

COUNTY LEGISLATIVE BODY

November 28, 1995

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 28th day of November, 1995, same being the fourth Tuesday in said month.

Present and presiding the Honorable Jim Voss, also present, Dell T. Graham, County Clerk and the following County Commissioners: John W. Arnett, Charles D. Brewer, Sr., Thomas H. Fowler, Willie L. German, Jr., Ronald R. Harris, William Hayslett, David Kelley, Alonzo Morman, Sr., Calvin Moore, Jr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Odis Cox.

With a quorum being present, the following proceedings were had and entered of record, to-wit:

Motion was made by Commissioner Robison, seconded by Commissioner Hayslett, and unanimously carried by the Board approving The minutes of the October 1995 meeting.

Motion was then made by Commissioner Tomlin, seconded by Commissioner Robison, and unanimously carried by the Board adopting the following Resolution amending the Fayette County Zoning Ordinance, same being as follows:

RESOLUTION

BE IT RESOLVED; by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of November, 1995, it being the fourth (4th) Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Fayette County Zoning Ordinance be amended to provide for a minimum building permit fee of \$25.00.

The next matter before the Board was the request to establish a speed limit on Donelson Road to the Hickory Withe Road with the erection of a speed zone sign. The Floor was opened to the public by Chairman Voss. With no Comments being offered in favor of or in opposition to the rezoning, the public hearing was declared closed.

Motion was then made by Commissioner Robison, seconded by Commissioner Morman, and unanimously carried by the Board adopting the following Resolution:

RESOLUTION

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 28th day of November, 1995, it being the fourth Tuesday of said month and the regular monthly meeting date of the November term of said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amendment thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of forty-five (45) miles per hour on Donelson Road, beginning at the Fayette County line to Hickory Withe Road, for a distance of approximately three (3) miles, located in the 7th Civil District of Fayette County, Tennessee; and

BE IT FURTHER RESOLVED, that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The next speed limit request was for roads located in Civil District 7 same being on Ecology Loop, Randy Road and Rolling Acres Drive. Chairman Voss opened the floor to the public for comments in favor of or in opposition to the rezoning. With none being offered, the public hearing was closed.

Motion was then made by Commissioner Kelley, seconded by Commissioner Thomas, and unanimously carried by the Board adopting the following Resolution:

RESOLUTION

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 28th day of November, 1995, it being the fourth Tuesday of said month and the regular monthly meeting date of the November term of said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amendment thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Ecology Loop, beginning and ending on Donelson Drive, in its entirety, for a distance of approximately one and one-half (1½) miles; and it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Randy Road, beginning and ending on Ecology Loop, in its entirety, for a distance of approximately one-half (1/2) of a mile; and it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Rolling Acres Drive, beginning and ending on Ecology Loop, in its entirety, for a distance of approximately one-half (1/2) of a mile; all roads being located in the 7th Civil District of Fayette County, Tennessee; and

BE IT FURTHER RESOLVED, that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The next speed limit action was taken concerning Lakeview Drive, Lincoln Drive and Key Road in Civil District 9. Chairman Voss opened the floor to the public for comments in favor of or in opposition to the rezoning. With none being offered, the public hearing was closed.

Motion was then made by Commissioner Robison, seconded by Commissioner Arnett, and unanimously carried by the Board adopting the following Resolution:

R E S O L U T I O N

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 28th day of November, 1995, it being the fourth Tuesday of said month and the regular monthly meeting date of the November term of said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amendment thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Lakeview Drive, beginning and ending at Fisherville Road, in its entirety, for a distance of approximately two (2) miles, and it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Lincoln Drive, beginning at Fisherville Road and ending at Lakeview Drive, in its entirety, for a distance of approximately one quarter (1/4) of a mile; and it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Key Road, beginning at Fisherville Road and ending at Lakeview Drive, in its entirety, for a distance of approximately three-quarters (3/4) of a mile; all roads being located in the 9th Civil District of Fayette County, Tennessee; and

BE IT FURTHER RESOLVED, that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

Chairman Voss presented George Jennings for appointment to the Beer Board. Motion was made by Commissioner Kelley, seconded by Commissioner Robison, and unanimously carried by the Board accepting the recommendation and appointing George Jennings to the Beer Board, said term to expire January 1997.

Chairman Voss having met with the Development Committee, presented and recommended the appointment of the following to the "Stop Memphis Annexation Committee": Willie German, Albert Lee, John Douglas, Earl Dowdy, Janet Cloud, Alfred Hodges, David Shelton, Michelle Burnette, Shelton Wilder, James Braswell, Joe Walker and Arnold Shappley. Motion was made by Commissioner Tomlin, seconded by Commissioner Sullivan, and unanimously carried by the Board making the requested appointments.

Motion was made by Commissioner Kelley, seconded by Commissioner Oglesby Oglesby, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Laura E. Culver; District 5: Glenda A. Ward; District 12: Mary Ann Bodley.

The personal Notary Bond of Land Middlecoff was approved and filed.

The combined summary financial statement for the period July 1, 1995 through September 30, 1995 and the combined schedule of bonds and notes payable were presented and filed.

Having been presented by Chairman Voss, motion was made by Commissioner Thomas, seconded by Commissioner Robison, and unanimously carried by the Board to allow the City of Somerville to place a nativity scene on the south Courthouse lawn.

Motion was made by Commissioner Tomlin, seconded by Commissioner Sullivan, and unanimously carried by the Board cancelling the regular meeting of this Board for the month of December 1995, but allowing for a special meeting if necessary.

