

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
DECEMBER 9, 2014

REFERENCE VIDEO DATED DECEMBER 9, 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 December 9, 2014. Mayor Jon Law was present and presiding. The following named Aldermen were present:

Danny Bryant, Anna Catherine Cowley, Violet Harry, Gwen Shelton, Dorothy Small and Michael Whisenant

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

The prayer was lead by Alderman Small and the pledge was lead by a Ralph Askins School

**Approval of Minutes:**

1. Motion was made by Anna Catherine Cowley, seconded by Michael Whisenant, to approve the minutes of the November 11, 2014, Public Hearing. Upon roll call, the following voted:

Aye

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton and Anna Catherine Cowley

Nay

None

Mayor Law declared the Public Hearing Minutes approved.

2. Motion was made by Dorothy Small, seconded by Gwen Shelton, to approve the minutes of the November 2014 Meeting. Upon roll call, the following voted:

Aye

Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley and Danny Bryant

Nay

None

Mayor Law declared the Minutes approved.

3. Motion was made by Michael Whisenant, seconded by Dorothy Small, to approve the minutes of the Organizational Meeting on November 18, 2014. Upon roll call, the following voted:

Aye

Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant and Dorothy Small

Nay  
None

Mayor Law declared the Organizational Minutes approved.

### **Reports:**

#### **Fayetteville/Lincoln County Library:**

Jill Rael, the Library Director, discussed a new program that the Library is offering for teens called the Art Reimagined for Teen Engagement (A.R.T.E.), Ms. Rael explained that the program provides instruction in a variety of digital and traditional art along with history of art. Ms. Rael stated that the Library would be doing inventory during the month of January 2015.

#### **Fayetteville City Schools:**

Janine Wilson, the Director of Schools, presented outstanding students from the Fayetteville Middle School to discuss the schools Positive Behavior Support program. Ms. Wilson introduced two high school students Taylor Bryon, Student Body President and Bonnie Wakefield, Senior Class President to discuss positive impact the City High School is having on the student's academic career.

#### **Fire Report:**

Fire Chief Danny Travis reported that the Fire Department had 69 calls for service, 46 medical calls, and 3 accidents with injuries.

#### **Police Report:**

Police Chief Richard Howell reported that there were 144 incidents with 68 arrests, 35 crashes and 70 citations for a total of 1,431 events.

#### **Recreation Report:**

Ricky Honey, Recreation Director, was not present however Ms. Shelton stated that this year's Christmas Parade was a big success and expressed gratitude to all who were involved in putting the parade together.

#### **Public Works:**

Eddie Plunkett, Public Works Director, reported that for the month of November 185 tons of sanitation was picked up, along with 128 tons of brush and 106 tons of leaves.

#### **Planning and Codes Report:**

Jeff Siefert, Building Inspector, reported for the month of November there were six (6) building permits issued for approximately Thirty Thousand, Three Hundred Twenty-One Dollars and 50/100 (\$30,321.50) in work to be done, with the fees being One Thousand, Three Hundred Eighty-Six Dollars and 72/100 (\$1,386.72).

#### **Administrator's Report:**

Mr. Collins reported that the channel at Stone Bridge Park will be stocked with trout this week. Mr. Collins stated that Mr. Honey would be going to Nashville Thursday, December 11, 2014, to receive the LPR Grant check for \$70,000.00. Mr. Collins explained that the ISO rating for the Fire Department has improved to a rating of 3 and the ISO rating for the Building and Codes Department has improved a rating of 4.

**School Board Ex-Officio Board Appointment:**

Motion was made by Danny Bryant, seconded by Gwen Shelton, to postpone indefinitely the appointment of an Ex-Officio to the Fayetteville City School Board. Upon roll call, the following voted:

Aye

Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small and Violet Harry

Nay

None

Mayor Law declared the motion approved.

**Addition to the Agenda:**

Motion was made by Danny Bryant, seconded by Dorothy Small, to add Resolution R-14-11 to the agenda. Upon roll call the following voted:

Aye

Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry and Michael Whisenant

Nay

None

Mayor Law declared the motion approved.

