

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
DECEMBER 8, 2015

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 8, 2015. 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 Danny Bryant, and the pledge was lead by Drew Bradford, FHS.

Adoption of Agenda:

The agenda for December 8, 2015 was approved as written, with the correction of item “C” postponing the sign ordinance and moving said ordinance back to the January meeting upon the motion of Dorothy Small, seconded by Gwen Shelton. Upon roll call, the following voted:

Aye:

Dorothy Small, Violet Harry, Gwen Shelton and Anna Catherine Cowley

Nay:

Danny Bryant and Michael Whisenant

Mayor Law declared the motion approved.

A motion was then made by Danny Bryant, seconded by Gwen Shelton, to add new business item “L” to the agenda. The consideration of city employees being off on Christmas Eve. 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 motion approved.

Approval of Minutes:

The minutes of November 10, 2015, Regular Meeting Minutes, were read and approved as written and accepted as accurate by Mayor Law.

The minutes of November 12, 2015, Public Hearing, were read and approved as written and accepted as passed by Mayor Law.

Reports:

Fayetteville Lincoln County Library:

Jill Rael, the Library Director, reported that the “Dr. Who Party” will be Saturday at 5:30 p.m. with food, games and a panel of characters. The computer classes are continuing at 11:00 a.m. on December 10th and 12th. The Friends of the Library have set the Winter Gala for January 30, 2015. They are conducting inventory and currently working on the genealogy room and cataloguing into the online website. Three Macbooks are arriving soon and also a new projector for the meeting room. They were just awarded a technology grant and will receive two new laptops for the employees and a new literacy computer for the children. Currently meeting goals in the technology plan for 2014 – 2017. They have been working conducting

TEL (Tennessee Electronic Library) training at Fayetteville High School library, so far they have been to Highland Rim, NGA and will be at Blanche for the LEAPS family night, showing entire families how to use the TEL program. In other news, they did receive their draft of the audit report, which was another good report. The auditor will be at the Library's January Board Meeting to answer questions. They were not chosen for the National Endowment for Humanities grant.

Fayetteville City Schools:

Dr. Janine Wilson, Director of Schools, reported that Nick Hopkins signed a scholarship at Belmont to play basketball, also scored his 2,000th point. There have been a number of educational trips taken by the high school students including, Shakespeare in the Park, Chattanooga Imap, and the Van Braun to see multiple plays. Fourteen (14) students attended the National BETA Convention and scored 4th in the scrapbook competition. Fayetteville High School students are writing children's tales and telling them with puppets and that will be broadcast on FPU and will run through the summer. The first film was just completed with more to follow with the intent of providing children's programming for students who are not read to on a regular basis. The plan is to also post all films to a YouTube channel. Aidan and Henry Pace made state qualifying time in the butterfly in swimming. Aidan Pace also qualified for state in 50 yard and 200 yard freestyle. Aidan Pace, Henry Pace, Savanna Davis and Garrett Blankstrom posted regional qualifying times. In FHS football, Alvin Palmer was named District Coach of the Year and Brandon Moore was named Defensive Player of the Year. Really proud of all the scores from the students with the ACT's. Several students have performed greatly in the band this year and earned places in the Mid-state Honor Band. Fifteen (15) FHS students are specifically working with grades first through fourth in reading and math. Multiple success stories of peer tutoring were told by teachers.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had sixty (60) calls for service with one hundred thirty-eight thousand five hundred twenty dollars (\$138,520.00) in property loss, thirty-seven (37) medical calls and the volunteers logged two hundred sixteen and one half (216.5) hours.

Police Report:

Police Chief Richard Howell reported that there were forty-one (41) arrests, forty-seven (47) citations, and thirty-nine (39) traffic accidents, for a total of one thousand two hundred forty (1,240) events. Detectives have four hundred forty-nine (449) cases on hand, nine (9) new cases opened and seven (7) closed.

