

✓

5

COUNTY LEGISLATIVE BODY

August 25, 1998

FILE COPY

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of August, 1998.

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., Odis Cox, Robert L. Crawford, Thomas H. Fowler, Ronald R. Harris, William Hayslett, David Kelley, Alonzo Morman, Sr., David Morris, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioners Willie L. German, Jr., Claude D. Ogeslby, Jr., and Hollis O. Robison.

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

Motion was made by Commissioner Kelley, seconded by Commissioner Arnett and unanimously carried by the Board approving the minutes of the July 1998 meeting.

The Planning Commission and the Development Committee have reviewed changes to the Zoning Ordinance and recommend that such changes be made. Tod Williams reviewed these changes before the Board. Chairman Voss then opened the floor to the public for comments in favor of or in opposition to the proposed changes. With no comments being offered, the floor was declared closed.

Motion was then made by Commissioner Kelley, seconded by Commissioner Morris and unanimously carried by the Board approving the following changes to the **Zoning Ordinance**:

- A. Under Article VII - "Definitions", add the following Subsection:
1.17.1 Off Premise sign - A sign not located on the Property on which the goods, services or location of any enterprise, facility or merchandise the sign is advertising or identifying are located.
- B. Under Section 11 "Signs", of Article V - "General Provisions," amend the existing Subsections 11.5, 11.6, 11.7.1 so that they read as follows:
11.5 The top of a sign shall not be higher than twenty (20) feet above the ground unless it is attached to a building below its roofline or unless it is an off-premise sign regulated by Section III of Article IX.

- 11.6 No sign shall have a surface area larger than three hundred (300) square feet unless it is an off-premise sign regulated by Section III of Article IX.
- 11.7.1 From the edge of any road right of way - Ten (10) feet.
- C. Under Section 11 "Signs", of Article V - "General Provisions", add the following subsections:
- 11.8 Off Premise signs
- 11.8.1 Off premise signs shall be sited only in B-1, B-2 or B-3 Zoning Districts.
- 11.8.2 Off premise signs shall not be attached to any building
- 11.8.3 Off premise signs shall be allowed only on lots fronting state roads as designated on the Fayette County Revised Major Road Plan.
- 11.8.4 Off premise signs shall have no more than two (2) sides, and shall not be stacked.
- 11.8.5 Off premise signs shall be located at least twenty-five hundred (2500) feet from any other off-premise sign on the same side of the road unless it is an off-premise sign regulated by Section III of Article IX.
- 11.8.6 Off premise signs shall be located at least one thousand (1000) feet from any residential building or place of worship.

D. Under Article IX - "Overlay Districts", add the following Section:

Section III - IHS Interstate Highway Sign Regulation District

The zoning district overlays existing zoning districts. It consists of the area covered by two 300-foot-wide strips flanking and running parallel to the right-of-way of any federal interstate highway within Fayette County. Within this district the regulations set forth in Section II of Article IV shall apply except for the following exceptions:

1. Off premise signs shall have a maximum area of three hundred and seventy-eight (378) square feet per side.
2. Off premise signs shall have a maximum height of fifty (50) feet.
3. Off premise signs shall be located at least one thousand (1000) feet from any other off-premise sign on the same side of the highway.

With the recommendation of the Planning Commission and the Development Committee, Tod Williams presented the rezoning request of **Matthew Plunkett** for property located in Civil District 10 to be rezoned from R - 1 to B - 3 for use as a retail plant nursery.

Chairman Voss opened the floor to the public for comments in favor of or in opposition of the rezoning. With none being offered, the floor was declared closed. Motion was then made by Commissioner Arnett, seconded by Commissioner Morman, and unanimously carried by the Board adopting the following Resolution of rezoning:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 25th day of August, 1998, 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 petition of Matthew Plunkett to rezone 1 acre from R-1 (Rural Residential) to B-3 (Community Business) to permit a retail plant nursery use on this site on the following described property on the north side of Highway 57 just opposite the Neville Road intersection, in Civil District #10, be approved.

Beginning at a point in the northerly line of Hwy 57 (100' ROW), said point being the southwesterly corner of said Tract V; thence proceed North, along the westerly line of said Tract V, a distance of 348.48 feet to a point; thence proceed South 88 degrees 11 minutes 00 seconds East a distance of 125.00 feet to a point; thence proceed South a distance of 348.48 feet to a point in said northerly line of Highway 57; thence proceed North 88 degrees 11 minutes 00 seconds West, along said northerly line of Hwy 57, a distance of 125.0 feet to the point of beginning, Containing 42,560 square feet or 1.0 acre.

Having been reviewed by the Planning Commission and the Development Committee and presented with their recommendation for passage, motion was made by Commissioner Tomlin, seconded by Commissioner Arnett to approve the rezoning request of **Mike T. Lewis** for rezoning of property located in Civil District 8 from R - 2 to R - 3, acreage from R - 2 to R - 4 and acreage from R - 2 to SA for construction of a golf course and residential development.

Chairman Voss opened the floor to the public. No comments were presented. Thereupon, the following Resolution was unanimously adopted:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 25th day of August, 1998, 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 application of **Mike T. Lewis**, D.B.A. Fair Oaks, L.L.C., be approved to rezone from R -2 to R - 3 44.4327 acres, and to rezone from R - 2 to R - 4 52.7001 acres, and to rezone from R - 2 to SA 165.441 acres for the construction of a golf course and oriented residential development.

Property described as follows:

PARCEL 1**Special Activity (Golf Course)**

Commencing at a point on the center line of Highway 194, said point being the northwest corner of said E.R.Lewis property, Thence; along the South line of James R. Riley III, property as recorded in deed book 309, page 769 South 88 degrees, 45 minutes, 11 seconds East a distance of 771.40 feet to a point, said point being the POINT OF BEGINNING of said parcel 1, Thence; along the south line of said James R. Riley III property, South 88 degrees, 45 minutes, 11 seconds East a distance of 1,801.68 feet to a point on the center line of drainage ditch, said point being the northwest corner of Stevens property as recorded in Deed Book 247, page 195, thence; following the centerline of said ditch, South 18 degrees, 12 minutes, 21 seconds East a distance of 90.56 feet to a point, Thence; South 32 degrees, 05 minutes, 55 seconds East, a distance of 332.87 feet to a point, Thence; South 32 degrees, 52 minutes, 07 seconds East a distance of 178.49 feet to a point, Thence; South 22 degrees, 32 minutes, 53 seconds East, a distance of 85.18 feet to a point, Thence; South 53 degrees, 47 minutes, 47 seconds East a distance of 100.88 feet to a point, Thence; South 27 degrees, 16 minutes, 08 seconds East a distance of 114.94 feet to a point, Thence; South 10 degrees, 20 minutes, 30 seconds East a distance of 152.69 feet to a point, Thence; South 20 degrees, 58 minutes, 49 seconds East a distance of 191.08 feet to point, Thence; South 87 degrees, 03 minutes, 09 seconds West a distance of 303.56 feet to a point, Thence; North 22 degrees, 51 minutes, 28 seconds East a distance of 40.87 feet to a point, Thence; North 20 degrees, 38 minutes, 23 seconds West a distance of 343.28 feet to a point, Thence; North 27 degrees, 19 minutes, 04 seconds West a distance of 402.65 feet to a point, Thence; North 12 degrees, 01 minutes, 54 seconds East a distance of 97.60 feet to a point, Thence; North 29 degrees, 46 minutes, 35 seconds West a distance of 180.05 feet to a point, Thence; North 84 degrees, 32 minutes, 22 seconds West a distance of 69.82 feet to a point, Thence; South 76 degrees, 46 minutes, 58 seconds West a distance of 304.69 feet to a point, Thence; South 89 degrees, 31 minutes, 27 seconds West a distance of 513.20 feet to a point, Thence; South 89 degrees, 30 minutes, 28 seconds West a distance of 324.98 feet to a point, Thence; North 84 degrees, 04 minutes, 52 seconds West a distance of 298.87 feet to a point, Thence; North 72 degrees, 41 minutes, 15 seconds West a distance of 212.59 feet to a point, Thence; North 01 degrees, 14 minutes, 49 seconds East a distance of 213.80 feet to a point, said point being the Point of Beginning of said lot containing 17.4807 acres more or less of land.

