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COUNTY LEGISLATIVE BODY

April 27, 1999

**BE IT REMEMBERED** That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 27th day of April, 1999.

Present and presiding the Honorable Jim Voss. Also present, Dell T. Graham, County Clerk and the following County Commissioners: John W. Arnett, Floyd Bonner, Charles Dudley Brewer, Sr., Joe B. Burnette, Jr., Odis Cox, Carl Doyle, Ronnie Graves, Willie German, Ronnie Harris, David Kelley, Sylvester Logan, Calvin Moore, Alonzo Morman, Jr., David Morris, James M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon M. Tomlin, and Myles Wilson.

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

Motion was made by Commissioner Sullivan, seconded by Commissioner Arnett, and unanimously carried by the Board approving the minutes of the March 1999 meeting.

Tod Williams addressed the Board on adjustments to fees on zoning and subdivisions. The floor was opened to the public for comments and questions. After discussion, motion was made by Commissioner Kelley, seconded by Commissioner Morris, and unanimously carried by the Board approving the following fee change for rezoning:

**Amendment of zoning and subdivision regulations to change rezoning and appeals board fees, and subdivision review plat review fees.**

- (1) The SCHEDULE OF FEES in the Zoning Ordinance shall be amended by deleting its existing Sections 3 and 4 and replacing them with the following Sections 3 & 4:

**Section 3 - Rezoning.** For a rezoning application there shall be levied the following review fees, which shall not be refundable following final legislative action; additionally there shall be levied a publication fee equivalent to the cost of the required newspaper notice, which shall not be refundable following publication of the notice:

3.1 For a tract of five (5) acres or less - \$200.00.

3.2 For a tract of more than five (5) acres - \$200.00 plus \$20.00 per acre, or fraction of an acre, to a maximum fee of \$ 500.00

**Section 4 - Appeals.** For an application to the Board of Appeals there shall be levied a fee of \$50 .00, which shall not be refundable following publication of the required newspaper notice.

- (2) The plat review fee of \$8.00 per lot required in Section 1 (Preliminary Platting) of Article II of the Fayette County Subdivision Regulations shall be changed to \$75.00 per lot.
- (3) The plat review fee of \$5.00 per lot required in Section 7 (Modifications) of Article II of the Fayette County Subdivision Regulations shall be changed to \$50.00 per lot.

Jim Smith with Public Works then reviewed the work required of his department for sub-divisions. The floor was still open to the public for questions or comments. With none being offered the floor was closed. Motion was then made by Commissioner Morris, seconded by Commissioner Logan, and unanimously carried by the Board adopting the following fee scale on new roads on sub-divisions:

**Amend Section 2 of Article II of the Subdivision Regulations by adding the following to the end of the paragraph:**

The following site development plan review fees shall be levied at the time of submittal of the plans:

Plans Review - \$150 00 plus 25 cents per linear foot. of new road  
 Plans Re-Review - \$350.00 each re-review  
 Inspection - \$150 plus 15 cents per linear foot of new road

\* \* \* \* \*

Motion was made by Commissioner Kelley, seconded by Commissioner Taylor, and unanimously carried by the Board setting a speed limit in Civil Districts 8, 9 and 11 on Kyle Road, Charlotte Drive, Emily Road and Bonnie Drive. Same 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 27th day of April, 1999, it being the fourth Tuesday of said month and the regular monthly meeting date of the December 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 Kyle Road, Charlotte Drive, Emily Road and Bonnie Drive in its entirety, for a distance of two and one-half miles, being located in the 8th, 9th, and 11th Civil Districts 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.

Recommended by Chairman Voss for appointment to the Zoning Appeals Board were **Joe McCraw** and **Rev. James Cypress**. Motion was made by Commissioner Moore, seconded by Commissioner Taylor, and unanimously carried by the Board making the appointment as recommended.

Motion was made by Commissioner Wilson, seconded by Commissioner Brewer, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Dinah Moore, Keith Morris, Elaine K. Winfrey; District 8: Jorganne Culver, Lavanda L. Henley; District 12: Stephanie S. Watson; District 14: Paula M. Parker, Steve Reeves.

Combined statements of **cash receipts and disbursements, schedule of bond and notes payable and summary of financial statements** were available and filed.

Chairman Voss advised that the County has applied for a grant to cover construction of a road into the Industrial Park. If approved, this would involve no cost to the County.

Jim Smith reported orally for the Board of Public Works.

Reports were called for from the Board of Education and Ambulance Service, but none presented.

Written report of Fayette County Commission on Aging was filed.

Todd Williams reported orally for the Development Office.

Written reports from the General Sessions Court, Sheriff's Department, Juvenile Court, Emergency Management and Rabies Control were filed.

Reports from the County Development Committee, Education Committee, Health and Welfare Committee, Criminal Justice and Public Safety Committee and Personnel Committee were called for, but none presented.

