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COUNTY LEGISLATIVE BODY

August 24, 1999

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 24th day of August, 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, Alonzo Morman, Jr., David Morris, John S. Sullivan, Sr., Rhea "Skip" Taylor, Wayne Thomas, Gordon M. Tomlin and Myles Wilson.

Absent: Commissioner Calvin Moore.

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 Brewer and unanimously carried by the Board approving the minutes of the July 1999 meeting.

At this time, D. Ohlweiler of Cumberland Securities addressed the Board with alternatives for funding of new school construction and was available for questions.

Representatives of Beavers, Smith, Langford and Munding addressed the Board on time construction.

Chairman Voss advised the Board that the Board of Education asked for guidance to plan for building two new schools or additions to present schools. After some discussion, motion was made by Commissioner Harris, seconded by Commissioner Taylor and carried by the Board to build the two schools. Roll Call vote was then called for. The following Commissioners voted "YES": Arnett, Bonner, Brewer, Cox, Doyle, German, Harris, Kelley, Morman, Morris, Sullivan, Taylor, Tomlin and Wilson. (14)

Voting "NO": Commissioners Burnette, Graves, Logan and Thomas. (4)
Said motion, again, was declared as passed.

Motion was then made by Commissioner Wilson, seconded by Commissioner Brewer to proceed with the preliminary plans. After some discussion, motion was made by Commissioner Harris, seconded by Commissioner Kelley to amend the original motion to be for "tentative approval" to proceed with the study and bring a budget amendment back to this Board at the next meeting. This motion to amend carried; then the original motion carried unanimously.

More discussion followed on construction cost.

Next on the Agenda was a Resolution establishing a speed limit on Sunset Ridge Road, Rodeo Road, Alamo Cove, Cimarron Road and Habitat Cove in Civil District 9. Motion was made by Commissioner Kelley, seconded by Commissioner Arnett to set the speed limit as requested. Chairman Voss then opened the floor for public comments. With none being offered, the floor was closed to the public. With action being taken on the motion, same carried, adopting the following Resolution:

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 24th day of August, 1999, it being the fourth Tuesday of said month and the regular monthly meeting date of the August 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 twenty (20) miles per hour on Sunset Ridge Road, Rodeo Road, Alamo Cove, Cimarron Road and Habitat Cove in their entirety, for a distance of one and one-quarter (1 1/4) miles, being located in the Nineth 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.

Now before the Board was the rezoning request of Hilliard Crews to rezone from R - 1 to R - 3 property located in Civil District 9 for a residential subdivision. Having been reviewed by the Planning Commission, this was presented with their recommendation for passage. Chairman Voss then opened the floor for public comments. With none being offered, the open floor was closed. Motion was then made by Commissioner Morris, seconded by Commissioner Burnette, 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 County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 24th day of August, 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 Zoning Application of Hilliard Crews to rezone from R - 1 to R - 3 Civil District #9 being the north side of Jenkins Drive, east of Raleigh-LaGrange Road intersection, be approved for the purpose of a residential subdivision containing 27 new lots, two new roads, and a water ski lake on this site.