Recreation Report:

Rickey Honey, Recreation Director, was not present. City Administrator, Scott Collins, will combine the recreation report with his.

Public Works:

Eddie Plunkett, Public Works Director, reported that for the month of November there was two hundred fourteen (214) tons of trash, one hundred forty-six (146) tons of brush was picked up, along with one hundred thirty-eight (138) tons of leaves.

Planning and Codes Report:

Jeff Siefert, Building Inspector, reported for the month of November there were six (6) permits issued for approximately five thousand two hundred dollars (\$5,200.00) in work to be done, with the fees being two hundred fifty dollars (\$250.00).

Administrator's Report:

City Administrator, Scott Collins, reported for Parks and Recreation. Rickey Honey wanted to express his appreciation for all of the volunteers and great work that went on with the Christmas parade. Stone Bridge will be stocked with trout December 9th and to remind everyone that you must follow the TWRA rules regarding a fishing license. The Tennessee Department of Environmental Conservation is conducting a meeting that Rickey is currently attending. It will involve three different grants. One that is currently active is the Parks and Recreations grant, and one that will hopefully be presented in the near future is the Recreation and Trails Program. That is an 80/20 grant that will be used for greenways and if the Board wishes, trails inside of Camp Blount. Camp Blount has been acquired by the state and the City is responsible for maintaining it. We applied for a grant in the amount of fifty-seven thousand five hundred forty-one (\$57,541.00) dollars and were not expecting to hear back from that until March, but on November 23, 2015, we received notification from the Tennessee Historical Commission that we have been awarded this grant. That is a 90/10 percent match. It will

take about six (6) weeks to process the paperwork and hopefully by the January BMA Meeting, it will be ready to present. Transportation Alternative Program Grant is still in the environmental phase, this will be the greenway connector from the Historic Square down to the Stone Bridge Park. Likewise, with the Local Parks and Recreation Fund Grant, the concrete work has been completed at both Kiwanis and Don Davidson parks.

Ordinance 2015-07:

Ordinance No. 2015-07, an ordinance entitled, “An Ordinance of the City of Fayetteville, Tennessee to Accept Fayetteville Lincoln County Industrial Park Phase 1,” was considered. Said Ordinance is as follows:

ORDINANCE NO. 2015-07

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE TO ACCEPT
FLC INDUSTRIAL PARK PHASE 1**

WHEREAS, The Industrial Development Board have graciously dedicated with 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 FLC Industrial Park Phase 1 running in an northerly direction from State Route 10 (Winchester Highway) Exhibit “A”, and ending it’s northerly point in a cul-de-sac and;

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

WHEREAS, The Industrial Development Board 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 FLC Industrial Park Phase 1 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 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: Jonathan D. Law, 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 his 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

8 day of DECEMBER, 2015.



Scott Collins, City Clerk



Jonathan D. Law, Mayor

Motion was made by Michael Whisenant, seconded by Violet Harry, to approve Ordinance No. 2015-07. 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 2015-08:

Ordinance No. 2015-08, an ordinance entitled, “An Ordinance to Name a New City Street in Fayetteville,” was considered. Said Ordinance is as follows:

**ORDINANCE NO. 2015-08
CITY OF FAYETTEVILLE, TENNESSEE**

**AN ORDINANCE TO NAME A NEW CITY STREET IN
FAYETTEVILLE, TENNESSEE**

WHEREAS, the Board of Mayor and Alderman have approved the dedication of a new street that will connect to a portion of the existing State Route 10 (Winchester Highway) within the corporate limits of Fayetteville; and,

WHEREAS, Tennessee Code Annotated §7-86-127 grants local governments the power to name public roads located within their corporate limits; and,

WHEREAS, it is recognized that the new street is required to be named in order to facilitate orderly and efficient growth, postal and emergency service operation; and,

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

SECTION 1. The City of Fayetteville hereby names the newly constructed street as **East Park Drive**.