PARCEL 2**R - 3 (Residential)**

Beginning at a point on the center line of Highway 194, said point being the northwest corner of said E.R.Lewis property, Thence; along the South line of James R. Riley III, property as recorded in deed book 309, page 769 South 88 degrees, 45 minutes, 11 seconds East a distance of 771.40 feet to a point, Thence; South 01 degrees, 14 minutes, 49 seconds West a distance of 213.80 feet to a point, Thence; South 72 degrees, 41 minutes, 15 seconds East, a distance of 212.59 feet to a point, Thence; South 84 degrees, 04 minutes, 52 seconds East a distance of 298.87 feet to a point, Thence; North 89 degrees, 30 minutes, 28 seconds East a distance of 324.98 feet to a point, Thence; North 89 degrees, 31 minutes, 27 seconds East a distance of 513.20 feet to a point, Thence; North 76 degrees, 46 minutes, 58 seconds East a distance of 304.69 feet to point, Thence; South 84 degrees, 32 minutes, 22 seconds East a distance of 69.82 feet to a point, Thence; South 29 degrees, 46 minutes, 35 seconds East a distance of 180.05 feet to a point, Thence; South 12 degrees, 01 minutes, 54 seconds West a distance of 97.60 feet to a point, Thence; South 27 degrees, 19 minutes, 04 seconds East a distance of 402.65 feet to a point, Thence; South 20 degrees, 38 minutes, 23 seconds East a distance of 343.28 feet to a point, Thence; South 22 degrees, 51 minutes, 28 seconds West a distance of 40.87 feet to a point, Thence; North 87 degrees, 03 minutes, 09 seconds East a distance of 303.56 feet to a point, Thence; South 03 degrees, 25 minutes, 33 seconds West a distance of 50.41 feet to a point, Thence; South 86 degrees, 06 minutes, 02 seconds West a distance of 244.95 feet to a point, Thence; South 14 degrees, 25 minutes, 20 seconds West a distance of 183.66 feet to a point, Thence; South 16 degrees, 03 minutes, 34 seconds East a distance of 40.01 feet to a point, Thence; South 17 degrees, 29 minutes, 41 seconds West a distance of 126.59 feet to a point, Thence; South 51 degrees, 29 minutes, 06 seconds West a distance of 38.68 feet to a point, Thence; North 69 degrees, 46 minutes, 13 seconds West a distance of 229.50 feet to a point, Thence; North 83 degrees, 07 minutes, 44 seconds West a distance of 399.63 feet to a point, Thence; North 83 degrees, 42 minutes, 25 seconds West a distance of 241.61 feet to a point, Thence; North 17 degrees, 51 minutes, 37 seconds East a distance of 473.50 feet to a point, Thence; North 01 degrees, 34 minutes, 45 seconds West a distance of 170.43 feet to a point, Thence; North 45 degrees, 09 minutes, 07

seconds West a distance of 213.08 feet to a point, Thence; North 54 degrees, 52 minutes, 02 seconds West a distance of 170.05 feet to a point, Thence; South 77 degrees, 10 minutes, 23 seconds West a distance of 222.79 feet to a point, Thence; South 04 degrees, 40 minutes, 06 seconds East a distance of 379.55 feet to a point, Thence; South 04 degrees, 47 minutes, 02 seconds West a distance of 231.27 feet to a point, Thence; South 20 degrees, 23 minutes, 24 seconds West a distance of 237.76 feet to a point, Thence; South 15 degrees, 44 minutes, 02 seconds West a distance of 245.73 feet to a point, Thence; South 11 degrees, 00 minutes, 40 seconds West a distance of 219.36 feet to a point, Thence; South 01 degrees, 00 minutes, 43 seconds West a distance of 232.21 feet to a point, Thence; South 01 degrees, 59 minutes, 26 seconds East a distance of 123.31 feet to a point, Thence; North 87 degrees, 50 minutes, 02 seconds West a distance of 188.54 feet to a point, Thence; North 06 degrees, 52 minutes, 23 seconds East a distance of 66.35 feet to a point, Thence; North 01 degrees, 51 minutes, 00 seconds East a distance of 211.48 feet to a point of curvature, Thence; along the arc of a curve to the left having a radius of 750.00 feet, an arc length of 177.15 feet, and a delta angle of 13 degrees, 05 minutes, 47 seconds to a point, Thence; North 14 degrees, 06 minutes, 39 seconds East a distance of 33.24 feet to a point, Thence; North 75 degrees, 40 minutes, 01 seconds West a distance of 154.70 feet to a point, Thence; North 13 degrees, 56 minutes, 50 seconds East a distance of 233.00 feet to a point, Thence; North 14 degrees, 25 minutes, 48 seconds East a distance of 230.73 feet to a point, Thence; North 09 degrees, 49 minutes, 02 seconds East a distance of 263.98 feet to a point, Thence; North 06 degrees, 17 minutes, 09 seconds West a distance of 258.46 feet to a point, Thence; North 06 degrees, 17 minutes, 09 seconds West a distance of 261.20 feet to a point, Thence; North 07 degrees, 11 minutes, 31 seconds East a distance of 32.79 feet to a point, Thence; North 81 degrees, 20 minutes, 40 seconds West a distance of 94.23 feet to a point, Thence; South 03 degrees, 39 minutes, 37 seconds West a distance of 33.30 feet to a point, Thence; South 29 degrees, 22 minutes, 47 seconds West a distance of 110.99 feet to a point, Thence; North 77 degrees, 24 minutes, 38 seconds West a distance of 395.54 feet to a point, Thence; North 03 degrees, 46 minutes, 51 seconds West a distance of 141.75 feet to a point, Thence; North 72 degrees, 44 minutes, 56 seconds West a distance of 76.89 feet to a point of curvature, Thence; along the arc of a curve to the right, having a radius of 475.00 feet, an arc length of 141.45 feet, and a delta angle of 17 degrees, 03 minutes, 45 seconds to a point, Thence; North 89 degrees, 48 minutes, 41 seconds West a distance of 38.27 feet to a point, Thence; 89 degrees, 48 minutes, 41 seconds West to a point, Thence; North 00 degrees, 12 minutes, 11 seconds East a distance of 347.15 feet to a point, said point being the Point of Beginning of said parcel containing 44.4323 acres more or less of land.