**Tires for the Animal Control Truck:**

Motion was made by Danny Bryant, seconded by Violet Harry, to approve the allocation of “up to” Three Hundred Seventy-Five Dollars (\$375.00). Upon roll call, the following voted:

Aye

Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant and Gwen Shelton

Nay

None

Mayor Law declared the motion approved.

**City to Administering Humane Society Grant:**

Motion was made by Gwen Shelton, seconded by Dorothy Small, to allow the City to administer the Humane Society Grant. Upon roll call, the following voted:

Aye

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton and Anna Catherine Cowley

Nay  
None

Mayor Law declared the motion approved.

**Resolution R-14-10:**

Resolution R-14-10, a resolution entitled, “A Resolution To Approve The Board Of Public Utilities Of The City Of Fayetteville, In Its Role And Application For The Rural Economic Development Loan And Grant”, was considered. Said Resolution is as follows:

**Resolution No. R-14-10**  
**RESOLUTION**

**WHEREAS**, the Lincoln County Health System (System) has ascertained that two of its ambulances have in excess of 200,000 miles of use and should be replaced to assure proper health care for the citizens of this community; and

**WHEREAS**, the cost of said two ambulances will be \$185,000 in the aggregate; and

**WHEREAS**, the Board of Public Utilities of the City of Fayetteville, Lincoln County (FPU Board) is eligible to apply for a Rural Economic Development Loan from the Rural Development mission of the U.S. Department of Agriculture and such loan would be a pass through loan whereby FPU Board borrows \$133,334.00 as a REDLEG loan and obtains a Community Facilities grant of \$25,000.00, with the remaining \$26,666.00 being provided by the System; and

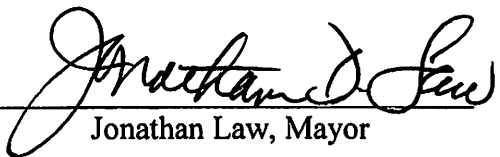
**WHEREAS**, the System provides health services to the citizens of Lincoln County and surrounding areas which service is essential to the economic development of the County; and

**WHEREAS**, the FPU Board would loan the \$133,334.00 to the System on a promissory note of the System in favor of FPU Board with same to be secured by a letter of credit from a lending institution acceptable to the FPU Board, it being anticipated that the letter of credit would then be secured by a perfected lien on the vehicles in favor of the bank and the FPU Board would have no finance responsibility in the event of a default by the System; and


**WHEREAS**, the Board of Public Utilities of the City of Fayetteville, Lincoln County has, subject to the approval of the Board of Mayor and Alderman of the City of Fayetteville, approved a resolution to apply for the said RUS funds;

**THEREFORE BE IT RESOLVED** that the Board of Mayor and Alderman of the City of Fayetteville do hereby approve the Board of Public Utilities of the City of Fayetteville, Lincoln County, in its role and application for said Rural Economic Development loan and grant from the Rural Development mission of the U.S. Department of Agriculture in the amount of \$133,334.00 at 0% interest, amortized over seven years, and re-lending of the money on the same terms to the Lincoln County Health System for the purchase of two ambulances.

Adopted this 9<sup>th</sup> day of December, 2014.

  
Jonathan Law, Mayor

Attest:

  
\_\_\_\_\_  
Scott Collins, City Administrator

Motion was made by Michael Whisenant, seconded by Gwen Shelton, to approve Resolution R-14-10. Upon roll call, the following voted:

Aye

Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley and Danny Bryant

Nay

None

Mayor Law declared the Resolution approved.

**Survey and Engineering Study Of Old Mulberry Road:**

Motion was made by Danny Bryant, seconded by Violet Harry, to approve Seven Thousand, One Hundred Dollars (\$7,100.00) for the surveying and engineering study of Old Mulberry Road.. Upon roll call, the following voted:

Aye

Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant and Dorothy Small

Nay

None

Mayor Law declared the motion approved.