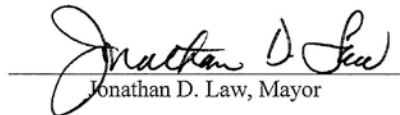
SECTION 2. The newly constructed and named street is shown on the attached map labeled "Exhibit A" and shall be incorporated herein by reference.

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

ADOPTED THIS 8 DAY OF DECEMBER, 2015.



Scott Collins, City Clerk


Jonathan D. Law, Mayor

Motion was made by Dorothy Small, seconded by Gwen Shelton, to accept Ordinance No. 2015-08. 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.

Motion to Refer Sign Regulation to Planning Commission:

Motion was made by Dorothy Small, seconded by Gwen Shelton, to refer the sign regulation back to the Board of Mayor and Aldermen. Upon roll call, the following voted:

Aye

Gwen Shelton, Anna Catherine Cowley, Dorothy Small and Violet Harry

Nay

Danny Bryant and Michael Whisenant

Mayor Law declared the motion approved.

Resolution R-15-14:

Resolution No. R-15-14, a resolution entitled, "A Resolution Honoring the Fayetteville High School Football Team for Moving to the Second Round of the TSSAA IA Playoffs," was considered. Said Resolution is as follows:

RESOLUTION NO. R-15-14
CITY OF FAYETTEVILLE, TENNESSEE

A RESOLUTION honoring the Fayetteville High School Football Team for moving to the second round of the TSSAA IA playoffs.

WHEREAS, this honorable body commends rare athletic achievement, and gives special honor and commendation to those athletic teams who pursue such excellence that they become examples for the youth of this community; and

WHEREAS, the Fayetteville High School Tigers achieved such excellence on November 13, 2015, when they concluded a winning season with a record of 9 and 3.

WHEREAS, this is only the third season of varsity football at Fayetteville High School and the teams have twice qualified for the TSSAA IA state playoffs.

WHEREAS, the Tigers accomplished this task with a roster of twenty-two active players and five seniors. This team was predicted to be next to last in district play but rallied to post the winningest season to date with a record of 9 and 3.

WHEREAS, the 2015 Tigers will be remembered for their grit and determination as thirteen players were called on to play "iron man" football and thus played both ways, that is on defense and offense.

WHEREAS, the achievements of the Fayetteville High School football team; of its head coach, Alvin Palmer; and, of its talented coaching staff deserve recognition and have earned a rightful place at the top of their sport. For their impressive 2015 season and for the example that they have set for future generations of young athletes in this community, this body honors the Tigers and wishes them the best of luck in all their future endeavors;

NOW, THEREFORE, Be it resolved by the Mayor and Board of Alderman of the City of Fayetteville:

- Section 1. The members of the Board of Alderman, both individually and collectively, hereby commend the Fayetteville High School football team upon its accomplishments and congratulate each member of the team, Head Coach Alvin Palmer and his staff, Principal Eric Jones, and the entire Fayetteville High School community.
- Section 2. When the Board of Alderman adjourns this day, it does so in the honor of the Fayetteville High School football team.
- Section 3. The Clerk of the Board of Alderman is directed to transmit a copy of this Resolution to Mr. Eric Jones, Fayetteville High School, 1800 Wilson Parkway, Fayetteville, TN 37334.

READ AND ADOPTED this the ____ day of _____, 2015.

Jon Law, Mayor

ATTEST:

Scott Collins, City Administrator

Motion was made by Michael Whisenant, seconded by Gwen Shelton, to approve Resolution No. R-15-14. 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-15-15:

Resolution No. R-15-15, a resolution entitled, "A Resolution Adopting a Deferred Compensation Plan 401 (k)," was considered. Said Resolution is as follows:

RESOLUTION R-15-15

WHEREAS, the City of Fayetteville, Tennessee (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a 401(a) or 401(k) defined contribution plan, funded by employee deferrals and, if elected pursuant to Section N, Q, or HH of the Participating Employer Agreement, employer contributions;