PARCEL 3
Special Activity (Golf Course)

Commencing at a point on the center line of Highway 194, said point being the northwest corner of said E.R.Lewis property, Thence; along the South line of James R. Riley III, property as recorded in deed book 309, page 769 South 88 degrees, 45 minutes, 11 seconds East a distance of 1177.77 feet to a point, Thence; South 01 degrees, 14 minutes, 49 seconds West a distance of 627.93 feet to a point, said point being the POINT OF BEGINNING of said parcel 3, Thence; North 77 degrees, 10 minutes, 23 seconds East a distance of 222.79 feet to a point, Thence; South 54 degrees, 52 minutes, 02 seconds East a distance of 170.05 feet to a point, Thence; South 45 degrees, 09 minutes, 07 seconds East, a distance of 213.08 feet to a point, Thence; South 01 degrees, 34 minutes, 45 seconds East a distance of 170.43 feet to a point, Thence; South 17 degrees, 51 minutes, 37 seconds West, a distance of 473.50 feet to a point, Thence; South 83 degrees, 42 minutes, 25 seconds East a distance of 241.61 feet to a point, Thence; South 83 degrees, 07 minutes, 44 seconds East a distance of 399.63 feet to a point, Thence; South 69 degrees, 46 minutes, 13 seconds East a distance of 229.50 feet to a point, Thence; North 51 degrees, 29 minutes, 06 seconds East a distance of 38.68 feet to point, Thence; North 17 degrees, 29 minutes, 41 seconds East a distance of 126.59 feet to a point, Thence; North 16 degrees, 03 minutes, 34 seconds West a distance of 40.04 feet to a point, Thence; North 14 degrees, 25 minutes, 20 seconds East a distance of 183.66 feet to a point, Thence; North 86 degrees, 06 minutes, 02 seconds East a distance of 244.95 feet to a point on the centerline of a drainage ditch, said point being on the west line of David C. And Ralph P. Stevens property as recorded in deed book 247, page 195, Thence; along the west line of said David C. And Ralph P. Stevens property, and along the centerline of

said drainage ditch, South 04 degrees, 18 minutes, 52 seconds West a distance of 208.89 feet to a point, Thence; South 11 degrees, 56 minutes, 42 seconds West a distance of 173.72 feet to a point, Thence; South 03 degrees, 35 minutes, 02 seconds West a distance of 170.08 feet to a point on line north line of L. Franklin Yancey property, as recorded in deed book 100, page 573, and deed book 148, page 168, Thence; along the north line of said L. Franklin Yancey property, North 89 degrees, 26 minutes, 39 seconds West a distance of 833.75 feet to a point on the West line of said L. Franklin Yancey property, Thence; South 00 degrees, 55 minutes, 01 seconds West a distance of 1,561.89 feet to a point, Thence; South 80 degrees, 07 minutes, 30 seconds West a distance of 403.40 feet to a point, Thence; North 24 degrees, 57 minutes, 03 seconds West a distance of 526.11 feet to a point, Thence; North 10 degrees, 33 minutes, 33 seconds West a distance of 34.34 feet to a point, Thence; North 05 degrees, 02 minutes, 51 seconds East a distance of 415.76 feet to a point, Thence; North 09 degrees, 48 minutes, 16 seconds East a distance of 238.03 feet to a point,

Thence; North 82 degrees, 01 minutes, 00 seconds West a distance of 126.16 feet to a point, Thence; South 41 degrees, 50 minutes, 27 seconds West a distance of 69.78 feet to a point, Thence; North 87 degrees, 50 minutes, 02 seconds West a distance of 108.41 feet to a point, Thence; North 01 degrees, 59 minutes, 26 seconds West a distance of 123.31 feet to a point, Thence; North 01 degrees, 00 minutes, 43 seconds East a distance of 232.21 feet to a point, Thence; North 11 degrees, 00 minutes, 40 seconds East a distance of 219.36 feet to a point, Thence; North 15 degrees, 44 minutes, 02 seconds East a distance of 245.73 feet to a point, Thence; North 20 degrees, 23 minutes, 24 seconds East a distance of 237.76 feet to a point, Thence; North 04 degrees, 47 minutes, 02 seconds East a distance of 231.27 feet to a point, Thence; North 04 degrees, 40 minutes, 06 seconds West a distance of 379.55 feet to a point, said point being the Point of Beginning of said lot containing 44.4872 acres more or less of land.

PARCEL 4
Special Activity (Golf Course)

Commencing at a point on the center line of Highway 194, said point being the northwest corner of said E.R. Lewis property, Thence; from the Southwest corner of James R. Riley III, property as recorded in deed book 309, page 769 South 00 degrees, 12 minutes, 11 seconds West a distance of 347.15 feet to a point, said point being the POINT OF BEGINNING of said parcel 4, Thence; along the center line of said highway 196, South 00 degrees, 12 minutes, 11 seconds West a distance of 104.95 feet to a point, Thence; South 00 degrees, 38 minutes, 00 seconds West a distance of 49.16 feet to a point, Thence; South 05 degrees, 28 minutes, 37 seconds West, a distance of 50.76 feet to a point, Thence; South 09 degrees, 44 minutes, 10 seconds West a distance of 58.25 feet to a point, Thence; South 14 degrees, 25 minutes, 00 seconds West, a distance of 77.62 feet to a point, Thence; South 20 degrees, 03 minutes, 50 seconds West a distance of 58.56 feet to a point, Thence; South 25 degrees, 25 minutes, 57 seconds West a distance of 56.20 feet to a point, Thence; South 31 degrees, 23 minutes, 24 seconds West a distance of 67.71 feet to a point, Thence; South 36 degrees, 17 minutes, 21 seconds West a distance of 70.25 feet to point, Thence; South 40 degrees, 17 minutes, 58 seconds West a distance of 624.47 feet to a point, Thence; South 38 degrees, 46 minutes, 17 seconds West a distance of 84.96 feet to a point, Thence; South 36 degrees, 32 minutes, 53 seconds West a distance of 73.38 feet to a point, Thence; South 30 degrees, 51 minutes, 43 seconds West a distance of 60.16 feet to a point, Thence; South 24 degrees, 37 minutes, 29 seconds West a distance of 70.50 feet to a point, Thence; South 20 degrees, 02 minutes, 23 seconds West a distance of 79.40 feet to a point, Thence; South 14 degrees, 57 minutes, 01 seconds West a distance of 61.95 feet to a point, Thence; South 10 degrees, 34 minutes, 32 seconds West a distance of 59.71 feet to a point, Thence; South 00 degrees, 08 minutes, 44 seconds West a distance of 851.42 feet to a point, Thence; South 89 degrees, 51 minutes, 37 seconds East a distance of 76.87 feet to a point of curvature, Thence; along the arc of a curve to the left having a radius of 275.00 feet, an arc length of 133.95 feet, and a delta angle of 28 degrees, 11 minutes, 30 seconds to a point, Thence; South 61 degrees, 40 minutes, 07 seconds East a distance of 141.51 feet to a point of curvature, Thence; along the arc of a curve to the right having a radius of 225.00 feet, an arc length of 289.05 feet, and a delta angle of 73 degrees, 36 minutes, 26 seconds to a point, Thence; North 40 degrees, 03 minutes, 16 seconds West a distance of 95.79 feet to a point, Thence; North 36 degrees, 48 minutes, 53

