

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
NOVEMBER 9, 2021

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in an open, public session at the regular meeting place of said Board in the Municipal Building of said City at 5:00 p.m. on November 9, 2021. Mayor Michael Whisenant was present and presiding. The following named Aldermen were present:

Jeff Alder, Tonya Allen, Danny Bryant, Donna Hartman, Roger Martinez and Dorothy Small

Richard Howell, Interim City Administrator and Johnny D. Hill, Jr., City Attorney were also present.

The prayer was led by Dorothy Small, and the pledge was led by Mayor Whisenant.

**Adoption of Agenda:**

The agenda for November 9, 2021 will stand.

**Approval of Minutes:**

The Regular Meeting Minutes of October 12, 2021 were approved as presented.

The Public Meeting Minutes – Downtown Sidewalk Project of October 28, 2021 were approved as presented.

**Oath of Office:**

Davy Bergman was sworn in as Assistant Chief of the Fayetteville Fire Department.

Will Manning, Alex Mitchell and Brad Wilson were sworn in as Firefighters of the Fayetteville Fire Department.

**Reports:**

**Fayetteville Main Street:**

Jason Nix, President of Fayetteville Main Street, reported that the First Friday events held from March through September 2021 went very well. Shirts are still available from the 2021 Slawburger Festival, and the next Slawburger event is scheduled for April 2022. The Spirits of the Spirit was a sold out event that was held on October 21<sup>st</sup>. The next scheduled event is the Host of Christmas Past where Main Street is hosting the “Lighting of the Tree” ceremony on Friday evening. Plans are underway for the masquerade ball with a “Roaring 20’s” theme to be held in January 2022 at the museum.

**Fayetteville/Lincoln County Chamber of Commerce:**

Carolyn Denton, Fayetteville/Lincoln County Chamber of Commerce Director, stated that October began a new Chamber year. In the previous year, the Chamber celebrated with thirty-two (32) new or expanding businesses in our community. Ms. Denton thanked the outgoing board members and extended a welcome to incoming board members Vince Beyer of Fynyty Media, Aaron Milz of Edward Jones and Adam Bagley of Bagley and Bagley Insurance. The Chamber membership voted on and selected the following: Buckley Farms for Business of the Year; Junior’s House Child Advocacy Center for Non-Profit of the Year; and Sheriff Murray Blackwelder as Individual of the Year. The Host of Christmas Past festival will be held next weekend. Everyone is encouraged to pick up a brochure that outlines the events of the Host weekend.

**Fire Report:**

Davy Bergman, Assistant Fire Chief, reported that the Fayetteville Fire Department had one hundred eight (108) calls for service for the month of October 2021 to include ninety (90) assists to EMS, five (5) motor vehicle accidents, and two (2) hazardous materials calls.

**Police Report:**

Commander Jesse Casias stated that the Fayetteville Police Department reported one hundred twenty-four (124) incidents, made seventy-two (72) arrests, issued forty-eight (48) citations, and had a total reportable police activity count of one thousand, five hundred ninety-six (1,596) during the month of October 2021. Also for October, there are seven hundred twenty-three (723) current criminal investigation cases on hand, nine (9) new cases were opened and seventy (70) cases closed, as well as one (1) grand jury presentment.

**Finance Report:**

Stacy Rozell, Finance Director, reported that Local Option Sales Tax was received in the amount of two hundred fifty-six thousand, seven hundred eighty-two dollars and eighteen cents (\$256,782.18) in the month of October 2021. The Local Option Sales Tax received year to date is seven hundred ninety-seven thousand, four hundred sixty-one dollars and ninety-seven cents (\$797,461.97). The FY21 audit is still in progress. We continue to accept property tax payments, and payment for the 2021 taxes can be paid without penalty through February 2022.

**Recreation Report:**

Brian Carter, Parks and Recreation Director, reported that the department has completed the installation of the holiday wreaths with bows around downtown and the lights at Stone Bridge Park. Maintenance projects continue around the Recreation Center. Plans are underway for the annual Christmas parade that will begin at 5:00 p.m. on Saturday, December 4<sup>th</sup>. We continue to accept applications for the Bright Lights and Festive Nights Christmas trees for Stone Bridge Park.

