

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FEBRUARY 9, 2016

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 February 9, 2016. 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 led by Danny Bryant, and the pledge was led by Jon Law.

Adoption of Agenda:

The agenda for February 9, 2016 was approved as written upon the motion of Anna Catherine Cowley, seconded by Violet Harry.

Aye:

Danny Bryant, Dorothy Small, Violet Harry and Anna Catherine Cowley

Nay:

Michael Whisenant and Gwen Shelton

Mayor Law declared the motion approved.

Approval of Minutes:

The minutes of January 12, 2016 were read and accepted as distributed.

Reports:

Fayetteville Main Street:

Carol Foster, Main Street Director, reported that Main Street was received the \$100,000.00 Façade Grant to help downtown business owners made repairs to their building facades. The First Quarter Main Street Meeting was conducted in Nashville and had a great turnout. The teen board had a city government day at the Municipal Building and spoke with the city officials. Upcoming activities include the 5th Annual Table Themes at the Museum on March 11th, the 2nd Annual Slawburger Festival on April 16th, the 2nd Annual Cruzin' on October 1st and The Host of Christmas Past on November 11-13th. Main Street encourages everyone to attend and support the community.

Chamber of Commerce:

Carolyn Denton, the Chamber Director, reported that the 19th Annual Sweetheart Pageant was this past Saturday. It will air Wednesday at 8:30 p.m. on Channel 6, and pictures will be in the *Elk Valley Times* in the next few weeks. Breakfast Buzz will be on February 18th at 8:00 a.m. at Pebble Creek Golf Club. This is a time for businesses to get together and discuss issues and goals among themselves. The 28th Annual Legislative Day or Hamburger on the Hill Day is March 2nd and tickets are \$25.00. Don't Be Fooled – Senior Fraud will be April 1st. Music in the Park will be held in June and July. Community Guide is coming out in March. Farm Bureau and State Farm both have new offices opening. The Student Advisory Board toured the Lincoln County Jail, including the new addition, last month. They also participated in the career assessment at Motlow and will start their penny drive in March that will benefit Junior's House. They will be in the local businesses around town so please stop by and drop your change or bills in to help out Junior's House.

Fire Report:

Fire Chief Danny Travis reported that the Fire Department had sixty-one (61) calls for service, within those calls were thirty-eight (38) medical calls, four (4) motor vehicle accidents with injury, two (2) extractions, one of those being a mutual aid call to our county department. The volunteers logged one hundred eighteen (118) hours.

Police Report:

Police Chief Richard Howell reported that there were seventy (70) arrests, thirty-five (35) traffic accidents, and fifty-two (52) citations, for a total of one thousand four hundred forty-five (1,445) events. Detectives have five hundred fifty-one (551) cases on hand, eight (8) new cases opened and thirteen (13) closed.

Recreation Report:

Ricky Honey, Recreation Director, reported that baseball and softball sign-ups are continuing through February, and soccer sign-ups are being conducted online. Work is being performed on the ball fields to get them ready for ball season. More trout has been added to the channel at Stone Bridge Park so trout fishing is still going on. The Dog Park is 99% complete, and plans are being made for the opening. The fireworks show will be Saturday, July 2 at the Don Davidson Complex. More information will be available closer to time. All of the schools are encouraged to bring their history classes out to see the Warrior Project.

Public Works:

Eddie Plunkett, Public Works Director, reported that for the month of January there was one hundred thirty-seven (137) tons of brush, five (5) tons of leaves and one hundred ninety-nine (199) tons of trash picked up. Work is continuing to clean and repair the drainage pipe near Sam’s Place.

Planning and Codes Report:

Jeff Siefert, Building Inspector, reported for the month of January there were four (4) building permits issued for approximately thirty-two thousand five hundred seventy-eight dollars (\$32,578.00) in work to be done, with the fees being two hundred sixteen dollars (\$216.00).