seconds East a distance of 151.42 feet to a point, Thence; North 20 degrees, 28 minutes, 24 seconds East a distance of 106.11 feet to a point, Thence; North 38 degrees, 45 minutes, 04 seconds East a distance of 49.83 feet to a point, Thence; North 08 degrees, 36 minutes, 31 seconds West a distance of 169.86 feet to a point, Thence; North 69 degrees, 10 minutes, 36 seconds East a distance of 947.69 feet to a point, Thence; South 87 degrees, 50 minutes, 02 seconds East a distance of 211.77 feet to a point, Thence; North 06 degrees, 52 minutes, 23 seconds East a distance of 66.35 feet to a point, Thence; North 01 degrees, 00 minutes, 51 seconds East a distance of 211.48 feet to a point, Thence; North 14 degrees, 06 minutes, 39 seconds East a distance of 33.24 feet to a point, Thence; North 75 degrees, 40 minutes, 01 seconds West a distance of 154.70 feet to a point, Thence; North 13 degrees, 56 minutes, 50 seconds East a distance of 233.00 feet to a point, Thence; North 14 degrees, 25 minutes, 48 seconds East a distance of 230.73 feet to a point, Thence; North 09 degrees, 49 minutes, 02 seconds East a distance of 263.98 feet to a point, Thence; North 06 degrees, 17 minutes, 09 seconds West a distance of 258.46 feet to a point, Thence; North 06 degrees, 17 minutes, 09 seconds West a distance of 261.20 feet to a point, Thence; North 07 degrees, 11 minutes, 31 seconds East a distance of 32.79 feet to a point, Thence; North 81 degrees, 20 minutes, 40 seconds West a distance of 94.23 feet to a point, Thence; South 03 degrees, 39 minutes, 37 seconds West a distance of 33.30 feet to a point, Thence; South 29 degrees, 22 minutes, 47 seconds West a distance of 110.99 feet to a point, Thence; North 77 degrees, 24 minutes, 38 seconds West a distance of 395.54 feet to a point, Thence; North 03 degrees, 46 minutes, 51 seconds West a distance of 141.75 feet to a point, Thence; North 72 degrees, 40 minutes, 56 seconds West a distance of 76.89 feet to a point of curvature, Thence; along the arc of a curve to the right having a radius of 475.00 feet, an arc length of 141.45 feet, and a delta angle of 17 degrees, 03 minutes, 45 seconds to a point, Thence; North 89 degrees, 48 minutes, 41 seconds West a distance of 38.27 feet to a point, said point being the **Point of Beginning** of said lot containing 70.5280 acres more or less of land.

Parcel 5

R-4 (Residential)

Commencing at a point on the center line of Highway 194, said point being the southwest corner of said E.R.Lewis property, Thence; from the Northwest corner of Denny C. Ishee, property as recorded in deed book 326, page 343 North 00 degrees, 07 minutes, 16 seconds East a distance of 664.57 feet to a point, Thence; North 00 degrees, 09 minutes, 15 seconds East a distance of 274.09 feet to a point, said point being the **POINT OF BEGINNING** of said parcel 5, Thence; South 89 degrees, 51 minutes, 37 seconds East a distance of 76.89 feet to a point, Thence; South 10 degrees, 56 minutes, 11 seconds West a distance of 79.76 feet to a point, Thence; South 40 degrees, 15 minutes, 42 seconds East, a distance of 567.07 feet to a point, Thence; South 72 degrees, 51 minutes, 51 seconds East a distance of 265.67 feet to a point, Thence; South 89 degrees, 07 minutes, 23 seconds East, a distance of 307.60 feet to a point, Thence; South 30 degrees, 13 minutes, 37 seconds East a distance of 168.35 feet to a point, Thence; North 79 degrees, 02 minutes, 20 seconds East a distance of 478.84 feet to a point, Thence; South 89 degrees, 53 minutes, 18 seconds East a distance of 684.85 feet to a point, Thence; North 84 degrees, 46 minutes, 49 seconds East a distance of 418.87 feet to point, Thence; South 00 degrees, 55 minutes, 01 seconds West a distance of 312.50 feet to a point, said point being on the west line of L. Franklin Yancey property as recorded in deed book 100, page 573, and deed book 148, page 168, Thence; along the west line of said L. Franklin Yancey property, North 85 degrees, 58 minutes, 22 seconds East a distance of 50.19 feet to a point, Thence; North 00 degrees, 55 minutes, 01 seconds East a distance of 715.84 feet to a point, Thence; South 80 degrees, 07 minutes, 30 seconds West a distance of 403.40 feet to a point, Thence; North 24 degrees, 57 minutes, 03 seconds West a distance of 526.11 feet to a point, Thence; North 10 degrees, 33 minutes, 33 seconds West a distance of 34.34 feet to a point, Thence; North 05 degrees, 02 minutes, 51 seconds East a distance of 415.76 feet to a point, Thence; North 09 degrees, 48 minutes, 16 seconds East a distance of 238.03 feet to a point, Thence; North 82 degrees, 01 minutes, 00 seconds West a distance of 126.16 feet to a point, Thence; South 41 degrees, 50 minutes, 27 seconds West a distance of 69.78 feet to a point, Thence; North 87 degrees, 50 minutes, 02 seconds West a distance of 508.72 feet to a point, Thence; South 69 degrees, 10 minutes, 36 seconds West a distance of 947.69 feet to a point, Thence; South 08 degrees, 36 minutes, 31 seconds East a distance of 169.86 feet to a point, Thence; South 38 degrees, 45 minutes, 04 seconds West a distance of 49.83 feet to a point, Thence; South 26 degrees, 28 minutes, 24 seconds West a distance of 106.11 feet to a point, Thence; South 36 degrees, 48 minutes, 53 seconds West a distance of 151.42 feet to a point, Thence; South 40 degrees, 03 minutes, 16 seconds East a distance of 94.79 feet to a point of curvature, Thence; along the arc of a

curve to the right having a radius of 225.00 feet, an arc length of 289.05 feet, and a delta angle of 73 degrees, 36 minutes, 26 seconds to a point, Thence; North 61 degrees, 40 minutes, 07 seconds West a distance of 141.51 feet to a point of curvature, Thence; along the arc of a curve to the left having a radius of 275.00 feet, an arc length of 135.31 feet, and a delta angle of 28 degrees, 11 minutes, 30 seconds to a point, Thence; North 89 degrees, 51 minutes, 37 seconds West a distance of 76.87 feet to a point on the centerline of said Highway 194, Thence; along the centerline of said Highway 194, South 00 degrees, 09 minutes, 15 seconds West a distance of 75.00 feet to a point, said point being the Point of Beginning of said lot containing 61.2977 acres more or less of land.