**Public Works Report:**

Eddie Plunkett, Public Works Director, reported that two hundred fifty-nine (259) tons of trash, twenty-one (21) tons of leaves and one hundred forty-six (146) tons of brush were collected in the month of October 2021. Garbage will not be picked up on Thursday, November 25<sup>th</sup> which is Thanksgiving Day. Garbage normally picked up this day will be picked up on Friday, November 26<sup>th</sup>.

**Planning and Codes Report:**

Kristi Gentry, Planning and Codes Director, reported that seven (7) permits were issued and three hundred sixty-seven dollars (\$367.00) in permit fees were collected for the month of October 2021. The total project valuation was sixty thousand, three hundred seventy-two dollars (\$60,372.00). Building Inspector Jack Williams has passed the residential inspection certification. There were thirty-one (31) new property violations logged during the month including one (1) court case that has had a successful outcome. Two (2) minor plats were approved in the October Planning Commission meeting, and the Commission is in the preliminary stages of reviewing the City's Sign Ordinance.

**Administrator's Report:**

Richard Howell, Interim City Administrator welcomed Brian Carter as the new Parks and Recreation Director. The City of Fayetteville offices will be closed on November 25-26, 2021 for the Thanksgiving holidays.

**Paving Bid Results (\$119,500 from Bond Fund):**

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve the street paving bid results by Lincoln Paving in the amount of one hundred nineteen thousand, five hundred dollars (\$119,500) to be paid from the bond fund. Areas to be paved are Adams Street where bridge work was recently completed, the City parking lot near Cahoots Restaurant, and the City parking lot on Lynn Drive across from Stone Bridge Park. Upon roll call, the following voted:

Aye:

Danny Bryant, Tonya Allen, Dorothy Small, Jeff Alder, Donna Hartman and Roger Martinez

Nay:

None

Mayor Whisenant declared the motion approved.

Norris Street Drainage Basin Project - Precast Structure Approval Requested:

Motion was made by Dorothy Small, seconded by Danny Bryant, to accept and approve that SJ&L General Contractor, LLC will not hold Croy Engineering or the City of Fayetteville accountable for any conflicts with pre-cast structures due to conflicts in the field or changes to the plans on the Norris Street Drainage project. SJ&L has provided written documentation that if there is a conflict, SJ&L will pour a drainage box in place at no additional cost to the City of Fayetteville. Upon roll call, the following voted:

Aye:

Tonya Allen, Dorothy Small, Jeff Alder, Donna Hartman, Roger Martinez, and Danny Bryant

Nay:

None

Mayor Whisenant declared the motion approved.

Call for Public Hearing – Zoning Ordinance Amendment to Allow Self-Service Storage Units in I-1 District as a Special Exception:

Motion was made by Jeff Alder, seconded by Tonya Allen, to call for a public hearing on the zoning ordinance amendment to allow self-storage units in I-1 district as a special exception. Upon roll call, the following voted:

Aye:

Dorothy Small, Jeff Alder, Donna Hartman, Roger Martinez, Danny Bryant, and Tonya Allen

Nay:

None

Mayor Whisenant declared the motion approved.

Call for Public Hearing - Rezone 516 Adams St. from C-3 to R-3:

Motion was made by Donna Hartman, seconded by Jeff Alder, to call for a public hearing on the rezoning of 516 Adams St. from C-3 to R-3. Upon roll call, the following voted:

Aye:

Jeff Alder, Donna Hartman, Roger Martinez, Danny Bryant, Tonya Allen, and Dorothy Small

Nay:

None

Mayor Whisenant declared the motion approved.

Request for funding for ADT upgrade – Animal Control (\$1,912.50 is the total amount):

Motion was made by Danny Bryant, seconded by Dorothy Small, to approve the ADT upgrade from analog to digital contingent upon the county paying one half of the total amount of one thousand, nine hundred twelve dollars and fifty cents (1/2 of \$1,912.50). Upon roll call, the following voted:

Aye:

Donna Hartman, Roger Martinez, Danny Bryant, Tonya Allen, Dorothy Small, and Jeff Alder

Nay:

None

Mayor Whisenant declared the motion approved.