Report from the Board of Education was called for, but none given.

Erwin Kee reported orally for the Board of Public Works.

Reports from the AMBULANCE SERVICE, FAYETTE COUNTY COMMISSION ON AGING, GENERAL SESSIONS COURT, SHERIFF'S DEPARTMENT, PLANNING COMMISSION, JUVENILE COURT, and EMERGENCY MANAGEMENT were received and filed.

Commissioner Sullivan presented the following Tennessee Department of Transportation Contract on Highway 64 from Laconia east to the Fayette County Line:

P R O P O S A L

OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE  
TO THE COUNTY OF FAYETTE, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project designated as No. STP-NH-15 (59), 24004-2217-14, 35001-2291-14, that is described as State Route 15/100, From East Of Laconia Road To Approximately 1257 Feet East of Old Whiteville Road @ Whiteville East City Limits in the COUNTY of FAYETTE, hereinafter COUNTY, provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the COUNTY will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 500 Charlotte Avenue, Nashville, Tennessee 37243-0497, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and

2. To close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

3. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the COUNTY or by any of its instrumentalities as required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes; and

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is

notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY; and

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and

7. That the COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and

8. That no provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system; and

9. That it is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY; and

10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right of way for the project, any building improvements become in violation of a COUNTY setback/building line requirement, the COUNTY agrees to waive enforcement of the COUNTY setback/building line requirement and take other proper governmental action therefor.

The acceptance of this proposal shall be evidenced by the passage of a resolution, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Thereafter, the DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

Carl Johnson  
Commissioner

APPROVED:

BY: \_\_\_\_\_

Henry K. Buckner, Jr.  
Department Attorney

Motion was made by Commissioner Sullivan, seconded by Commissioner Hayslett and unanimously carried by the Board accepting the Contract as presented on the widening of Highway 64 from Laconia to the Fayette County line.

Commissioner Sullivan advised that application had been submitted for a \$500,000.00 grant for construction of a Spec. Building in the Industrial Park. being the last lot on the right-hand side adjacent to the sale barn.

Motion was made by Commissioner Sullivan, seconded by Commissioner Morris, and unanimously carried by the Board accepting the following as roads in Hickory Withe Woods, Section A: Hickory Lake Road, Hickory Springs Drive, and Hickory Wood Lanes; Hidden Lake Estates, Section B - Meadow Glen Drive.

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Motion was made by Commissioner Sullivan, seconded by Commissioner Fowler, and unanimously carried by the Board to offer back to the previous land owner one acre of property on Highway 193 on Macon Road which was given to Fayette County. This property never having been used by the County will be offered back to the individual making the donation. If he chooses not to accept this offer, we again will accept a quick-claim-deed.

Commissioner Oglesby reported for the Board of Education advising that this Committee had met with the Board discussing construction of new schools for the County. It was suggested that the Board of Education employ an independent consultant to recommend locations, grades to be included and student numbers for the schools to be constructed. It was noted that the University of Memphis could review and submit the required information at a fee from \$300.00 to \$350.00 per day for a period of approximately three days.

Reports from the Health and Welfare Committee and Criminal Justice and Public Committee were called for, but none given.

Commissioner Brewer reported for the Personnel Committee recommending the use of new time sheets for County Employees. Motion was made by Commissioner Robison, seconded by Commissioner Wilson, and unanimously carried by the Board approving the new time sheets.

Also reviewed by the Personnel Committee were new applications for employment. Motion was made by Commissioner Kelley, seconded by Commissioner Robison, and unanimously carried by the Board accepting same.

Having been reviewed by the Budget Committee and received their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Kelley and unanimously carried by the Board adopting the following Resolution amending the General Purpose School Budget, Fund #141, same being as follows:

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of November, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Purpose Fund #141 Budget Amendment, for the fiscal year ending June 30th, 1996, be, and the same is hereby, amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

GENERAL PURPOSE FUND

FUND 141

NOVEMBER, 1995

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72310	BOARD OF EDUCATION		
72310 505	Judgments	\$87,547.03	
	TOTAL:	\$87,547.03	

Total Increase: \$87,547.03

Reserve: 39000 Undesignated Fund Balance \$87,547.03

Revenue:	Prior Total Available Funds	\$16,970,973.84
	Total Increase This Amendment	.00
	Total Available Funds This Amendment	\$16,970,973.84
Expenditures:	Prior Total Estimates Expenditures	\$16,165,534.88
	Total Increase This Amendment	87,547.03
	Total Estimated Expenditures This Amendment	\$16,253,081.91

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Having been reviewed by the Budget Committee and received their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Brewer and carried by the Board transferring \$16,500.00 from the General Fund to the Public Works for the Traffic Control Officer who will have the responsibility of all road signs for the County. This to be included on the November 1995 payroll.

Motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board setting the Longevity Pay cut-off date as November 30, 1995.

Chairman Voss reviewed a \$500,000.00 non-matching home improvement grant. Motion was made by Commissioner Oglesby, seconded by Commissioner Harris, and unanimously carried by the Board approving the application for same.

Presented and reviewed by Chairman Voss, motion was made by Commissioner Kelley, seconded by Commissioner Oglesby, and unanimously carried by the Board approving application for a \$50,000.00 grant for home rehabilitation.

Thereupon, said meeting adjourned.

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JIM VOSS - Chairman  
County Executive

ATTEST:

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Dell T. Graham, County Clerk