Having been reviewed by the Budget Committee, Commissioner Harris presented and moved for the adopting of the following Resolution amending the General Purpose Fund #141. Said motion was seconded by Commissioner Morris, and unanimously carried by the Board. Same being as follows:

## RESOLUTION

9.3.6.2.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 27th day of April, 1999, 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 30, 1999 be amended in the following words and figures to wit:

## FAYETTE COUNTY BOARD OF EDUCATION

## GENERAL PURPOSE FUND

FUND 141

APRIL, 1999

		INCREASE	DECREASE
1000	INSTRUCTION		
1400	STUDENT BODY EDUCATION PROGRAM		
1400 499	Other Supplies and Materials		\$12,610.00
1400 599	Other Charges	\$11,605.00	
1400 790	Other Equipment	\$1,005.00	
	TOTAL:	\$12,610.00	\$12,610.00
1600	ADULT EDUCATION PROGRAM		
1600 116 AB1	Teachers		\$11,000.00
1600 189 AB1	Other Salaries and Wages		\$850.00
1600 201 AB1	Social Security		\$739.00
1600 204 AB1	State Retirement		\$35.00
1600 207 AB1	Health Insurance		\$103.00
1600 212 AB1	Medicare		\$176.00
1600 429 AB1	Instructional Supplies and Materials		\$7,345.00
1600 722 AB1	Regular Instruction Equipment	\$20,977.00	
	TOTAL:	\$20,977.00	\$20,248.00
2000	SUPPORT SERVICES		
2130	OTHER STUDENT SUPPORT		
2130 322	Evaluation and Testing	\$7,500.00	
	TOTAL:	\$7,500.00	
2210	REGULAR INSTRUCTION PROGRAM		
2210 399 CTEN	Other Contracted Services		\$7,500.00
	TOTAL:		\$7,500.00
2260	ADULT EDUCATION PROGRAM		
2260 105 AB1	Supervisor/Director		\$557.00
2260 201 AB1	Social Security		\$58.00
2260 204 AB1	State Retirement		\$30.00
2260 207 AB1	Health Insurance		\$67.00
2260 212 AB1	Medicare		\$14.00
2260 299 AB1	Other Fringe Benefits		\$3.00
2260 105 PIC	Supervisor/Director		\$1,599.00
2260 189 PIC	Other Salaries and Wages		\$17,412.00
2260 201 PIC	Social Security		\$1,386.00
2260 204 PIC	State Retirement		\$1,223.00

72260	207	PIC Health Insurance		\$1,887.00
72260	212	PIC Medicare		\$325.00
72260	299	PIC Other Fringe Benefits		\$119.00
72260	355	PIC Travel		\$500.00
72260	399	PIC Other Contracted Services	\$24,451.00	
		TOTAL:	\$24,451.00	\$25,180.00
		GRAND TOTAL:	\$65,538.00	\$65,538.00

Total Increase/Decrease: \$0.00

With the recommendation of the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Arnett, and unanimously carried by the Board adopting the following Resolution amending the General Fund #101 Budget.

### 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 27th day of April, 1999, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Fund #101 Budget Amendment be amended in the following words and figures, to-wit:

#### COUNTY GENERAL FUND BUDGET AMENDMENT F/Y 98/99 April, 1999

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
44560 Donations (Equilon Pipeline)		\$ 5,500.00
35110 Designated for Purpose 1 (Fayette County Airport taxiway)		<u>\$13,274.24</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT</b>		<b>\$18,774.24</b>

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<b>51100 County Commission</b>		
204 State Retirement		\$ 1,600.00
355 Travel	\$ 1,600.00	
435 Office Supplies		<u>\$ 1,000.00</u>
Subtotal-51100	<u>\$ 1,600.00</u>	<u>\$ 2,600.00</u>
<b>51500 Election Commission</b>		
331 Legal Services	\$12,300.00	
332 Legal Notices, Recording & Court Costs	\$ 500.00	
349 Printing, Stationery & Forms		<u>\$ 500.00</u>
Subtotal-51500	<u>\$12,800.00</u>	<u>\$ 500.00</u>

