

REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
APRIL 14, 2009

REFERENCE VIDEO DATED APRIL 14, 2009

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 April 14, 2009. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

Joe Askins
Danny Bryant
Dorothy Small
Pat Fraley
Marty Stewart
Marty Pepper

Also present was James S. Hereford, Jr. City Attorney, and James Lee, City Administrator.

Mayor Shelton welcomed James Lee as the new City Administrator.

The prayer and pledge were led by Tommy Ward, First United Methodist Church.

Motion was made by Pat Fraley seconded by Marty Pepper to approve the minutes of the March 2009 meeting. Upon roll call, the following voted:

AYE
Joe Askins
Danny Bryant
Dorothy Small
Pat Fraley
Michael Stewart
Marty Pepper

NAY
None

Mayor Shelton declared the minutes approved.

Motion was made by Danny Bryant seconded by Dorothy Small to approve the bills and additional bills for payment. Upon roll call, the following voted:

AYE
Danny Bryant
Dorothy Small
Pat Fraley
Michael Stewart
Marty Pepper
Joe Askins

NAY
None

Mayor Shelton declared the bills and additional bills approved

Michael Whisenant, chairman of the Charter Advisory Committee, stated the Committee is closer to presenting a formalized draft of their recommendations. The third draft should be available by the first of next week.

Sharon Dunkin, spokesperson for the Southern Alliance for Animal Welfare, requested the City to consider changes to its ordinance regarding cats. She asked that the City also consider the trap – neuter – return policy.

Billy Joe Evans, Fayetteville City Schools, discussed a transfer of \$250,000 from reserve to operating funds, as follows:

This document is available for review at the City Administration Office
at the Municipal Building

Motion was made by Dorothy Small seconded by Danny Bryant to approve this transfer of funds. Upon roll call, the following voted:

Aye

Dorothy Small
Pat Fraley
Michael Stewart
Marty Pepper
Joe Askins
Danny Bryant

Nay

None

Mayor Shelton declared the motion adopted.

Joe Askins gave the standing report on the utilities. He commented on the FPU worker who passed away. He advised of a rate decrease in the Gas Department, and the meeting could be viewed live at www-fpu-tn.com.

Dorothy Small's discussion on the school system included a bid opening on a new science lab, agreement reached with the Fayetteville Education Association, T-cap testing in process, pre-K applications scheduled, and Tiger Tracks scheduled for May 15.

A report on police activities was given by Danny Bryant, fire activities were given by Marty Pepper, and Michael Stewart reported on recreation activities with the skate board park to open on the following Friday. Pat Fraley reported that a new car wash is planned on the Huntsville Highway between Walmart and O'Reilly. City Administrator James H. Lee has been meeting with merchants on the square and meeting City employees.

Mayor Shelton discussed determining priorities in City planning, and she expressed sympathy to City employee Tanya Holt in the death of her father.

City Attorney James S. Hereford, Jr. discussed the correction of a Planning Commission meeting date.

Under old business, a qualified, conditional offer of \$350,000 has been made for the forty acres under consideration for a recreation center.

Ordinance 2009-01, concerning the alley between 2nd and 3rd Avenues was considered as follows:

ORDINANCE NO. 2009- 1

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE, DESIGNATING THE ALLEY BETWEEN 2ND AND 3RD AVENUE AS ONE-WAY FROM SOUTH TO NORTH AND ESTABLISHING A SPEED LIMIT ON SAID ALLEY TO TEN (10) MILES PER HOUR.

WHEREAS, the Board of Mayor and Alderman of the City of Fayetteville is interested in providing for safe traffic flow within the City, and

WHEREAS, it appears that the alley between 2nd and 3rd Avenues with West Washington Street to the south and Swanson Boulevard to the north is presently unsafe in that the roadway is insufficient to accommodate traffic from both directions, and

WHEREAS, Section 15-104 of the Municipal Code of the City of Fayetteville addresses one-way streets, and

WHEREAS, Section 15-301 of the Municipal Code of the City of Fayetteville states that a speed limit of thirty (30) miles per hour will apply in the City unless otherwise designated, and

WHEREAS, said alley is unsafe when vehicles travel at thirty (30) miles per hour;

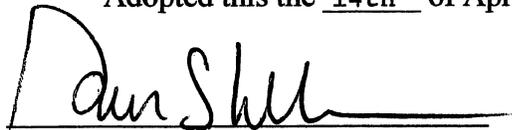
NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee:

