.

Ordinance No. 2014-04:

Ordinance No. 2014-04, an ordinance entitled, "An Ordinance To Establish Procedures For The Inspection And Duplication Of Public Records", was considered. Said Ordinance is as follows:



**CITY OF FAYETTEVILLE
ORDINANCE NO. 2014-04**

**AN ORDINANCE TO ESTABLISH PROCEDURES FOR THE
INSPECTION AND DUPLICATION OF PUBLIC RECORDS**

WHEREAS, the citizens of the City of Fayetteville entrust the safekeeping and maintenance of the City's public records to the various department of its city government; and

WHEREAS, the City maintains a policy of transparency and openness with respect to its records; and

WHEREAS, personnel of the City's government strive to maintain open public records in an effective manner and provide access to those requesting to view and copy those records in a fair and timely manner.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE, that access to public records for viewing and copying shall be accomplished according to the following procedures:

1. Each individual requesting to inspect a public record as defined by Tenn. Code Ann. § 10-7-503, shall be required to show a photo identification verifying Tennessee citizenship. Requests for viewing and/or copying public records shall be made in writing on a standard form maintained at the City Administrator's office.
2. Confidential information, as defined by State law, shall be kept confidential. When possible, documents containing confidential information shall be made available for inspection or copying after all confidential information is redacted.
3. Each department within the City shall maintain custody of the records of that department. The department with custody of the records requested shall determine, based upon its current workload, a reasonable response time, not to exceed seven (7) days, and will advise the City Administrator, or a member of his or her staff, who will contact the individual making the request to advise when the documents will be available for inspection and/or copying. For records in the custody of the City Administrator, the City Administrator, or a member of his or her staff, shall notify the individual making the request as to the reasonable response time, not to exceed seven (7) days.
4. When a request is made for a large volume of records and the records custodian determines that production of the records should be segmented, the requestor shall be notified that the production of the records will be in segments. A records production schedule will be provided as expeditiously as possible.
5. Copies of documents or items provided will be charged as follows:

Motion was made by Gwen Shelton, seconded by Danny Bryant, to approve Ordinance No. 2014-04 and to abolish the standing resolution pertaining to the duplication of public records. Upon roll call, the following voted:

Aye

Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton and Marty Pepper

Nay

None

Mayor Underwood declared the Ordinance adopted.

Authorization to Accept Statement of Qualifications for Architect on Police Building:

Motion was made Michael Whisenant, seconded by Dorothy Small, to authorize the acceptance of "Statements for Qualification" from architects to design a Police Building. Upon roll call, the following voted on the motion:

Aye

Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper and Danny Bryant

Nay

None

Mayor Underwood declared the motion approved.

Ordinance No. 2014-05:

Ordinance No. 2014-05, an ordinance entitled, "An Ordinance Amending The Fayetteville Municipal Code Title 16, Chapter 2, Section 16-206 Entitled Restoration of Streets, Etc.", was considered. Said Ordinance is as follows:

**CITY OF FAYETTEVILLE
ORDINANCE NO. 2014-05**

**AN ORDINANCE AMENDING THE FAYETTEVILLE MUNICIPAL
CODE TITLE 16, CHAPTER 2, SECTION 16-206 ENTITLED
RESTORATION OF STREETS, ETC.**

WHEREAS, the City of Fayetteville, Tennessee has an interest in maintaining its streets for the use and benefit of the residents of the City of Fayetteville and those lawfully using such streets; and

WHEREAS, circumstances arise making it necessary for a utility provider or other entity to excavate sections of a city street in order to make repairs to utilities buried beneath the street or for other legitimate purposes; and

WHEREAS, amendment to the current regulation for the restoration of city streets after excavation is necessary to provide for more satisfactory specifications as to the manner in which streets will be restored after excavation.