<b>51730</b>	<b><u>Building</u></b>		
349	Printing, Stationery & Forms	\$ 77.00	
355	Travel	\$ 150.00	
425	Gasoline		\$ 227.00
	<b>Subtotal-51730</b>	<b>\$ 227.00</b>	<b>\$ 227.00</b>
<b>51800</b>	<b><u>County Buildings</u></b>		
335	Maintenance & Repair-Buildings		\$ 2,000.00
446	Small Tools		\$ 3,000.00
711	Furniture and Fixtures	\$ 5,000.00	
	<b>Subtotal-51800</b>	<b>\$ 5,000.00</b>	<b>\$ 5,000.00</b>
<b>52100</b>	<b><u>Accounting and Budgeting</u></b>		
435	Office Supplies	\$ 1,000.00	
	<b>Subtotal-52100</b>	<b>\$ 1,000.00</b>	
<b>53400</b>	<b><u>Chancery Court</u></b>		
194	Jury and Witness Fees	\$ 2,200.00	
196	In-Service Training	\$ 300.00	
332	Legal Notices, Recording		\$ 500.00
349	Printing, Stationary and Forms		\$ 1,500.00
411	Data Processing Supplies		\$ 500.00
	<b>Subtotal-53400</b>	<b>\$ 2,500.00</b>	<b>\$ 2,500.00</b>
<b>54110</b>	<b><u>Sheriff's Department</u></b>		
106	Deputy (ies)		\$10,000.00
109	Captain (s)		\$ 6,000.00
169	Part Time Personnel	\$14,000.00	
205	Employee & Dependent Insurance	\$ 3,500.00	
335	Maintenance & Repair-Buildings		\$ 3,000.00
337	Maintenance & Repair-Office Equip.		\$ 5,000.00
338	Maintenance & Repair-Vehicles	\$10,000.00	
425	Gasoline		\$10,000.00
499	Other Supplies & Materials		\$ 2,000.00
506	Liability Insurance		\$ 5,000.00
707	Building Improvements		\$ 2,000.00
719	Office Equipment		\$ 2,000.00
	<b>Subtotal-54110</b>	<b>\$27,500.00</b>	<b>\$45,000.00</b>
<b>54210</b>	<b><u>Jail</u></b>		
148	Dispatchers/Radio Operators		\$ 5,000.00
187	Overtime Pay	\$ 1,500.00	
205	Employee & Dependent Insurance	\$ 2,500.00	
355	Travel	\$ 3,000.00	
707	Building Improvements		\$ 2,500.00
711	Furniture & Fixtures		\$ 1,000.00
790	Other Equipment		\$ 2,500.00
	<b>Subtotal-54210</b>	<b>\$ 7,000.00</b>	<b>\$11,000.00</b>
<b>54420</b>	<b><u>Rescue Squad</u></b>		
338	Maintenance & Repair of Vehicles	\$ 1,500.00	
	<b>Subtotal-54420</b>	<b>\$ 1,500.00</b>	

<b>54900</b>	<b><u>Other Public Safety</u></b>		
417	Equipment Parts-Light	<u>\$20,000.00</u>	
	<b>Subtotal-54900</b>	<b>\$20,000.00</b>	
	<b>Total-54110, 54210, 54420, 54900</b>	<b>\$56,000.00</b>	<b>\$56,000.00</b>
<b>54410</b>	<b><u>Civil Defense</u></b>		
718	Motor Vehicles	\$ 5,500.00	
	Additlon from Revenue 44560-\$5,500		
	<b>Subtotal-54410</b>	<b>\$ 5,500.00</b>	
<b>55120</b>	<b><u>Rabies and Animal Control</u></b>		
307	Communication	\$ 100.00	
338	Maintenance & Repair-Vehicles	\$ 1,000.00	
499	Other Supplies & Materials	\$ 500.00	
718	Motor Vehicles		<u>\$ 1,600.00</u>
	<b>Subtotal-55120</b>	<b>\$ 1,600.00</b>	<b>\$ 1,600.00</b>
<b>57100</b>	<b><u>Agricultural Extension Service</u></b>		
307	Communication		\$ 200.00
410	Custodial Supplies	<u>\$ 200.00</u>	
	<b>Subtotal-57100</b>	<b>\$ 200.00</b>	<b>\$ 200.00</b>
<b>58220</b>	<b><u>Airport</u></b>		
452	Utilities		\$ 208.00
506	Liability Insurance	\$ 208.00	
791	Other Construction (from 101-35110)	<u>\$13,274.24</u>	
	<b>Subtotal-58220</b>	<b>\$13,482.24</b>	<b>\$ 208.00</b>
	<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$99,909.24</b>	<b>\$ 68,835.00</b>
	<b>Prior Estimated Expenditures</b>		<b>\$6,579,969.00</b>
	<b>Total Estimated Expenditures This Amendment</b>		<b>\$6,592,269.00</b>
	<b>Estimated Ending Fund Balance as of June 30<sup>th</sup>, 1999</b>		<b>\$ 504,003.00</b>
	<b>Change in Fund Balance This Amendment</b>		<b>\$ 12,300.00</b>

Commissioner Harris then presented a Resolution exempting Social Security for student employees, and moved for the passage of same. Motion was seconded by Commissioner Brewer, and unanimously carried by the Board. Same being as follows:

**RESOLUTION TO EXCLUDE STUDENT SERVICES FROM SOCIAL SECURITY COVERAGE FOR TENNESSEE BOARDS OF EDUCATION.**

WHEREAS, HR 4328, Public Law 105-273 Section 2023 authorizes states to modify Agreements to exclude from Social Security/Medicare coverage services performed by a student in the employ of a school where the student is enrolled and regularly attending classes at such school with respect to services performed on or after June 30, 2000

WHEREAS, Acting under authority of an Emergency Resolution passed and approved \_\_\_\_\_ the \_\_\_\_\_

(Date)

(Governing body)

authorized and directed the \_\_\_\_\_ to execute an Agreement with the Old Age & Survivors Insurance Agency, State of Tennessee, to extend the benefits of the Federal System of Old Age & Survivors, Disability, Health Insurance (Social Security) to include employees and officials, thereof except those excluded by applicable Federal State laws and regulations, or by said Resolution, and

WHEREAS, pursuant to Federal law, the State's Agreement may not thereafter be modified so as to cover service performed by student in the employ of a school where the student is enrolled and regularly attending classes at such school.

WHEREAS, notwithstanding any provisions of said Resolution, as amended, it is now deemed to be in the best interest of said County and the local Board of Education, to exclude from its coverage group the services of a student in the employ of a school where the student is enrolled and regularly attending classes at such school, Agreement must be modified and approved on or after January 1, 1999 and on or before March 31, 1999 by the State Old Age & Survivors Insurance Agency and the Commissioner of Social Security.

**NOW, THEREFORE, BE IT RESOLVED** by the \_\_\_\_\_ acting under authority of said Emergency Resolution, the County Executive is authorized and directed to execute an amendment to said Agreement to exclude from coverage under the Federal System of Old Age & Survivors, Disability, Health Insurance (Social Security), services performed by a student in the employ of a school where the student is enrolled and regularly attending classes at such school.

**BE IT FURTHER RESOLVED;** by the \_\_\_\_\_ that the Resolution shall be in full force and effect upon passage and approval, for all intent and purposes, except that the effective date to exclude student service from Social Security coverage, shall be for service performed on or after June 30, 2000.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998

\_\_\_\_\_  
Governing Body

Motion was made by Commissioner Harris, seconded by Commissioner Wilson, and unanimously carried by the Board approving the payment of \$3,608.00 to Barge, Waggoner, Sumner & Cannon, Inc. for services on courthouse renovation. Resolution adopted is as follows:

R E S O L U T I O N                      9.3.6.5.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 27th day of April, 1999, 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 Request from Barge, Waggoner, Sumner and Cannon, for the fiscal year ending June 30, 1999 be amended in the following words and figures to wit:

<u>Contract</u> <u>Amount</u>	%	<u>Amount</u>
	<u>Complete</u>	<u>Due</u>
\$24,000.00	100%	<u>\$24,000.00</u>
* Additional Services:	Contract Extension for Contract Administration and Inspection Services	\$ 2,408.00
Total Fee Earned to Date		\$26,408.00
Less Previous Statements		<u>22,800.00</u>
Amount Requested		\$ 3,608.00

Motion was made by Commissioner Harris, seconded by Commissioner Tomlin, and unanimously carried by the Board accepting the approved grants of \$374,500 and \$301,500 for opening and closing of the landfill and possible garbage collection service at some time.

Chairman Voss then addressed the matter of insurance company coverage, advising that such coverage will apply only to suits for a "money or value" amount and not for action such as an election.

Motion was made by Commissioner Harris, seconded by Commissioner German and unanimously carried by the Board adopting the following Resolution concerning application for a grant for litter and trash collection. Same being as follows:

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION  
FOR A LITTER AND TRASH COLLECTING GRANT FROM THE  
TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING  
THE ACCEPTANCE OF SAID GRANT**

**WHEREAS, the County of Fayette intends to apply for the aforementioned grant, from the Tennessee Department of Transportation; and**

**WHEREAS, the contract for the grant will impose certain legal obligations upon the County of Fayette.**

**NOW, THEREFORE, BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session assembled on this 27<sup>th</sup> day of April, 1999, in the Courthouse in Somerville, Tennessee.**

**1. That Jim Voss is authorized to apply on behalf of Fayette County, for a litter and trash collecting grant from the Tennessee Department of Transportation.**

**2. That should said application be approved by the Tennessee Department of Transportation, then Jim Voss is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the litter and trash collecting grant by Fayette County.**

Commissioner Kelley presented for action, without the recommendation of the Public Safety Committee, the request for a Saturday held bike race in the Macon area. Motion was made by Commissioner Morris, seconded by Commissioner Sullivan to deny the request. Said motion carried, with one (1) "no" vote.

Commissioner Wilson questioned progress on school construction. Chairman Voss advised that Representatives Naifeh and Walley would be asked to address this Board on that matter.

Thereupon, said meeting adjourned.

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JIM VOSS - Chairman  
Mayor

ATTEST:

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Dell T. Graham, County Clerk