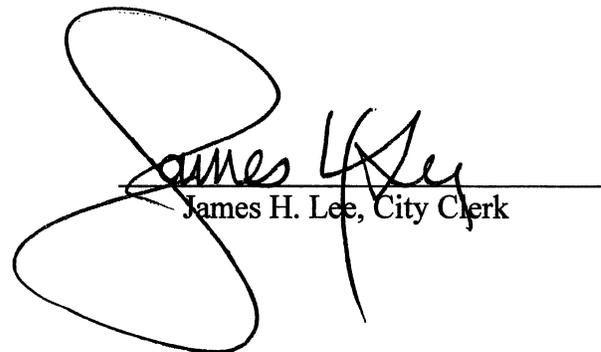
Section 1. The alley between 2nd and 3rd Avenues bound by West Washington Street to the south and Swanson Boulevard to the north shall be posted with signs indicating that the authorized direction of travel is from south to north.

Section 2. There is established a maximum speed limit of ten (10) miles per hour on said alley. Said alley shall be posted with speed limit signs accordingly.

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

Adopted this the 14th of April, 2009.


Gwen Shelton, Mayor


James H. Lee, City Clerk

Motion was made by Joe Askins seconded by Pat Fraley to adopt 2009-1. Upon roll call, the following voted:

Aye

Pat Fraley

Michael Stewart

Marty Pepper

Joe Askins

Danny Bryant

Dorothy Small

Nay

None

Mayor Shelton declared ordinance 2009-1 adopted.

Resolution R-09-05, Identity Theft, was considered as follows:

RESOLUTION NO. R-09-05

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY

WHEREAS, the Fair and Accurate Credit Transaction Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules become effective November 1, 2008, and require municipal utilities and other departments to implement an identity theft program and policy, and

WHEREAS, The Board of Mayor and Aldermen of City of Fayetteville has determined that the following policy is in the best interest of the municipality and its citizens.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen of the City of Fayetteville that the following is hereby approved:

IDENTITY THEFT POLICY

SECTION 1: BACKGROUND

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: PURPOSE

The municipality adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the municipality in compliance with state and federal law regarding identity theft protection.

This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

SECTION 4: POLICY

4.A: Sensitive Information Policy

4.A.1: Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

4.A.1.a: Credit Card information, including any of the following:

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

4.A.1.b: Tax identification numbers, including:

1. Social Security number
2. Business information number
3. Employer identification numbers

4.A.1.c: Payroll information, including, among other information:

1. Paychecks
2. Pay Stubs

4.A.1.d: Cafeteria plan check requests and associated paperwork.

4.A.1.e: Medical information for any employee or customer, including but no limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

4.A.1.f: Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone Numbers
4. Maiden Name
5. Customer number

4.A.1.g: Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Tennessee Public Records Act and the municipality's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the municipality cannot resolve a conflict between this policy and the Tennessee Public Records Act, the municipality will contact the Tennessee Office of Open Records.

4.A.2: Hard Copy Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled "*Confidential paper shredding and recycling.*" Municipal records, however, may only be destroyed in accordance with the city's records retention policy.

4.A.3: Electronic Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail.

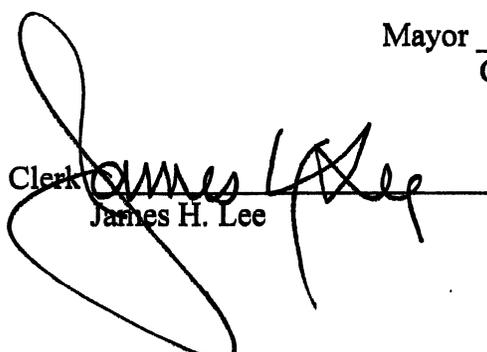
"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

Signed this 14th day of April 2009.

Mayor


Gwen Shelton

City Clerk


James H. Lee

Motion was made by Dorothy Small seconded by Pat Fraley to adopt Resolution R-09-05. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Michael Stewart	None
Marty Pepper	
Joe Askins	
Danny Bryant	
Dorothy Small	
Pat Fraley	

Mayor Shelton declared Resolution R-09-05 adopted.