Administrator’s Report:

Scott Collins, City Administrator, reported that the meetings are continuing with Camp Blount. The City is waiting on approval of the grant from the State Historical Commission. Once the grant is received, the City will start working with Mudpuppy and Waterdog on the design of Camp Blount. An onsite meeting was held with the Fayetteville City Advisory Committee, and they are very excited about getting started with the community garden and expressed their appreciation to the Board of Mayor and Aldermen for their support and allowing them to use the land. In addition, Collins spoke with several neighbors that are excited about this project. Transportation alternative program is still in the environmental phase and hoping to move forward on that in the next month. Cruzin’ has been set for October 1, 2016.

Call for Public Hearing to Abandon Industrial Boulevard:

Motion was made by Michael Whisenant, seconded by Dorothy Small, to call for a public hearing immediately before the March Board of Mayor and Aldermen Meeting on the potential abandonment of Industrial Boulevard. 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 2016-05:

Ordinance No. 2016-05, 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. 2016-05

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

WHEREAS, the City of Fayetteville adopted the fiscal year 2015 – 2016 budget by passage of Ordinance 2015-04; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended pursuant to appropriations made by law; and

WHEREAS, , pursuant to the Municipal Budget Law of 1982, as found in the *Tennessee Code Annotated* section 6-56-209, the Board of Mayor and Alderman has the authority to authorize the budget officer to transfer moneys from one appropriation to another within the same fund; and

WHEREAS, appropriations for the School yearly appropriation will be greater than anticipated; and

WHEREAS, appropriations for the School yearly appropriation will be greater than anticipated; 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 amount be added to the budgeted amounts set forth for fiscal year 2016 in Ordinance No. 2015 – 04.

<u>General Fund Expense</u>	<u>Increase</u>	<u>Decrease</u>
Eduation	\$ 15,451	
<u>Fund Balance – General Fund</u>		\$ 15,451

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.

2/9/16
Date


Jonathan Law, Mayor


Gregory Scott Collins, City Clerk

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve Ordinance 2016-05. Upon roll call, the following voted:

Aye:

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

Nay:

Anna Catherine Cowley

Mayor Law declared the motion approved.

Resolution R-16-01:

Resolution No. R-16-01, a resolution entitled, “A Resolution Authorizing the City of Fayetteville to Participate in the TML Risk Management Pool “Safety Partners” Loss Control Matching Grant Program,” was considered. Said Resolution is as follows:

**CITY OF FAYETTEVILLE
RESOLUTION NO. R-16-01**

A RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL “SAFETY PARTNERS” LOSS CONTROL MATCHING GRANT PROGRAM.

WHEREAS, the safety and well being of the employees of the City of Fayetteville are of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Fayetteville employees; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a “Safety Partners” Loss Control Matching Safety Grant Program; and

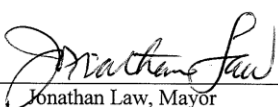
WHEREAS, the City of Fayetteville is now seeking to participate in this important program.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMAN OF FAYETTEVILLE, TENNESSEE:

SECTION 1. The City of Fayetteville is hereby authorized to submit application for the “Safety Partners” Loss Control Matching Safety Grant Program through the TML Risk Management Pool.

SECTION 2. The City of Fayetteville is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Approved and adopted this the 9th day of February, 2016.


Jonathan Law, Mayor

ATTEST

Scott Collins, City Clerk

Motion was made by Dorothy Small, seconded by Danny Bryant, to approve Resolution No. R-16-01. 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.

Resolution R-16-02:

Resolution No. R-16-02, a resolution entitled, "A Resolution Authorizing Payment in Lieu of Tax with TMD, Tennessee, LLC," was considered. Said Resolution is as follows:

RESOLUTION R-16-02

RESOLUTION AUTHORIZING PAYMENT IN LIEU OF TAX WITH TMD, TENNESSEE, LLC.