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 401(a)/401(k) defined contribution plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair");

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has reviewed the State of Tennessee Deferred Compensation Plan II Adoption Agreement for a Section 401(k) Cash or Deferred Arrangement for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective January 1, 2010, as amended December 21, 2010, and as amended by Amendment Number Two dated January 4, 2012, as well as the Section 401(k) Cash or Deferred Arrangement for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document");

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XX of the Plan Document;

WHEREAS, the Employer is concurrently executing a Participating Employer Agreement for the Plan; and

WHEREAS, the Board of Mayor and Alderman ("Governing Authority") of the Employer is authorized by law to adopt this resolution approving the Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE, the Governing Authority of the Employer hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Participating Employer Agreement.
2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no responsibility for, other employee benefit plans maintained by the Employer.

3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are members of the Tennessee Consolidated Retirement System ("TCRS") or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer, unless such employees are members of TCRS' local government hybrid plan established under Tennessee Code Annotated, Section 8-35-256 or TCRS' State hybrid plan established under Tennessee Code Annotated, Title 8, Chapter 36, Part 9. If such employees participate in either of those hybrid plans, the total combined amount of employer contributions to the Plan and to any one or more additional defined contribution plans may not exceed seven percent (7%) of the respective employees' salary. In no instance shall the total combined employer contributions to all defined contributions plans on behalf of a single employee exceed the maximum allowed under the Internal Revenue Code ("Code"), and shall conform to all applicable laws, rules and regulations of the Internal Revenue Service ("IRS") governing profit sharing and/or salary reduction plans for governmental employees.
4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section N, Q, or HH of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Code, Tennessee law, or other applicable law and is approved by the Chair.
5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.
6. The Chair will maintain, or will have maintained a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.
7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.
8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.

9. Subject to the provisions of Section 20.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:
 - a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.
 - b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.
 - c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii) provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.

- d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.
 - e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.
10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.
11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan and subject to the vesting provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and

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contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract, wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.
13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.
14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.
15. This resolution and the Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.
16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on DEC. 8TH, 2015 in accordance with applicable law.

By:

Signature

Printed Name

Title

Attest:

Date:

[Governing Authority must assure that applicable law is followed in the adoption and execution of this resolution.]

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Motion was made by Anna Catherine Cowley, seconded by Dorothy Small, to approve Resolution No. R-15-15. 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-15-16:

Resolution No. R-15-16, a resolution entitled, “A Resolution Adopting a Deferred Compensation Plan 457,” was considered. Said Resolution is as follows:

RESOLUTION R-15-16

City of Fayetteville

WHEREAS, _____, Tennessee (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a governmental 457(b) deferred compensation plan, funded by employee deferrals and, if elected pursuant to Section I and/or K of the Participating Employer Agreement, employer contributions;

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 457(b) deferred compensation plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair");

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has reviewed the Tennessee State Employees Deferred Compensation Plan and Trust Adoption Agreement for a Section 457(b) Eligible Deferred Compensation Plan for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective December 22, 2010, and as amended by Amendment Number One signed December 22, 2010, and Amendment Number Two signed February 8, 2012, as well as the Section 457(b) Eligible Deferred Compensation Plan for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document");

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XVII of the Plan Document;

WHEREAS, the Employer is concurrently executing a Participating Employer Agreement for the Plan; and

WHEREAS, the **Board of Mayor and Alderman** ("Governing Authority") of the Employer is authorized by law to adopt this resolution approving the Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE, the Governing Authority of the Employer hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Participating Employer Agreement.

2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no responsibility for, other employee benefit plans maintained by the Employer.