Motion was made by Danny Bryant seconded by Marty Pepper to approve a National Alliance of Mental Illness parade on April 25, from 1:00 to 3:00 p.m. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Marty Pepper	None
Joe Askins	
Danny Bryant	
Dorothy Small	
Pat Fraley	
Michael Stewart	

Motion was made by Dorothy Small seconded by Marty Pepper to approve using the \$47,000 in the CDBG account for a 75/25% match project to tear down old buildings with the property owner agreeing to rebuild in accordance with the attached agreement (Exhibit A). The area of the City involved is shown on the map attached hereto as Exhibit B. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Joe Askins	None
Danny Bryant	
Dorothy Small	
Pat Fraley	
Michael Stewart	
Marty Pepper	

Mayor Shelton declared the motion adopted.

Motion was made by Dorothy Small seconded by Michael Stewart to table the issue of renewing the contract with the motorcycle club at the Keep Fayetteville Lincoln County Beautiful building. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Danny Bryant	None
Dorothy Small	
Pat Fraley	
Michael Stewart	
Marty Pepper	
Joe Askins	

Mayor Shelton declared the motion adopted.

Motion was made by Joe Askins seconded by Danny Bryant to investigate repair to the roof of the sanitation garage, and bring any bid back to the Board for approval. Upon roll call, the following voted:

Aye

Danny Bryant
Dorothy Small
Pat Fraley
Michael Stewart
Marty Pepper
Joe Askins

Nay

None

Mayor Shelton declared the motion adopted.

There were no comments from citizens, and motion was made, seconded, and unanimously adopted to adjourn.

Mayor

Clerk

CALLED MEETING
BOARD OF MAYOR AND ALDERMEN
APRIL 30, 2009

REFERENCE VIDEO DATED APRIL 30, 2009

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public called session at the regular meeting place of said board in the Municipal Building of said city at 5:00 p.m. on April 30, 2009, the meeting having been called for the purpose of discussing industrial development. Mayor Gwen Shelton was present and presiding. The following named aldermen were present:

Joe Askins
Danny Bryant
Dorothy Small
Pat Fraley
Michael Stewart

Absent: Marty Pepper

As an information item only, Mayor Shelton advised we are considering purchase of a used vehicle from the School System for use by the Planner. We will have the garage look at the vehicle to determine its condition.

Mayor Shelton advised the City Industrial Oversight Committee would be looking at names of persons to fill the City vacancies on the Industrial Board.

James Lee discussed that the City should have two appointments this year.

According to the Plan of Organization of the Industrial Development Board, a one-year notice of plans to reduce the funding from the City is required. Since the economy is questionable, motion was made by Pat Fraley seconded by Dorothy Small to authorize the City Administrator to investigate the possibility of reducing funding to Industrial Development and bring the facts back to the Board before a recommendation is made. Upon roll call, the following voted:

<u>Aye</u>	<u>Nay</u>
Joe Askins	None
Danny Bryant	
Dorothy Small	
Pat Fraley	
Michael Stewart	

Mayor Shelton declared the motion adopted.

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

Gwen Shelton, Mayor

Clerk

AGREEMENT

This Agreement entered into this _____ day of _____, 20____, by and between _____ hereinafter "Property Owner" and the City of Fayetteville, hereinafter, "City".

WHEREAS, the City is eligible for grant funding for assistance in the demolition of uninhabitable structures; and

WHEREAS, City will take applications from Property Owners who own property within the grant funding area and meet condemnation requirements as per the Fayetteville Codes;

THEREFORE, the parties agree as follows:

1. City will provide funding for seventy-five (75%) per cent of the cost to demolish qualifying structures and Property Owner will provide funding for the remaining twenty-five (25%) per cent of the demolition cost.
2. Property Owner agrees to begin construction of a new dwelling within twelve (12) months from the date of the completed demolition. Said Owner further agrees that construction of the new dwelling shall be completed within twenty-four (24) months.

In the event that such construction has not started in said twelve (12) month period, City shall notify Property Owner in writing that said Owner shall have thirty (30) days to begin construction.

If the Property Owner fails to then initiate construction, City shall become the record owner of the real estate pursuant to the terms hereinafter set out.

Property Owner agrees that the new dwelling shall be a minimum of one thousand (1,000) square feet, exclusive of garages, carports and porches.

3. Property Owner agrees to insure that such new dwelling structure may be constructed to comply with all applicable City zoning and code requirements.
 4. In the event that Property Owner fails to complete construction pursuant to the terms hereinbefore set out, the real estate of the Property Owner shall become the property of the City, and Property Owner agrees to execute a quitclaim deed to convey all interest of said Property Owner to City.
 5. Property Owner agrees that real estate taxes shall be paid to date at the time of execution of this agreement and Property Owner further agrees that there shall be no liens of any nature against the subject real estate.
 6. Upon completion of the dwelling and the issuance of the said Property Owner of a certificate of occupancy, parties agree that the terms and conditions of this agreement are satisfied and City waives any further rights to the property.
- Executed on the date first above written.