**Ordinance No. 2014-26:**

Ordinance No. 2014-26, an ordinance entitled, “An Ordinance Of The City Of Fayetteville Amending The Fayetteville Municipal Code Title 2, Chapter 1, Section 2.1-2 Entitled “Membership” Pertaining To The Fayetteville School Board”, was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2014-26**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE  
AMENDING THE FAYETTEVILLE MUNICIPAL CODE TITLE 2,  
CHAPTER 1, SECTION 2-102 ENTITLED "MEMBERSHIP" PERTAINING  
TO THE FAYETTEVILLE SCHOOL BOARD.**

**WHEREAS**, the Title 2, Chapter 1 of the Municipal Code of the City of Fayetteville, Tennessee establishes "The Fayetteville School Board" and determines who is eligible for service on the school board, the amount of compensation to be paid to each member, the number and appointment of school board members, and how vacancies to the board are to be filled.

**WHEREAS**, under the existing ordinance, the board of mayor and alderman may appoint an alderman to serve as an ex-officio member of the School Board for such term as the board desires but not longer than the term of the alderman; and

**WHEREAS**, under the existing ordinance, provisions are made for the filling of a vacancy on the School Board; and

**WHEREAS**, under the existing ordinance, provisions are made for the holding of elections for positions on the School Board; and

**WHEREAS**, the Board of Mayor and Aldermen deem it appropriate to revise the existing ordinance to properly establish the role of the alderman appointed to represent the Board of Mayor and Alderman at School Board meetings and functions; and

**WHEREAS**, the Board of Mayor and Aldermen deem it appropriate to revise the existing ordinance with respect to conducting elections for School Board members; and

**WHEREAS**, the Board of Mayor and Aldermen deem it appropriate to revise the existing ordinance with respect to the procedure for filling vacancies on the School Board.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Fayetteville Board of Mayor and Alderman that the Municipal Code shall be amended to repeal in its entirety Section 2-102 and enact the following in its place:

2-102. Membership. (1) Eligibility. Each member shall be a resident and qualified voter of the City of Fayetteville.

(2) Compensation. Each member of the board shall be paid the sum of \$200.00 per month for his or her service on the board, including the chairman and secretary. Board members shall be reimbursed for all legitimate expenses incurred relative to the performance of their official duties.



(3) Number and appointment. Said board shall consist of six (6) members, all of whom shall be elected by the people. Each member shall be elected to a four (4) year term. Elections shall be held on the Tuesday after the first Monday in even years, with three (3) members being elected in years when a gubernatorial election is held and three (3) members being elected in years when a presidential election is held. Each elected member of the school board shall be sworn in as a member on the third Tuesday after the first Monday of November in the year of his or her election.

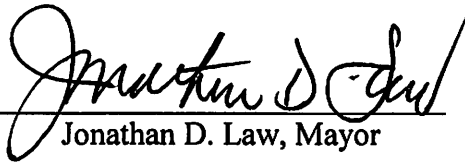
(4) Vacancy. Vacancies occurring in the office of a school board member shall be filled by the board of mayor and alderman until the next city election when school board positions are on the ballot. When the remaining term of a vacant position is more than two years in duration when the vacancy arises, the person appointed by the board to fill the vacancy shall serve until the next city election. At the next city election, the three candidates for school board positions receiving the highest number of votes shall serve full four (4) year terms. The candidate(s) receiving the next highest number(s) of votes shall serve the final two (2) years of the original term(s) of the vacant position(s).

(5) Liaison Officer. The board of mayor and alderman may appoint an alderman to serve as a non-voting liaison officer to the school board for such term as it desires but not longer than the term of the alderman. Such alderman shall be entitled to reimbursement of all legitimate expenses incurred relative to the performance of his or her official duties.


All other provisions of Title 2, Chapter 1 shall remain effective.

**BE IT FURTHER ORDAINED** that this amendment shall take effect from and after its passage, the public welfare requiring it.

Adopted this 9<sup>th</sup> day of December, 2014.