PARCEL 6

Special Activity (Golf Course)

Commencing at a point on the center line of Highway 194, said point being the southwest corner of said E.R.Lewis property, Thence; along the centerline of said highway 194 North 00 degrees, 07 minutes, 16 seconds West a distance of 664.57 feet to a point, thence along the said center line North 00 degrees, 09 minutes, 15 seconds West a distance of 274.09 feet to a point, Thence; North 89 degrees, 04 minutes, 07 seconds East a distance of 780.37 feet to a point, said point being the Point of Beginning of said parcel, Thence; North 62 degrees, 06 minutes, 18 seconds East a distance of 454.14 feet to a point, Thence; North 82 degrees, 23 minutes, 04 seconds East a distance of 251.25 feet to a point, Thence; South 71 degrees, 09 minutes, 18 seconds East a distance of 448.72 feet to a point, Thence; South 48 degrees, 35 minutes, 08 seconds East a distance of 207.87 feet to a point, Thence; South 04 degrees, 08 minutes, 49 seconds East a distance of 158.43 feet to a point, Thence; South 88 degrees, 23 minutes, 21 seconds East a distance of 49.51 feet to a point, Thence; North 78 degrees, 42 minutes, 33 seconds East a distance of 553.89 feet to a point, Thence; South 86 degrees, 54 minutes, 00 seconds West a distance of 145.23 feet to a point, Thence; South 65 degrees, 44 minutes, 21 seconds West a distance of 392.62 feet to a point, Thence; North 83 degrees, 44 minutes, 55 seconds East a distance of 78.39 feet to a point, Thence; North 28 degrees, 54 minutes, 56 seconds West a distance of 197.09 feet to a point, Thence; North 19 degrees, 13 minutes, 28 seconds East a distance of 80.23 feet to a point, said point being the Point of Beginning of said parcel containing 8.5976 acres more or less of land.

PARCEL 7

Special Activity (Golf Course)

Beginning at a point on the center line of Highway 194, said point being the southwest corner of said E.R.Lewis property, Thence; along the North line of Denny C. Ishee, property as recorded in deed book 326, page 343, South 88 degrees, 43 minutes, 41 seconds East a distance of 2,166.29 feet to a point, said point being the northwest corner of L. Franklin Yancey, property as recorded in deed book 100, page 573 and deed book 148, page 168, Thence; North 85 degrees, 58 minutes, 22 seconds East a distance of 570.71 feet to a point, Thence; North 00 degrees, 55 minutes, 01 seconds East a distance of 312.50 feet to a point, Thence; South 84 degrees, 46 minutes, 49 seconds West a distance of 418.87 feet to a point, Thence; North 89 degrees, 53 minutes, 18 seconds West a distance of 684.85 feet to a point, Thence; South 79 degrees, 02 minutes, 20 seconds West, a distance of 478.84 feet to a point, Thence; North 30 degrees, 13 minutes, 37 seconds West a distance of 168.35 feet to a point, Thence; North 89 degrees, 07 minutes, 23 seconds West, a distance of 307.60 feet to a point, Thence; North 72 degrees, 51 minutes, 51 seconds West a distance of 265.67 feet to a point, Thence; North 40 degrees, 15 minutes, 42 seconds West a distance of 567.07 feet to a point, Thence; North 10 degrees, 56 minutes, 11 seconds East a distance of 79.76 feet to a point of curvature, Thence; along the arc of a curve to the left having a radius of 200.00 feet, an arc length of 94.98 feet, and a delta angle of 27 degrees, 12 minutes, 33 seconds to a point, Thence; North 89 degrees, 51 minutes, 37 seconds West a distance of 76.89 feet to point, Thence; South 00 degrees, 09 minutes, 15 seconds West a distance of 274.09 feet to a point, Thence; South 00 degrees, 07 minutes, 16 seconds West a distance of 664.57 feet to a point, said point being the Point of Beginning of said lot containing 24.3408 acres more or less of land.

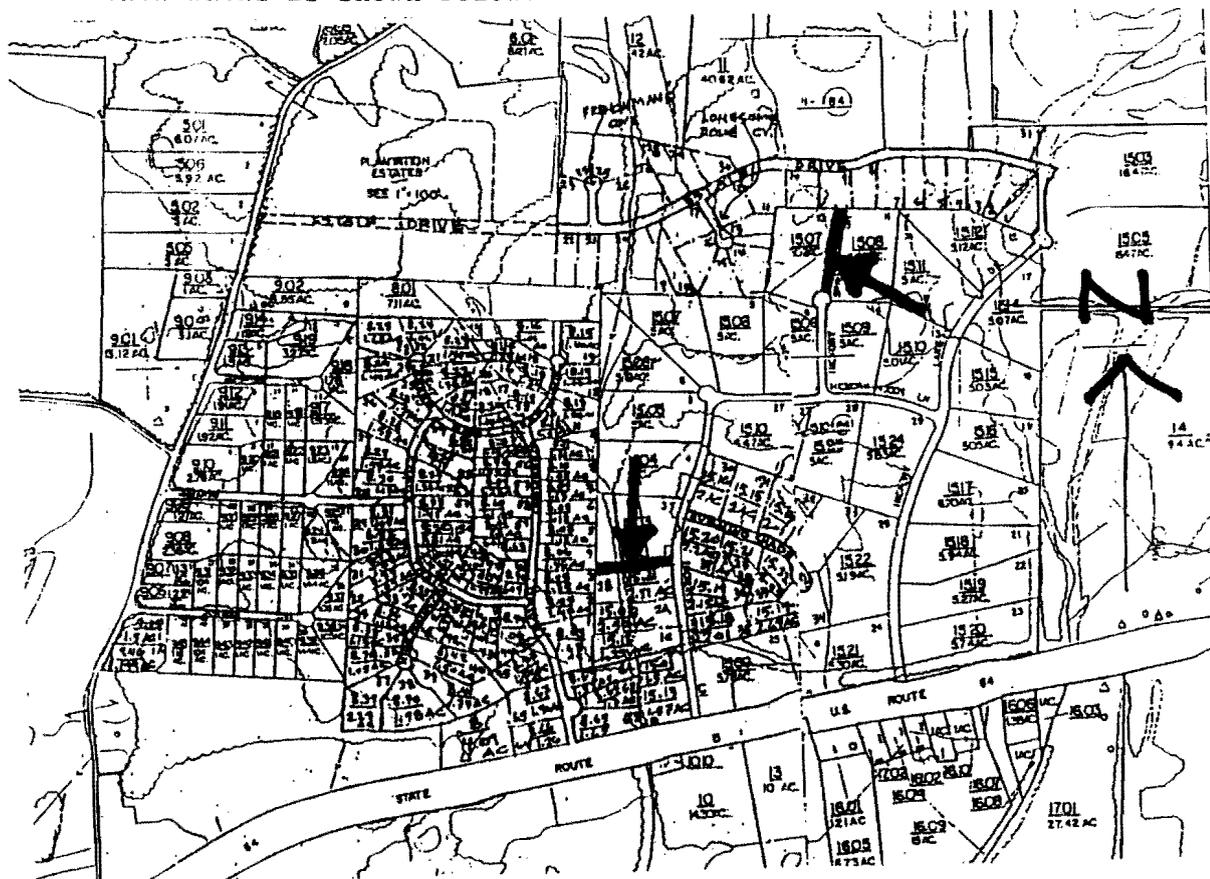
As recommended by the Planning Commission, motion was made by Commissioner Kelley, seconded by Commissioner Morris and unanimously carried by the Board adopting the following Resolution abandoning two reserved right-of-way strips in Section A of Hickory Woods Subdivision. Same being as follows:

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 25th day of August, 1998, 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.