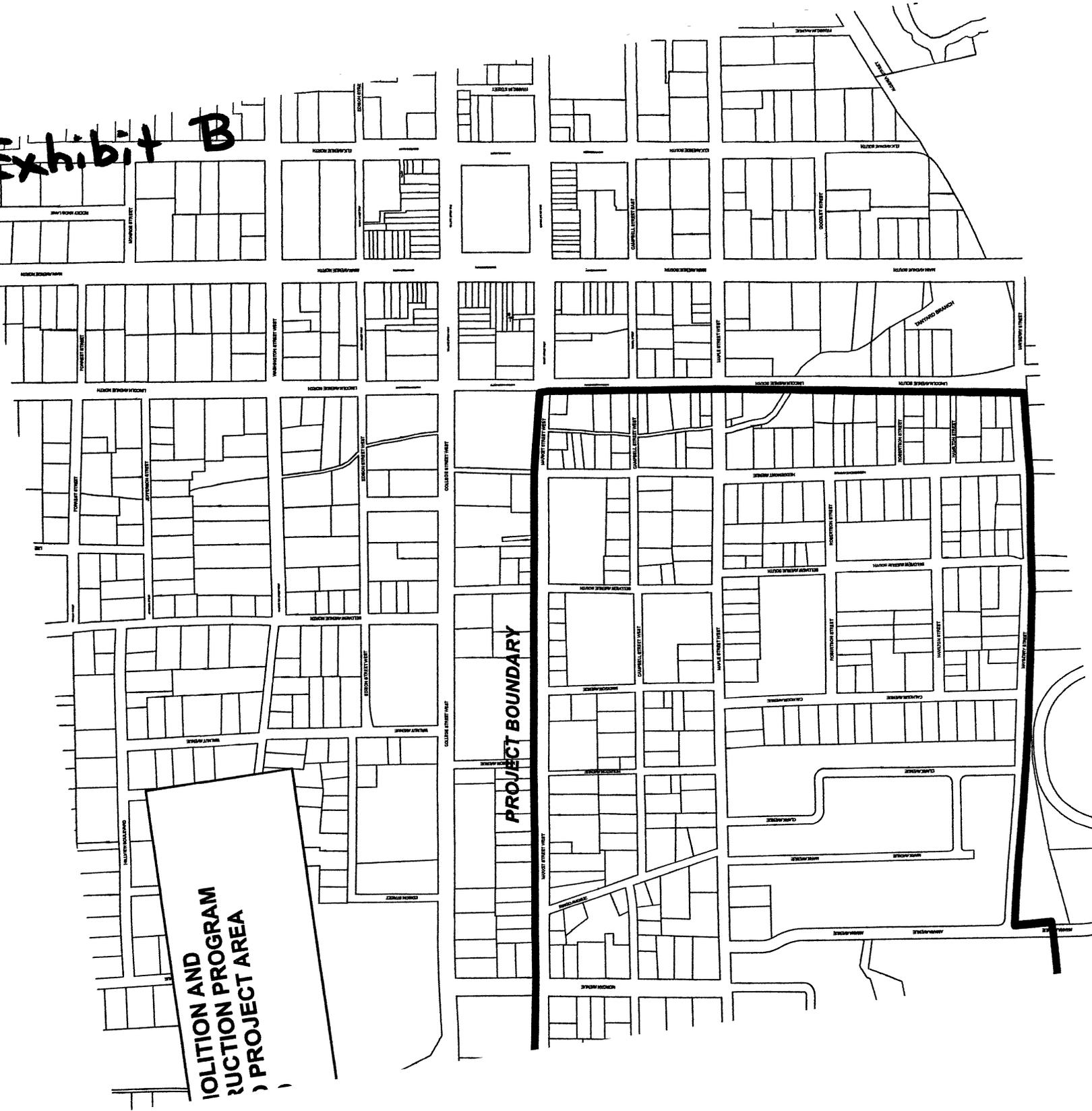
City of Fayetteville

BY: _____
James H. Lee

Property Owner

Property Owner

Exhibit B



COLLISION AND REDUCTION PROGRAM
PROJECT AREA

PROJECT BOUNDARY