3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are members of the Tennessee Consolidated Retirement System ("TCRS") or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer, unless such employees are members of TCRS' local government hybrid plan established under Tennessee Code Annotated, Section 8-35-256 or TCRS' State hybrid plan established under Tennessee Code Annotated, Title 8, Chapter 36, Part 9. If such employees participate in either of the hybrid plans, the total combined amount of employer contributions to the Plan and to any one or more additional defined contribution plans may not exceed seven percent (7%) of the respective employee's salary. In no instance shall the total combined employer contributions to all defined contribution plans on behalf of a single employee exceed the maximum allowed under the Internal Revenue Code ("Code"), and shall conform to all applicable laws, rules and regulations of the Internal Revenue Service ("IRS") governing profit sharing and/or salary reduction plans for governmental employees.

4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is

4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section I and/or K of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Code, Tennessee law, or other applicable law and is approved by the Chair.
5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.
6. The Chair will maintain, or will have maintained, a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.
7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.

8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.
9. Subject to the provisions of Section 17.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:
 - a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.
 - b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.
 - c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii) provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.
 - d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.
 - e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.
10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.
11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its employees

participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

- 12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract, wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.
- 13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.
- 14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.
- 15. This resolution and the Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.
- 16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on DECEMBER 8, 2015, in accordance with applicable law.

By: Jonathan D. Law
Signature
JONATHAN D. LAW
Printed Name
Mayor
Title

Attest: [Signature]
Date: 12/8/15

[Governing Authority must assure that applicable law is followed in the adoption and execution of this resolution.]

Motion was made by Danny Bryant, seconded by Anna Catherine Cowley, to approve Resolution No. R-15-16. 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 motion approved.

Ordinance 2015-09:

Ordinance No. 2015-09, an ordinance entitled, “An Ordinance Amending the Annual Budget and Capital Program of the City of Fayetteville, Tennessee, for Fiscal Year 2016,” was considered. Said Ordinance is as follows:

ORDINANCE NO. 2015– 09

AN ORDINANCE AMENDING THE ANNUAL BUDGET AND CAPITAL PROGRAM OF THE CITY OF FAYETTEVILLE, TENNESSEE, FOR FISCAL YEAR 2016,

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 2016 in Ordinance No. 2015– 04.

City Court	\$ 1,826
Information Technology	\$ 2,551
Purchasing	\$ 955
Police	\$ 10,000
Planning	\$ 5,337
Fire	\$ 10,000
Garage	\$ 9,757
Recreation	\$ 10,000
Transfer to Capital Projects	\$ 107,761

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.

12/8/15
Date


Jonathan D. Law, Mayor


Gregory Scott Collins, City Clerk

Motion was made by Danny Bryant, seconded by Michael Whisenant, to adopt Ordinance No. 2015-09. 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.

Write Off Delinquent Property Taxes Tax Years 2004-2001 - \$642.51:

Motion was made by Danny Bryant, seconded by Violet Harry, to write off delinquent taxes for the years 2004-2011 in the amount of \$642.17. 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.

Ordinance 2015-10:

Ordinance No. 2015-10, an ordinance entitled, “An Ordinance of the City of Fayetteville, Tennessee Amending the Fayetteville Municipal Code Title I, Chapter 1, Section 8-106 Entitled Residency Requirement,” was considered. Said Ordinance is as follows:

ORDINANCE NO. 2015-10

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE
AMENDING THE FAYETTEVILLE MUNICIPAL CODE TITLE 8,
CHAPTER 1, SECTION 8-106 ENTITLED RESIDENCY REQUIREMENT.**

WHEREAS, Tennessee Code Annotated § 57-3-208(c) authorizes municipalities to impose “reasonable residency requirements” for anyone seeking a certification of compliance in connection with applying for a state liquor license; and

WHEREAS, the Code of the City of Fayetteville contains a provision codified in Section 8-106 that requires an applicant for certification to become the operator of a liquor retail store in the City of Fayetteville to be a bona fide resident of Lincoln County not less than one (1) year at the time the application is filed unless the applicant has otherwise been continuously licensed for a period of seven (7) consecutive years; and