The Planning Commission for Fayette County, Tennessee, recommends abandonment of two (2) reserved right-of-way strips in Section A of Hickory Woods Subdivision. The end of each reserve strip abuts a lot(s) in a subdivision built after the strips were reserved, and there is now no need (not possibility) for using these strips to connect to those subdivisions, as the existing street network provides sufficient lot access.

This being as shown below:



Motion was made by Commissioner Kelley, seconded by Commissioner Taylor to adopt the following Resolutions establishing speed limits on **Cherry Road** in Civil District 7, and on **Chester Road** in Civil District 3. With no comments being offered by the public, said motion was unanimously carried. Resolutions being as follows:

R E S O L U T I O N

BE IT RESOLVED, by the Board of County Commissioner and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 25th day of August, 1998, it being the fourth Tuesday of said month and the regular monthly meeting date of the April 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 (40) miles per hour on Cherry Road, in its entirety, for a distance of two (2) miles, 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.

R E S O L U T I O N

BE IT RESOLVED, by the Board of County Commissioner and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 25th day of August, 1998, it being the fourth Tuesday of said month and the regular monthly meeting date of the April 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 Chester Road, in its entirety, for a distance of two (2) miles, being located in the 3rd 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.

Motion was made by Commissioner Wilson, seconded by Commissioner Fowler, and unanimously carried by the Board appointing the following as **Notaries Public**: District 1: Clarice Cole Burrow, Lori Hensley. District 8: Phyllis K. Springer, Pamela Neal Woodland; District 9: Margaret S. Hill; District 11: Betty C. Whitaker; District 14: Miffie K. Johnson.

County Attorney T. W. Tomlin presented the following Resolution concerning the Wheel Tax increase matter appearing on the next ballots:

R E S O L U T I O N

WHEREAS, a petition of more than ten (10%) per cent of the votes cast in the last gubernatorial election has been filed with the County Election Commission within thirty (30) days of final approval of such Resolution passed by the County Legislative Body seeking the adoption of a Wheel Tax Levy pursuant to the provision of Section 5-8-102 of the Official Edition of the Tennessee Code Annotated,

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 25th day of August, 1998, 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 County Election Commission is hereby directed to call such election to be held in a regular election or a special election for the purpose of approving or rejecting said tax levy and the ballots used in said election shall have printed on them the substance of such Resolution and the voters shall vote for or against said Resolution.

That Commissioner Kelley made a motion that said Resolution be adopted, which said motion was seconded by Commissioner Taylor, and adopted by a majority of the Court.

* * * * *

Chairman Voss advised that the County may have to hire an attorney to represent the Election Commission on a lawsuit. He also advised that Fayette County was named in a lawsuit of non compliance with ADA.

Erwin Kee reported orally for the Department of Public Works.

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

Commissioner Harris, Chairman of the Budget Committee, presented and moved for the adoption of the **Appropriation Resolution** as presented. This Budget as presented included a 4% salary increase for county employees and includes a \$375.00 salary increase to two certified county employees. Motion was seconded by Commissioner Sullivan.

Commissioner Wilson made motion to amend the motion to a **6%** salary increase to be covered in the appropriations. Commissioner Yancey seconded said motion.

Vote was taken by show of hands - 8 for/ 8 against. Said motion failed.

Motion was made by Commissioner Tomlin, seconded by Commissioner Fowler, that county employees salary increases be set at **3%**. Hand vote showed 4 yes/12 no. Said motion failed.

Motion was then made by Commissioner Morrow, seconded by Commissioner Wilson, to amend the original motion to include a **5%** salary increase for county employees. After a hand vote, roll call vote was requested.

Upon roll call the following commissioners voted **YES** to a **5%** salary increase. Commissioners Arnett, Brewer, Cox, Crawford, Hayslett, Morman, Morris, Taylor, Wilson, and Yancey. (10)

Voting **NO**: Commissioners Fowler, Harris, Kelley, Sullivan, Thomas and Tomlin. (6)

Absent and not voting: Commissioners German, Oglesby and Robison. Thereupon, said motion carried.

Commissioner Tomlin then questioned "conflict of interest" on the vote taken.

Chairman Voss then suggested that the vote be taken again.

After discussion, motion was made by Commissioner Cox, seconded by Commissioner Morman, and unanimously carried by the Board calling for a five minute recess.

Motion was made by Commissioner Morris, seconded by Commissioner Taylor and so ordered to reconvene.

Chairman Voss declared the roll call vote taken on the 5% salary increase **VOID** as no declaration was made concerning a "conflict of interest" leaving the motion as having failed.

Motion was then made by Commissioner Morman seconded by Commissioner Arnett, to amend the original motion for 4% to **5%** county salary increase.

Discussion followed regarding the "conflict of interest" issue. Roll Call vote was taken as follows: Voting **YES** on the 5% salary increase, Commissioners Arnett, Brewer, Cox (conflict of interest), Crawford (conflict of interest), Hayslett, Morman, Morris, Taylor, Wilson (conflict of interest) and Yancey (conflict of interest). (10)

Voting **NO**: Commissioners Fowler, Harris, Kelley, Sullivan, Thomas and Tomlin. (6)

Absent and not voting: Commissioners German, Oglesby and Robison. Thereupon, said motion carried.

Motion was then made by Commissioner Fowler, with second by Commissioner Tomlin, to amend the original motion on the Appropriation Resolution to delete the meeting pay for the County Chairman and County Clerk and the salary increase for two county employees who have completed certification training. Commissioner Fowler then changed his motion to apply to each matter separately.

Vote was taken on the first amendment to delete pay to the County Commission Chairman and County Clerk for attending County Commission meetings. Motion **carried**.

Vote was then taken on the second amendment to delete from the Budget salary increases for two county employees for completing certification training. Motion **failed**.

Before further action was taken on the Budget, it was noted to show under the **Public Works Fund** for **Administrative Officer \$52,000.00** and **Assistant \$49,845.00**.

Now back to the original motion on the **APPROPRIATION RESOLUTION**. Said motion carried unanimously. Same being as follows:

A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS,
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF
FAYETTE COUNTY, TENNESSEE, FOR THE
YEAR BEGINNING JULY 1, 1998 AND ENDING JUNE 30, 1999.