  
Jonathan D. Law, Mayor

Attest:

  
\_\_\_\_\_  
Scott Collins, City Clerk

Motion was made by Anna Catherine Cowley, seconded by Violet Harry, to approve Ordinance No. 2014-26. Upon roll call, the following voted:

Aye

Michael Whisenant, Anna Catherine Cowley, Danny Bryant and Violet Harry

Nay

Gwen Shelton and Dorothy Small

Mayor Law declared the Ordinance adopted.

**Fayetteville City School Board Liaison:**

Motion was made by Anna Catherine Cowley, seconded by Violet Harry, to appoint Violet Harry to the Fayetteville City School Board as a liaison. Upon roll call, the following voted:

Aye

Anna Catherine Cowley, Danny Bryant, Violet Harry and Michael Whisenant

Nay

Gwen Shelton and Dorothy Small

Mayor Law declared the motion approved.

**Call for Public Hearing:**

Motion was made by Gwen Shelton, seconded by Dorothy Small, to call for a public hearing on January 13, 2015, at 5:00 p.m. on the Community Development Block Grant (CDBG). Upon roll call, the following voted:

Aye

Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant and Gwen Shelton

Nay

None

Mayor Law declared the motion approved.

**Resolution R-14-11:**

Resolution R-14-11, a resolution entitled, "A Resolution Honoring the Memory of Ted R. Kimbrough", was considered. Said Resolution is as follows:

**Resolution R-14-11**  
**A Resolution Honoring the Memory of**  
**Ted R. Kimbrough**

**Whereas**, the Board of Mayor and Aldermen deems it appropriate to pass this resolution honoring the memory of **Ted R. Kimbrough**, a valued employee of the City of Fayetteville Fire Department; and

**Whereas**, **Ted R. Kimbrough** began his tenure with the Fayetteville Fire Department when he was employed as a fireman on July 30, 1990; and

**Whereas**, **Ted. R. Kimbrough** was promoted to the rank of driver operator at the Fayetteville Fire Department on November 7, 1992; and

**Whereas**, **Ted R. Kimbrough** was promoted to the rank of fire lieutenant at the Fayetteville Fire Department on July 1, 1995; and

**Whereas**, **Ted R. Kimbrough** attained certification as a first responder on May 26, 2001; and

**Whereas**, **Ted R. Kimbrough** was promoted to the rank of Captain at the Fayetteville Fire Department on April 26, 2007, and held this position until the time of his death on December 5, 2014; and

**Whereas**, during his tenure with the Fayetteville Fire Department, **Ted R. Kimbrough** committed numerous acts of bravery and heroism carrying out his duties as a fireman with the Fayetteville Fire Department; and

**Whereas**, during his tenure with the Fayetteville Fire Department, **Ted R. Kimbrough** provided valuable service to citizens of the City of Fayetteville; and

**Whereas**, during his tenure with the Fayetteville Fire Department, **Ted R. Kimbrough** served as a mentor and role model to numerous members of the Fayetteville Fire Department, including his son, Tony Kimbrough; and

**Whereas**, **Ted R. Kimbrough** passed away on December 5, 2014, at the age of 61, survived by his wife, Angela Price Kimbrough, and children Amanda Good, Tony Kimbrough and Reece Ewton.

**Now, therefore, be it resolved** that the members of Board of Mayor and Aldermen honor the memory of **Ted R. Kimbrough**, a valued employee of the City of Fayetteville Fire Department, and posthumously thank **Ted R. Kimbrough** for his years of service to the City of Fayetteville and its citizens; and

**Be it further resolved** by this Board of Mayor and Alderman that **Ted R. Kimbrough's** badge number **340** shall be permanently retired to honor his service; and

**Be it further resolved** by this Board of Mayor and Aldermen that this resolution of respect and esteem be spread upon the minutes of the Board and that a copy be forwarded to Mrs. Angela Kimbrough.

This 9<sup>th</sup> day of December, 2014.

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**Jonathan D. Law**

**Mayor**

Motion was made by Dorothy Small, seconded by Gwen Shelton, to approve Resolution R-14-11. Upon roll call, the following voted:

Aye

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton and Anna Catherine Cowley

Nay

None

Mayor Law declared the Resolution approved.

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

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Mayor

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City Clerk