WHEREAS, pursuant to Tennessee Code Annotated Sec 7-53-305, The Industrial Development Board of Lincoln County and City of Fayetteville ("IDB") is performing a public function on behalf of the City of Fayetteville with respect to which the IDB is organized and is a public instrumentality of the City of Fayetteville; and accordingly the IDB and all properties at any time owned by it, and the income and revenues from the properties, are exempt from taxation in the State of Tennessee;

WHEREAS, such payments in lieu of taxes are in furtherance of the corporation's public purposes as defined this section; and

WHEREAS, the IDB is required under this section to submit any such payment in lieu of tax agreement to the City of Fayetteville Legislative Body for its approval; and

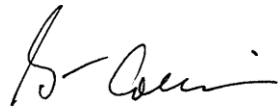
WHEREAS, TMD Tennessee, LLC has agreed to considerable capital expenditures in the City of Fayetteville at its proposed site, 11 East Park Drive, in the Fayetteville – Lincoln County Industrial Park, provided that it can make payments in lieu of ad valorem taxes.

NOW, THEREFORE, BE IT RESOLVED, THAT by the City of Fayetteville Legislative Body that payments in lieu of taxes substantially in accordance with the outline provisions as set out in Exhibit A hereto be approved subject to the approval and execution by the IDB and TMD Tennessee, LLC of a formal Payments in Lieu of Taxes Agreement and such other necessary agreements all with terms acceptable to Lincoln County and the City of Fayetteville; and any required approval of the same by the Tennessee Comptroller of the Treasury or other state agency.

This the 9th day of February, 2016.


Jonathan Law, Mayor

Attest:


Gregory Scott Collins, City Clerk

Motion was made by Danny Bryant, seconded by Violet Harry, to approve Resolution No. R-16-02. Upon roll call, the following voted:

Aye:

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

Nay:

None

Abstain:

Dorothy Small

Mayor Law declared the motion approved.

FPU Bond:

A full and thorough discussion was held concerning the FPU Bond. Motion was made by Michael Whisenant, seconded by Gwen Shelton to approve this bond issued. 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.

Purchase Shawnee Drive Property - \$20,000:

Motion was made by Gwen Shelton, seconded by Violet Harry, to approve the purchase of the Shawnee Drive Property for \$20,000. After discussion, an amendment was made by Danny Bryant, seconded by Violet Harry, to include the amount of closing costs, if any, above the \$20,000. Upon roll call, the following voted on the amendment:

Aye:

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

Nay:

None

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

Aye:

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

Nay:

None

Mayor Law declared the motion approved.

Budget Calendar:

Motion was made by Danny Bryant, seconded by Dorothy Small, to accept the budget calendar for FY17. Upon rollcall, 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.

City Administrator to Attend Tennessee City Managers Association Conference – April 13-15:

Motion was made by Gwen Shelton, seconded by Michael Whisenant, to allow the City Administrator to attend the extra half day for the conference. 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.

Liquor Licenses – Vimarsh Patel at 1604 Huntsville Highway:

Motion was made by Dorothy Small, seconded by Violet Harry, to approve the liquor license (Certificate of Compliance). 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.

Request for Community Forum – Fayetteville High School Students:

Drew Bradford, Fayetteville High School Student Body President, made a presentation regarding the Fayetteville City Schools and requested a community forum with the Board of Mayor and Aldermen. Motion was made by Michael Whisenant, seconded by Dorothy Small, to meet on Thursday, March 3, 2016, at a to-be-determined place, for a community forum with the Board of Mayor and Aldermen and the City School System. Upon roll call, the following voted:

Aye:

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

Nay:

None

Board Comments Regarding Fayetteville High School:

Mayor Law addressed those in attendance on issues pertaining to the Fayetteville City Schools and comments made at a recent School Board meeting. Each of the aldermen made additional comments about these subjects. No formal action was taken.

Mayor

City Clerk