NOW, THEREFORE, BE IT ORDAINED by the City of Fayetteville Board of Mayor and Alderman that the Municipal Code shall be changed to:

SECTION 1. The Fayetteville Municipal Code Title 16, Chapter 2, Section 16-206, entitled Restoration of Streets, Etc. is hereby deleted and replaced with the following:

16-206. Restoration of streets, etc. Any person, firm, corporation, association, utility or others making any excavation in any street, alley, or public place in this municipality shall restore said street, alley, or public place to the specifications hereinafter set out, and shall be paid for by such person, firm, corporation, association, utility or others promptly upon the completion of the work for which the excavation was made. The City may authorize a duly licensed contractor who is performing excavations on the streets, alleys or public ways to complete the surfacing to the city's specifications, provided the contractor guarantees in writing the surface for one year. In case of unreasonable delay in completion of work, the City shall give notice to the person, firm, corporation, association, utility or others that unless the excavation is refilled properly, within a specified period of time, the municipality will do the repair or contract said repair and charge the expense to the particular party.

Street repair specifications are as follows:

- 1) From 6 inches above tops of pipe or minimum standards up to within 6 inches of finished grade, backfill with crushed stone. Dispose of all excavated materials that are not replaced as backfill.
- 2) Within 60 days settling, the contractor shall fill trench or hole with concrete.

- 3) Concrete will be used in all paved areas: A 6 inch deep slab in the concrete trench width poured to the existing elevation. Concrete shall be 3000 psi ready mix type conforming to ASTM specification C94, composed of Portland cement, sand and coarse aggregate, mixed with clear water.
- 4) Barricades or metal plates shall be placed around or over all holes until concrete can withstand traffic.
- 5) Concrete shall be level with existing surfaces. The City shall be notified of all cuts.

Adopted this 11th day of March, 2014



John Ed Underwood, Jr., Mayor

Attest:



Scott Collins, City Clerk

Motion was made by Dorothy Small, seconded by Gwen Shelton, to approve Ordinance No. 2014-05. Upon roll call, the following voted:

Aye

Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant and Tom Young

Nay

None

Mayor Underwood declared the Ordinance adopted.

2014 Strategic Plan for City of Fayetteville:

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve the 2014 Strategic Plan. Upon roll call, the following voted:

Aye

Michael Whisenant, Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young and Dorothy Small

Nay

None

Mayor Underwood declared the motion approved.

Authorization to Apply for Local Parks and Recreation Fund Grant:

Motion was made by Gwen Shelton, seconded by Marty Pepper, to authorize the application for the Local Parks and Recreation Fund Grant," not to exceed" Forty Thousand Dollars (\$40,000.00). Upon roll call, the following voted:

Aye

Gwen Shelton, Marty Pepper, Danny Bryant, Tom Young, Dorothy Small and Michael Whisenant

Nay

None

Mayor Underwood declared the motion approved.

Parade Permit:

Motion was made by Gwen Shelton, seconded by Dorothy Small, to approve the parade permit for Junior's House "Blue Ribbon Walk" for May 14, 2014. Upon roll call, the following voted:

Aye

Marty Pepper, Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant and Gwen Shelton

Nay

None

Mayor Underwood declared the motion approved.

Call for Public Hearing:

Motion was made by Dorothy Small, seconded by Michael Whisenant, to call for a public hearing on the rezoning of property located at 1772 Winchester Highway from R3 to C3. Upon roll call, the following voted:

Aye

Danny Bryant, Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton and Marty Pepper

Nay

None

Mayor Underwood declared the motion approved.

Recreation Board Appointment:

Motion was made by Gwen Shelton, seconded by Marty Pepper, to appoint Brad Bolles to Recreation Board to fill the remaining term of Jeremy Baker. Upon roll call, the following voted:

Aye

Tom Young, Dorothy Small, Michael Whisenant, Gwen Shelton, Marty Pepper and Danny Bryant

Nay

None

Mayor Underwood declared the motion approved.

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

Mayor

City Clerk