

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
MAY 8, 2007

REFERENCE VIDEO DATED MAY 8, 2007

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 May 8, 2007. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

Richard Bolles
Carolyn Denton
Dorothy Small
Harold Bradford
Walter Sloan

Absent: Joe Askins

Also present was Kevin Helms, City Administrator, and Steve Broadway, City Attorney.

The prayer was led by Ron Wood, Hope Assembly of God, and the Pledge of Allegiance was led by Ken Barnes and Katy Barnes, members of the Chamber Student Advisory Board.

Motion was made by Harold Bradford seconded by Carolyn Denton to approve the minutes of the April meeting. Upon roll call, the following voted:

<u>AYE</u>	<u>NAY</u>
Richard Bolles	None
Carolyn Denton	
Dorothy Small	
Harold Bradford	
Walter Sloan	

Mayor Shelton declared the minutes approved.

Motion was made by Walter Sloan seconded by Harold Bradford to approve the bills and additional bills for payment. Upon roll call, the following voted:

<u>AYE</u>	<u>NAY</u>
Carolyn Denton	None
Dorothy Small	
Harold Bradford	
Walter Sloan	
Richard Boles	

Mayor Shelton declared the bills and additional bills approved.

The Employee of the Month Award was given to Fire Department employees Jerry Baker, Tony Kimbrough, Steve Spray, and Carlos Hadley. These employees helped apprehend a person who had stolen items at Gerald's Foodland.

The FPU report was given by Britt Dye and the industrial report was given by Nathan Ward.

Ordinance 2007-2 concerning a code of ethics policy, was considered, which is as follows:

ORDINANCE NO. 2007- 2

AN ORDINANCE CREATING A CODE OF ETHICS

**BE IT ORDAINED BY MAYOR AND BOARD OF ALDERMEN OF
FAYETTEVILLE, TENNESSEE:**

SECTION 1. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

SECTION 2. Definition of "personal interest." (1) For purposes of Sections 3 and 4, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), siblings(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

SECTION 3. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

SECTION 4. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

SECTION 5. **Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

SECTION 6. **Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any person or entity.

SECTION 7. **Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gains or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interest of the municipality.

SECTION 8. **Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

SECTION 9. **Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

SECTION 10. **Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

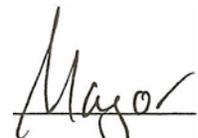
(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule or regulation or a civil service policy, rule or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

SECTION 11. **Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

BE IT FURTHER ORDAINED that this ordinance take effect from and after its passage, the municipal welfare requiring it.

This the 8th day of May, 2007.


Gwen Shelton, Mayor


Mayor

Motion was made by Walter Sloan seconded by Richard Bolles to adopt ordinance 2007-2. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Dorothy Small	None
Harold Bradford	
Walter Sloan	
Richard Bolles	
Carolyn Denton	

Mayor Shelton declared Ordinance 2007-2 adopted.

Motion was made by Richard Bolles seconded by Harold Bradford to appoint the City Administrator to preside over the board meeting on May 24 because of the absence of the Mayor and Vice Mayor. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Harold Bradford	None
Walter Sloan	
Richard Bolles	
Carolyn Denton	
Dorothy Small	

Mayor Shelton declared the motion adopted.

Motion was made by Walter Sloan seconded by Dorothy Small to extend the Metro Charter Committee through November 15. This would allow the vote to be held in February at the same election as the primary. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Walter Sloan	None
Richard Bolles	
Carolyn Denton	
Dorothy Small	
Harold Bradford	

Mayor Shelton declared the motion adopted.

Motion was made by Harold Bradford seconded by Carolyn Denton to replace 5 light poles at the pee wee ball field with steel poles at a cost of \$16,610, which includes labor. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Carolyn Denton	Richard Bolles
Dorothy Small	Walter Sloan

Harold Bradford
Mayor Gwen Shelton

Mayor Shelton declared the motion adopted.

Motion was made by Walter Sloan seconded by Dorothy Small to defer action on the traffic speed bumps at Frito Lay until more information is received. Upon roll call, the following voted:

Aye
Dorothy Small
Harold Bradford
Walter Sloan
Richard Bolles
Carolyn Denton

Nay
None

Mayor Shelton declared the motion adopted.

Motion was made by Richard Bolles seconded by Walter Sloan to call a public hearing for June 19, as recommended by the Planning Commission, on annexation of the Riverbend and Eldad Road areas. Upon roll call, the following voted:

Aye
Walter Sloan
Richard Bolles
Carolyn Denton
Dorothy Small

Nay
Harold Bradford

Motion was made by Walter Sloan seconded by Richard Bolles to call a public hearing for June 19, as recommended by the Planning Commission, on annexation on an area on and near the Mimosa Road. Upon roll call, the following voted:

Aye
Harold Bradford
Walter Sloan
Richard Bolles
Carolyn Denton
Dorothy Small

Nay
None

Mayor Shelton declared the motions for public hearings adopted.

Appointments scheduled for June are appointments to the Historical Zoning Commission, FPU Board, and Library Board.

The cost estimate for the Norris Street project has increased to 1.3 million for construction. Motion was made by Richard Bolles seconded by Carolyn Denton to go ahead with the project with two years STF funds loaned to the City by the State of Tennessee. If we do not receive the STF funds, the City will be responsible for the amount loaned. Upon roll call, the following voted:

Aye
Walter Sloan
Richard Bolles
Carolyn Denton
Dorothy Small
Harold Bradford

Nay
None

Mayor Shelton declared the motion adopted.

Motion was made by Walter Sloan seconded by Dorothy Small to pave a few hundred foot section of the Chenault Ford Road at the city limit. Lincoln County is paving the county portion which leaves only a small portion. The cost of this paving is \$4100. Upon roll call, the following voted:

Aye
Richard Bolles
Carolyn Denton
Dorothy Small
Harold Bradford
Walter Sloan

Nay
None

Mayor Shelton declared the motion adopted.

The community is invited to the open house at the Police and Fire Complex on Monday, May 14, 2007.

Two recent events held in Fayetteville were Dirt, Sweat and Gears bike ride and the Relay For Life.

After department reports were completed, motion was made, seconded, and unanimously adopted to adjourn until May 24, 2007 at 5 p.m.

Mayor

Clerk

ADJOURNED MEETING BOARD OF
MAYOR AND ALDERMEN MAY 24, 2007

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public adjourned session at the regular meeting place at the Municipal Building in said city at 5:00 p.m. on May 24, 2007, having adjourned from May 8, 2007, to this date. Mayor Gwen Shelton was absent, and City Administrator Kevin Helms presided in her absence. The following named aldermen were present:

Richard Bolles
Carolyn Denton
Dorothy Small
Harold Bradford
Walter Sloan

Absent: Joe Askins

Also present was Steve Broadway, City Attorney.

Motion was made by Harold Bradford seconded by Walter Sloan to approve a Certificate of Compliance for Janice and Clint Caldwell to operate the Liquor Locker at 1604 Huntsville Highway. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Richard Bolles	None
Carolyn Denton	
Dorothy Small	
Harold Bradford	
Walter Sloan	

Mr. Helms declared the motion adopted.

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

Mayor

Clerk