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County Tennessee, assembled in regular session on the 25th day of August, 1998, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of various funds, departments, institutions, offices and agencies of Fayette County, Tennessee for the capital outlay, and for meeting the payment of principal and interest on the County debt maturing during the year beginning July 1, 1998 and ending June 30, 1999, according to the following schedule:

GENERAL FUND

51100	County Commission	\$	110,357
51220	Beer Board		1,150
51300	County Executive		72,067
51500	Election Commission (Including Voter Registration)		149,527
51600	Register of Deeds		14,323
51710	Development		104,910
51730	Building		99,053
51800	County Buildings		131,478
51810	Other Facilities		1,980
51900	Other General Administration		31,000
52100	Accounting and Budgeting		117,943
52300	Property Assessor's Office		139,286
52310	Reappraisal Program		45,732
52400	County Trustee's Office		128,659
52500	County Clerk's Office		228,035
53100	Circuit Court		136,199
53300	General Sessions Court		106,658
53310	General Sessions Judge		102,084
53400	Chancery Court		137,110
53500	Juvenile Court		69,858
54110	Sheriff's Department		1,166,884
54150	Drug Enforcement		51,947
54210	Jail		782,895
54220	Workhouse		24,141
54310	Fire Prevention and Control		338,878
54410	Civil Defense		56,801
54420	Rescue Squad		32,500
54490	Other Emergency Management		1,200
54610	County Coroner/Medical Examiner		10,400
54900	Other Public Safety		134,928
55110	Local Health Center		51,100

55120	Rabies and Animal Control	73,340
55130	Ambulance Service	313,545
55130	Ambulance/Emergency Medical Services	5,000
55130	Ambulance Service	77,000
55150	Maternal and Child Health Services	40,000
55160	Dental Health Program	271,070
55180	Crippled Children Services	2,216
55190	Other Local Health Services	23,500
55310	Regional Mental Health Center	7,500
55390	Appropriation to State	25,751
55520	Aid to Dependent Children	2,500
55590	Other Local Welfare Services	5,465
55720	Sanitation Education/Information	42,677
56300	Senior Citizens Assistance	42,500
56500	Libraries	85,678
56700	Parks and Fair Boards	14,000
57100	Agriculture Extension Service	83,245
57500	Soil Conservation	43,916
58120	Industrial Development	3,600
58220	Airport	25,670
58300	Veterans' Services	855
58400	Other Charges	93,750
58500	Contributions to Other Agencies	22,334
58600	Employee Benefits	512,490
58900	Miscellaneous	1,000

Total General Fund \$ 6,400,701
=====

SOLID WASH /SANITATION FUND

55732	Convenience Centers	\$ 176,000
55754	Landfill Operation and Maintenance	452,854

Total Solid Waste/Sanitation Fund \$ 628,854
=====

DRUG CONTROL FUND

54150	Drug Enforcement	\$ 30
-------	------------------	-------

Total Drug Control Fund \$ 30
=====

HIGHWAY/PUBLIC WORKS FUND

61000	Administration	\$ 117,465
62000	Highway and Bridge Maintenance	1,409,710
63100	Operation and Maintenance of Equipment	534,170
65000	Other Charges	120,000
66000	Employee Benefits	386,620
68000	Capital Outlay	1,971,000
91200	Highway & Street Capital Projects	118,000

Total Highway/Public Works Fund \$ 4,606,965
=====

GENERAL PURPOSE SCHOOL FUND

71100	Regular Instruction Program	\$ 7,748,565
71200	Special Education Program	1,466,073
71300	Vocational Education Program	658,665
71600	Adult Education Program	127,880
72110	Attendance	59,445
72120	Health Services	44,870
72130	Other Student Support	260,440
72210	Regular Instruction Program	644,200
72220	Special Education Program	196,884
72230	Vocational Education Program	115,678
72260	Adult Programs	391,112
72310	Board of Education	385,127
72320	Office of the Superintendent	167,195
7	Office of the Principal	71

72510	Fiscal Services	126,276
72610	Operation of Plant	1,080,035
72620	Maintenance of Plant	501,969
72710	Transportation	1,585,982
72810	Central and Other	86,104
73300	Community Services	14,552
76100	Regular Capital Outlay	283,487
	Transfers to Other Funds	508,121
	Total General Purpose School Fund	\$ 17,172,600

SCHOOL FEDERAL PROJECTS FUND

71100	Regular Instruction Program	\$ 881,986
71200	Special Education Program	227,203
71300	Vocational Education Program	117,013
72120	Health Services	26,156
72170	Other Student Support	103,988
72210	Regular Instruction Program	178,508
72610	Operation of Plant	5,000
72620	Maintenance of Plant	3,000
72710	Transportation	48,966
	Transfers to Other Funds	31,923
	Total School Federal Projects Fund	\$ 1,623,743

73100	Food Service	\$ 1,796,500
	Total Central Cafeteria Fund	\$ 1,796,500

GENERAL DEBT SERVICE FUND

81100	General Government Debt Service	\$ 56,000
81300	Education Debt Service	160,060
	Total General Debt Service Fund	\$ 216,060

SECTION 2. BE IT FURTHER RESOLVED, that there are also hereby appropriated certain portions of the commissions and fees for collecting taxes and licenses and for administering other funds which the Trustee, County Clerk, Circuit Court Clerk, Clerk and Master, Register and the Sheriff and their officially authorized deputies and assistants may severally be entitled to receive under State laws heretofore or hereafter enacted. Expenditures out of commissions, and/or fees collected by the Trustee, County Clerk, Circuit Court Clerk, Clerk and Master, Register and the Sheriff may be made for such purposes and in such amounts as may be authorized by existing law or by valid order of any court having power to make such appropriations. Any excess commissions and/or fees collected over and above the expenditures duly and conclusively authorized shall be paid over to the Trustee and converted into the General Fund as provided by law.

BE IT FURTHER RESOLVED, that if any fee officials, as enumerated in Section 8-22-101, TCA, operate under provisions of Section 8-22-104, TCA, provisions of the preceding paragraph shall not apply to those particular officials.

SECTION 3. BE IT FURTHER RESOLVED, that any amendment to the budget shall be approved as provided in Section 5-9-407, TCA.

One copy of each amendment shall be filed with the County Clerk, one copy with the Chairman of the Budget Committee, and one copy with each divisional or departmental head concerned. The reason(s) for each transfer shall be clearly stated; however, this section shall in no case whatsoever be construed as authorizing transfer from one fund to another but shall apply solely to transfers within a certain fund.

SECTION 1. BE IT FURTHER RESOLVED, that any appropriations made by this resolution which cover the same purpose for which a specific appropriation is made by statute is made in lieu of but not in addition to said statutory appropriation. The salary, wages, or remuneration of each officer, employee, or agent of the County shall not be in excess of the amounts authorized by existing law or as set forth in the estimate of expenditures which accompanies this resolution. Provided, however, that appropriations for such salaries, wages, or other remuneration hereby authorized shall in no case be construed as permitting expenditures for an office, agency, institution, division or department of the County in excess of the appropriation made herein for such office, agency, institution, division or department of the County. Such appropriation shall constitute the limit to the expenditures of any office, agency, institution, division or department for the year ending June 30, 1999. The aggregate expenditures for any item of appropriation shall in no instance be more than the amount herein appropriated for such item.

SECTION 5. BE IT FURTHER RESOLVED, that any resolution which may hereafter be presented to the Board of County Commissioners providing for appropriations in addition to those made by this Budget Appropriation Resolution shall specifically provide sufficient revenue or other funds, actually to be provided during the year in which the expenditure is to be made, to meet such additional appropriation. Said appropriating resolution shall be submitted to and approved by the State Director of Local Finance after its adoption as provided by Section 9-21-403, TCA.

SECTION 6. BE IT FURTHER RESOLVED, that the County Executive and County Clerk are hereby authorized to borrow money on revenue anticipation notes, provided such notes are first approved by the Director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenue for the year 1998-99 have been collected. The proceeds of loans for each individual fund shall not exceed 60% of the appropriations of each individual fund and shall be used only to pay the expenses and other requirements of the fund for which the loan is made. The loan shall be paid out of revenue from the fund for which money is borrowed. The notes evidencing the loans authorized under this section shall be issued under the applicable sections of Title 9, Chapter 21, Tennessee Code Annotated. Said notes shall be signed by the County Executive and countersigned by the County Clerk and shall mature and be paid in full without renewal not later than June 30, 1999.