WHEREAS, a question has been raised about the constitutionality of the state law

continuously licensed for a period of seven (7) consecutive years; and

WHEREAS, a question has been raised about the constitutionality of the state law permitting residency requirements in light of a Tennessee Attorney General's Opinion concluding that residence requirements imposed by other state statutes for liquor retailers are unenforceable; and

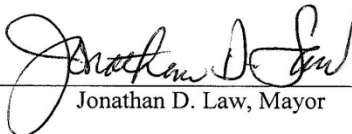
WHEREAS, continuing to enforce the City Code residency requirement arguably results in discrimination under the federal Commerce Clause of the United States Constitution and could subject the City to potential liability; and

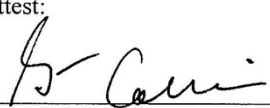
WHEREAS, repeal of Code Section 8-106 is in the best interest of the citizens of the City of Fayetteville.

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 8-106.

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

Adopted this 8th day of December, 2015.


Jonathan D. Law, Mayor

Attest:

Scott Collins, City Clerk

Motion was made Danny Bryant, seconded by Gwen Shelton, to adopt Ordinance No. 2015-10. Upon roll call, the following voted:

Aye

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

Nay

Anna Catherine Cowley

Mayor Law declared the motion approved.

TML Property Conservation Matching Grant – up to \$4,000:

Motion was made by Gwen Shelton, seconded by Dorothy Small, to apply for said grant. 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-15-17:

Resolution No. R-15-17, a resolution entitled, “A Resolution Opposing Local Government Consolidation for the Formation of a Metropolitan Government in the City of Fayetteville and Lincoln County,” was considered. Said Resolution is as follows:

RESOLUTION NO. R-15-17

**A RESOLUTION OPPOSING LOCAL GOVERNMENT CONSOLIDATION
FOR THE FORMATION OF A METROPOLITAN GOVERNMENT IN THE
CITY OF FAYETTEVILLE AND LINCOLN COUNTY, TENNESSEE.**

WHEREAS, the Lincoln County Commission has created an ad hoc committee to explore the potential for local government consolidation to form a metropolitan form of government in Lincoln County which would include the City of Fayetteville; and



WHEREAS, the position of the Board of Mayor and Aldermen is an appropriate factor for consideration by the ad hoc exploratory committee in reaching its recommendation as to whether local government consolidation should be pursued.

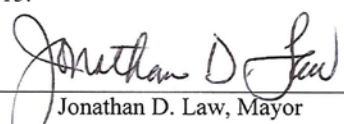
**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT
RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF
FAYETTEVILLE, TENNESSEE, THAT:**

The Board of Mayor and Aldermen of the City of Fayetteville opposes the consolidation of the

The Board of Mayor and Aldermen of the City of Fayetteville opposes the consolidation of the City of Fayetteville and Lincoln County to form a metropolitan government as the Board believes that the creation of a metropolitan form of government is not in the best interest of the citizens of the City of Fayetteville or the citizens of Lincoln County. Therefore, the Board of Mayor and Aldermen recommends to the Lincoln County Commission ad hoc committee that a decision be reached not to pursue formation of a metropolitan government in Lincoln County and the City of Fayetteville.

Approved and adopted this the 8th day of December, 2015.

ATTEST:


Scott Collins, City Clerk


Jonathan D. Law, Mayor

Motion was made by Gwen Shelton, seconded by Michael Whisenant, to approve Resolution No. R-15-17. Upon roll call, the following voted:

Aye

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

Nay

Anna Catherine Cowley

Mayor Law declared the motion approved.

Appointment to Board of Zoning and Appeals – Pat Haynes:

Motion was made by Michael Whisenant, seconded by Dorothy Small, to appoint Pat Haynes to the Board of Zoning and Appeals. 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 motion approved.

Appointment to Fayetteville Housing Authority Board – Dr. William Hancox:

Motion was made by Dorothy Small, seconded by Danny Bryant, to appoint Dr. William Hancox to the Fayetteville Housing Authority 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.

Mayor

City Clerk