Beginning at a found metal post at the southwest corner of said property recorded in Book 433, Page 336, Tract 2, said point being in the north line fo the Quail Crest Subdivision recorded in Plat Book 5, Page 67 and recorded in Plat Book 7, Page 99 and in the east line of the Glenn J. Little, Jr. and wife Renee W. Little property recorded in Book 352, Page 731; thence north 00 degrees 43 minutes 47 seconds east along the east line of said property recorded in Book 352, Page 743, and along the west line of said property recorded in Book 433, Page 336. Tract 2, 2199.17 feet to a found axle in the south line of said property recorded in Book 409, Page 617 and in the north line of said property recorded in Book 433, Page 336, Tract 2; thence north 02 degrees 11 minutes 51 seconds west along the east line of said property recorded in Book 356, Page 743, and along the west line of said property recorded in Book 409, Page 617, 979.61 feet to a found metal post in a south line of the Jane Porter Feild and Joel M. Porter (Trustees) property recorded in Book 389, Page 452, Parcel 1 and the north line of said property recorded in Book 409, Page 617; thence south 89 degrees 16 minutes 37 seconds east along a south line of said property recorded in Book 369, Page 452, Parcel 1 and along the north line of said property recorded in Book 409, Page 617, 1599.35 feet to a set 1/2" rebar with plastic cap in a west line of said property recorded in Book 369, Page 452, Parcel 1 and in the east line of said property recorded in Book 409, Page 617; thence south 02 degrees 11 minutes 51 seconds east along a west line of said property recorded in Book 389, Page 452, Parcel 1 and along the east line of said property recorded in Book 409, Page 617, 970.61 feet to a set 1/2" rebar with plastic cap in the south line of said property recorded in Book 409, Page 617, said property recorded in Book 369, Page 452, Parcel 1 and in the north line of said property recorded in Book 433, Page 336, Tract 2; thence south 89 degrees 16 minutes 37 seconds east along the south line of said property recorded in Book 369, Page 452, Parcel 1 and along the north line of said property recorded in Book 433, Page 336, Tract 2, 674.74 feet to a set 1/2" rebar with plastic cap in the west line of the Fair Meadows Subdivision property recorded in Plat Book 6, Page 9 and in the east line of said property recorded in Book 433, Page 336, Tract 2: thence along the west line of said property recorded in Plat Book 6, Page 9, and the Julia Mae Benton property recorded in Book 300, Page 65 and along the east line of said property recorded in Book 433, Page 336, Tract 2 the following calls; south 01 degrees 51 minutes 37 seconds west, 830.52 feet to a found metal post; south 00 degrees 33 minutes 24 seconds west, 729.48 feet to a set 1/2" rebar with plastic cap in a south line of said property recorded in Book 433, Page 336, Tract 2 and in the north line of the "Methodist Church" (1 acre) property; thence north 89 degrees 26 minutes 36 seconds west along a south line of said property recorded in Book 433, Page 336, Tract 2 and along the north line of the "Methodist Church" (1 acre) property, 208.71 feet to a set 1/2" rebar with plastic cap in an east line of said property recorded in Book 433, Page 336, Tract 2 and in the west line of the "Methodist Church" (1 acre) property; thence south 00 degrees 33 minutes 24 seconds west along an east line of said property recorded in Book 433, Page 336, Tract 2 and along the west line of the "Methodist Church" (1 acre) property, 239.53 feet to a set cotton picker spindle in the centerline of existing pavement in Jenkins Drive; thence along the centerline of existing pavement in said Jenkins Drive the following calls; south 74 degrees 06 minutes 13 seconds west, 44.89 feet to a set cotton picker spindle; south 75 degrees 15 minutes 50 seconds west, 44.83 feet to a set cotton picker spindle; south 81 degrees 01 minutes 25 seconds west, 90.17 feet to a set cotton picker spindle; south 05 degrees 31 minutes 06 seconds west, 108.69 feet to a set cotton picker spindle; south 86 degrees 38 minutes 21 seconds west, 135.14 feet to a set cotton picker spindle, south 83 degrees 52 minutes 16 seconds west, 92.86 feet to a set cotton picker spindle; south 82 degrees 13 minutes 28 seconds west, 111.59 feet to a set cotton picker spindle; south 79 degrees 07 minutes 54 seconds west, 103.72 feet to a set cotton

picker spindle; south 76 degrees 20 minutes 30 seconds west, 119.31 feet to a set cotton picker spindle; south 74 degrees 59 minutes 10 seconds west, 168.12 feet to a set cotton picker spindle; thence south 78 degrees 56 minutes 21 seconds west leaving the center line of existing pavement in said Jenkins Drive and along the north line of said property recorded in Plat Book 5, Page 67 and re-recorded in Plat Book 7, Page 99 and along the south line of said property recorded in Book 433, Page 338, Tract 2, 1114.28 feet to the point of beginning and containing 136.669 acres of land

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The matter now before the Board was the rezoning request of Lagoshen Missionary Baptist Church of approximately one acre from B - 1 to B - 3 for the purpose of operating a children's day care center. This was presented with the recommendation of the Planning Commission for adoption.

Chairman Voss then opened the floor for public comments in favor of or in opposition to the rezoning. With none offered, the floor was declared closed. Motion was then made by Commissioner Wilson, seconded by Commissioner Morman, and carried by the Board, (one Commissioner voting "no") adopting the following:

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 24th day of August, 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 Zoning application of **Lagoshen Missionary Baptist Church** to rezone from B - 1 to B - 3, Civil District #10, being the southeast corner of intersection of Hwy 57 and Dewitt Road, be approved for purpose of a Day Care Center (Lagoshen Child Care Learning Center) serving a maximum of 99 children, Monday through Friday from 6:00 A.M. to 6:00 P.M. Said property described as follows:

Lot 16 E. F. Dewitt Subdivision, as same appears on plat of record in the Register's Office of Fayette County, Tennessee in Plat Book 2, Page 145 to which reference is here made for a full and complete description.

This being the same property out of what has been designated in the Fayette County Tax Assessor's Office as Parcel No. 55.00 on Tax Map 180.

Being the same property conveyed to Anne Hill by Clerk & Master's Tax Deed of Record at Deed Book 375, Page 579 in the Register's Office of Fayette County, Tennessee.

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Now presented with the recommendation of the Planning Commission for approval was the zoning application of **Drew Canale** concerning property located in Civil District 11 for change from R - 1 to S - A for the use for equestrian activities and picnics.

Chairman Voss opened the floor to the public for comments in favor of and in opposition to the rezoning. For this Dixie Taylor addressed the Commissioners in opposition to the rezoning. Drew Canale addressed in favor of the rezoning.

Motion was then made by Commissioner German, seconded by Commissioner Burnette, 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 County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 24th day of August, 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 Zoning Application of Drew Canale to rezone from R - 1 to SA Civil District #11, on the east side of Macon Cemetery Road be approved for use for equestrian activities and picnics.