Ordinance #2021-14 Policy and Procedures for Open Records Requests:

Ordinance #2021-14, an ordinance titled "An Ordinance to Establish a Policy and Procedures for the Inspection and Duplication of Public Records" was presented. Said ordinance is as follows:

Motion was made by Dorothy Small, seconded by Roger Martinez, to approve Ordinance #2021-14 as presented. Upon roll call, the following voted:

Aye:

Roger Martinez, Danny Bryant, Tonya Allen, Dorothy Small, Jeff Alder and Donna Hartman

Nay:

None

Mayor Whisenant declared the motion approved.

Recommendation to Hire Outside Counsel on Legal Issues:

Motion was made by Tonya Allen, seconded by Jeff Alder, to hire outside counsel as recommended by City Attorney John Hill due to him having a conflict of interest concerning a situation that has come about. Recommendation was also made by City Attorney John Hill to hire outside counsel Steve Elliott, who has agreed to accept and handle this issue for a reasonable rate of two hundred fifty dollars (\$250.00) per hour. Upon roll call, the following voted:

Aye:

Danny Bryant, Tonya Allen, Dorothy Small, Jeff Alder and Roger Martinez

Nay:

Donna Hartman

Mayor Whisenant declared the motion approved.

FCS Pay Request JBHM Inv. #2 for Gym/Safe Room Project #PDMC-PJ-04-TN-2019-003:

Motion was made by Danny Bryant, seconded by Roger Martinez, to approve the Fayetteville City Schools, City of Fayetteville Safe Room/Gymnasium Project #PDMC-PJ-04-TN-2019-003, FEMA 361 JBHM pay request #2 in the amount of ninety-one thousand, eight hundred sixty dollars (\$91,860.00). Upon roll call, the following voted:

Aye:

Tonya Allen, Dorothy Small, Jeff Alder, Donna Hartman, Roger Martinez and Danny Bryant

Nay:

None

Mayor Whisenant declared the motion approved.

FCS Pay Request Broaddus Inv. #1 for Gym/Safe Room Project #PDMC-PJ-04-TN-2019-003:

Motion was made by Dorothy Small, seconded by Roger Martinez, to approve the Fayetteville City Schools, City of Fayetteville Safe Room/Gymnasium Project #PDMC-PJ-04-TN-2019-003, FEMA 361 Broaddus pay request #1 in the amount of nineteen thousand, three hundred thirty-six dollars (\$19,336.00). Upon roll call, the following voted:

Aye:

Dorothy Small, Jeff Alder, Donna Hartman, Roger Martinez, Danny Bryant and Tonya Allen

Nay:  
None

Mayor Whisenant declared the motion approved.

Croy Engineering Proposal for Camp Blount Pavilion (\$6,000):

Motion was made by Danny Bryant, seconded by Jeff Alder, to approve services by Croy Engineering for the Camp Blount pavilion. Upon roll call, the following voted:

Aye:  
Jeff Alder, Donna Hartman, Roger Martinez, Danny Bryant, Tonya Allen and Dorothy Small

Nay:  
None

Mayor Whisenant declared the motion approved.

Authorize Interim City Administrator to Request Transfer of TDOT Funding:

Motion was made by Danny Bryant, seconded by Tonya Allen, to authorize the Interim City Administrator to request the transfer of TDOT funding from the Greenway Phase 3 project to the Greenway Phase 2 project. Upon roll call, the following voted:

Aye:  
Donna Hartman, Roger Martinez, Danny Bryant, Tonya Allen, Dorothy Small and Jeff Alder

Nay:  
None

Mayor Whisenant declared the motion approved.

Greenway Phase 3 Halt Status Contingent Upon Transfer of TDOT Funding:


Motion was made by Dorothy Small, seconded by Roger Martinez, to halt the Greenway Phase 3 project contingent upon requesting that TDOT allow the transfer of funding from the Greenway Phase 3 project to the Greenway Phase 2 project. Upon roll call, the following voted:

Aye:  
Roger Martinez, Danny Bryant, Tonya Allen, Dorothy Small, Jeff Alder and Donna Hartman

Nay:  
None

Mayor Whisenant declared the motion approved.

There being no more business before the Board, the meeting was adjourned.

  
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Mayor

  
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City Clerk