SECTION 7. BE IT FURTHER RESOLVED, that the delinquent County property taxes for the year 1996 and prior years and the interest and penalty thereon collected during the year ending June 30, 1997 shall be apportioned to the various County funds according to the subdivision of the tax levy for the year 1997. The Clerk and Master and the Trustee are hereby authorized and directed to make such apportionment accordingly.

SECTION 8. BE IT FURTHER RESOLVED, that all unencumbered balances and appropriations remaining at the end of the year shall lapse, and be of no further effect at the end of the year at June 30, 1999.

SECTION 9. BE IT FURTHER RESOLVED, that any resolution or part of a resolution which has heretofore been passed by the Board of County Commissioners which is in conflict with any provision in this resolution be and the same is hereby repealed.

SECTION 10. BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 1998. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 25th day of August, 1998.

* * * * *

Motion was then made by Commissioner Harris, seconded by Commissioner Brewer, to adopt the following **RESOLUTION FIXING THE TAX LEVY IN FAYETTE COUNTY, TENNESSEE FOR THE YEAR BEGINNING JULY 1, 1998:**

**RESOLUTION FIXING THE TAX LEVY IN
FAYETTE COUNTY, TENNESSEE
FOR THE YEAR BEGINNING JULY 1, 1998**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on this 25th day of August, 1998, that the combined property tax rate for Fayette County, Tennessee for the year beginning July 1, 1998, shall be \$2.19 on each \$100.00 of taxable property, which is to provide revenue for each of the following funds and otherwise conform to the following levies:

<u>Fund</u>	<u>Rate</u>
General	\$0.797
Highway/Public Works	0.227
General Purpose School	0.919
General Debt Service	<u>0.247</u>
Total	<u>\$2.190</u>

SECTION 2. BE IT FURTHER RESOLVED that there is hereby levied a gross receipts tax as provided by law. The proceeds of the gross receipts tax here in levied shall accrue to the General Fund. The proceeds of the motor vehicle tax authorized by Chapter 160 of the Private Acts of 1979, as amended, shall accrue to the following funds: 80% to the Highway/Public Works Fund and 20% to the General Fund.

SECTION 3. BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Fayette County, Tennessee, which are in conflict with this resolution are hereby repealed.

SECTION 4. BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 25th day of August, 1998.

Upon roll call, the following Commissioners voted **YES**: Commissioners Arnett, Brewer, Cox, Crawford, Fowler, Harris, Hayslett, Kelley, Morman, Morris, Sullivan, Taylor, Thomas, Tomlin, Wilson and Yancey.

Voting **NO**: None.

Absent and not voting: Commissioners German, Oglesby, Robison.

Thereupon, said Resolution carried and was adopted setting the tax rate of \$2.19 for the fiscal year 1998/1999.

* * * * *

As recommended by the Budget Committee for passage, Commissioner Harris presented and moved for the adoption of the following **RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT CHAIRTABLE ORGANIZATIONS OF FAYETTE COUNTY, TENNESSEE, FOR THE YEAR BEGINNING JULY 1ST, 1998, AND ENDING JUNE 30TH, 1999**. Motion was seconded by Commissioner Sullivan, and unanimously carried by the Board with Commissioner Wilson announcing a possible conflict of interest. The following Resolution was adopted:

A RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT
CHARITABLE ORGANIZATIONS OF FAYETTE COUNTY,
TENNESSEE, FOR THE YEAR BEGINNING JULY 1ST, 1998,
AND ENDING JUNE 30TH, 1999

WHEREAS, Section 5-9-109, TCA, authorizes the Fayette County Legislative Body to make appropriations to various nonprofit charitable organizations, and,

WHEREAS, the Fayette County Legislative Body recognizes the various nonprofit charitable organizations providing services in Fayette County have great need of funds to carry on their nonprofit charitable work.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County on this 25th, day of August, 1998.

SECTION 1. That One Hundred Eighty-five Thousand, Three Hundred Forty-Seven Dollars and Sixteen Cents. (\$185,347.16) be appropriated to nonprofit organizations in Fayette County as reflected below.

ACCT NO.	DESCRIPTION	AMOUNT
51900-320	Fayette County Chamber of Commerce	\$22,000.00
55190-310	Fayette County Developmental Center	15,000.00
55310-310	Professional Counseling Services	7,500.00
55190-312	Jackson Area Council on Alcoholism and Drug Dependency	3,000.00
55590-339	Tennessee Opportunity Programs, Inc.	5,465.00
55190-312	Fayette County Citizens for Progress	2,500.00
56300-339	Fayette County Commission on Aging	42,500.00
55190-312	Jack Gean Shelter for Women	3,000.00
58500-310	Delta Human Resource Agency	17,333.85
58500-310	Youth Town	2,500.00
56700-316	Fayette County Athletic League	14,000.00
58500-310	Delta Area Agency on Aging	2,500.00
54310-309	West Fayette Volunteer Fire Department	9,885.65 **
54310-309	Macon Volunteer Fire Department	10,953.04 **
54310-309	North Fayette Volunteer Fire Department	7,906.41 **
54310-309	Northeast Volunteer Fire Department	9,310.22 **
54310-309	District 15 Volunteer Fire Department	9,992.99 **

**Appropriations for FY 98/99 Undesignated

BE IT FURTHER RESOLVED, that all appropriations enumerated in Section 1 above are subject to the following conditions:

1. That the nonprofit organizations to which funds are appropriated shall file with the County Clerk and the disbursing officials a copy of any annual report of its business affairs and transactions and the proposed use of the County's funds in accordance with rules promulgated by the Comptroller of the Treasury, Chapter 0380-2-7. Such annual report shall be prepared and certified by the chief financial officer of such nonprofit organization in accordance with Section 5-9-109(c), TCA.
2. That said funds must only be used by the named nonprofit charitable organizations in furtherance of their nonprofit purposes benefiting the general welfare of the residents of Fayette County.
3. That it is the expressed interest of the County Commission of Fayette County in providing these funds to the above named charitable organizations to be fully in compliance with Chapter 0390-2-7 of the Rules of the Comptroller of the Treasury, and Section 5-9-109, TCA, and any and all other laws which may apply to county appropriations to nonprofit organizations and so this appropriation is made subject to compliance with any and all these laws and regulations.

BE IT FURTHER RESOLVED, that this Resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1st, 1998. This Resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 25th day of August, 1998.

Commissioner Kelley then presented the over-all Budget for the fiscal year 1998/99 and moved for the adoption of same. Motion was seconded by Commissioner Arnett, and unanimously carried. Said Budget is on file in the Clerk's office.

* * * * *

Harris Armour addressed the Board concerning the Boll Weevil Eradication Program in the county.

Placques for Service were presented to Commissioners Allen Yancey, Jr. Robert L. Crawford, Thomas H. Fowler and William Hayslett for their years of service as Commissioners.

Thereupon, said meeting adjourned.

JIM VOSS - Chairman
Mayor