Beginning at the southwest corner of the above 91.5 acre tract, recorded by deed in Book #294 on Page 201 in the Fayette County Register's Office, Deed #1654, and running east 850 feet to a fence line and then running north 417 feet to a corner fence line and then running 871 feet northwest to Macon Cemetery Road, and then 50 feet east. From Macon Cemetery Road, running 871 feet to a 50 foot portion southwest to a fence line, and 500 feet east to the edge of a lake. Then running 417 feet south to a fence line and then 550 feet west to the original corner, containing 6.62 acres.

* * * * *

Motion was made by Commissioner Kelley, seconded by Commissioner Arnett, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Donna T. Anderson, Susan G. Doyle, Carolyn G. Rhea, Land Middlecoff; District 7: Michael L. Wainscott; District 9: Pat S. Casey.

Motion was made by Commissioner Wilson, seconded by Commissioner Morris and unanimously carried by the Board to allow the Fayette County Fair Association to use land at the Industrial Park for fair activity with that association holding insurance coverage.

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

Jim Smith reported orally for the Board of Public Works.

Commissioner Morris reported orally for the County Development Committee.

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

Presented with the recommendation of the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Brewer, and unanimously carried by the Board to set a minimum fee of \$.05 per square foot for hanger lease at the airport, that a cost-of-living adjustment apply at the end of each year based on CPI, that each lease be individually approved by this Board of Commissioners, and that all building designs be approved by this Board.

With the recommendation of the Budget Committee for approval, motion was made by Commissioner Harris, seconded by Commissioner Kelley, and unanimously carried by the Board setting a fee of \$50.00 per meeting for committee members other than County Commissioners meetings.

As recommended by the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Brewer, setting a cost-of-living salary increase for County Commissioners. This would be the same percentage as set for county employees, but would be effective starting next year. Said motion carried with one Commissioner voting "NO".

Motion was made by Commissioner Harris, seconded by Commissioner Kelley, and unanimously carried by the Board setting the annual salary increase of the County Attorney as that set for county employees each year. This was presented as the recommendation of the Budget Committee.

Presented 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 Purpose Fund #141 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 24th day of August, 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 be amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141
 AUGUST, 1999

		INCREASE	DECREASE
000	CAPITAL OUTLAY		
100	REGULAR CAPITAL OUTLAY		
100 706	Building Construction	\$230,000.00	
100 706 LIT	Building Construction	\$10,000.00	
100 707 AB1	Building Improvements	\$267,343.82	
	TOTAL:	\$507,343.82	

Total Increase: \$507,343.82

Revenue:	46980 AB1	Other State Grants	\$200,000.00
	47190 AB1	Title XX	<u>\$65,000.00</u>
	Total:		\$265,000.00

Reserves:	34390 AB1	Other State Reserves	\$2,343.82
	34390 LIT	Other State Reserves	\$10,000.00
	39000	Undesignated Fund Balance	<u>\$230,000.00</u>
	Total:		\$242,343.82

Revenue:	Prior Total Available Funds	\$19,682,362.48
	Total Increase This Amendment	<u>\$265,000.00</u>
	Total Available Funds This Amendment	\$19,947,362.48

Expenditure:	Prior Total Estimated Expenditures	\$17,343,439.00
	Total Increase This Amendment	<u>\$507,343.82</u>
	Total Estimated Expenditures This Amen	\$17,850,782.82

As approved by the Budget Committee for amendment, motion was made by Commissioner Harris, seconded by Commissioner Morman, 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 24th day of August, 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 99/00 August, 1999

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51300 County Executive</u>		
101 County Official/Administrative Officer	<u>\$ 320.00</u>	
Subtotal-51300	\$ 320.00	
<u>52300 Property Assessor's Office</u>		
108 Investigator(s)	<u>\$ 1,260.00</u>	
Subtotal-52300	\$ 1,260.00	

<u>53400 Chancery Court</u>		
106 Deputy(ies)	<u>\$ 1,009.00</u>	
Subtotal-53400	\$ 1,009.00	
<u>54210 Jail</u>		
165 Cafeteria Personnel	<u>\$ 660.00</u>	
Subtotal-54210	\$ 660.00	
<u>54220 Workhouse</u>		
165 Cafeteria Personnel	<u>\$ 550.00</u>	
Subtotal-54220	\$ 550.00	
<u>54310 Fire Prevention and Control</u>		
105 Supervisor/Director		\$ 5,000.00
<u>54410 Civil Defense</u>		
105 Supervisor/Director	<u>\$ 5,000.00</u>	
Subtotal-54310/54410	<u>\$ 5,000.00</u>	<u>\$ 5,000.00</u>
TOTAL	\$ 8,799.00	\$ 5,000.00
Prior Estimated Expenditures		\$6,582,811.00
Total Estimated Expenditures This Amendment		\$6,586,610.00
Projected Fund Balance before Amendment		\$ 84,908.00
Change in Fund Balance This Amendment		\$ 3,799.00
Estimated Ending Fund Balance as of June 30 th , 2000		\$ 81,109.00

With no other matters to be brought before the Board, said meeting adjourned.

JIM VOSS - Chairman
County Mayor

ATTEST:

Dell T. Graham, County Clerk