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FAYETTE COUNTY LEGISLATIVE BODY

February 22, 2000

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 22nd day of February, 2000.

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, John S. Sullivan, Sr., Rhea "Skip" Taylor, Wayne Thomas, Gordon M. Tomlin and Myles Wilson.

With all members 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 January 2000 meeting.

Now before the Board was the request of Louis and Peggy Montague to rezone property located in Civil District 8 from R - 1 to R - 3 for development of a residential subdivision. This rezoning had been approved by the Planning Commission.

Chairman Voss then opened the floor for public comments. Speaking in opposition to the rezoning was Henry Martin; in favor, Andy Montague.

Motion was then made by Commissioner Doyle, seconded by Commissioner Logan to approve the rezoning request. Upon roll call vote, the following Commissioners voted **YES**: Commissioners Arnett, Bonner, Brewer, Burnette, Cox, Doyle, Graves, German, Harris, Kelley, Logan, Moore, Morman, Morris, Sullivan, Taylor, Thomas, Tomlin and Wilson. (18)

Voting **NO**: Commissioner Kelley.

Thereupon, the following described property located in Civil District 8 was rezoned from R - 1 to R - 3 :

Beginning at a found cotton picker spindle in the center line of existing pavement in Warren Road, said point being the north line of the Fayette County Citizens for Progress property recorded in Book 448, Page 509; thence north (x) degrees 45 minutes 00 seconds west along the centerline of existing pavement in said Warren Road, 641.29 feet to a found cotton picker spindle in the north line of said property recorded in Book 493, Page 720 and in the south line of the Ronald M. McFarland and wife Donna N. McFarland property recorded in Book 222, Page 854; thence south 89 degrees 16 minutes 48 seconds and along the north line of said property recorded in Book 493, Page 720 and along the south line of said property recorded in Book 222, Page 854, 690.51 feet to a found 1" pipe in the east line of said property recorded in Book 493, Page 720 and in the west line of the H. S. Shaw property recorded in Book 80, Page 365; thence south 00 degrees 45 minutes 00 seconds east along the east line of said property recorded in Book 493, Page 720 and along the west line of said property recorded in Book 80, Page 368, 841.20 feet to a set 1/2" rebar with plastic cap in the south line of said property recorded in Book 493, Page 720 and in the north line of the Fayette County Citizens for Progress, Inc. property recorded in Book 486, Page 155; thence south 89 degrees 58 minutes 09 seconds west along the south line of said property recorded in Book 493, Page 720 and along the north line of said property recorded in Book 455, Page 155, 458.80 feet to a found metal post in a west line of said property recorded in Book 493, Page 720 and in the east line of said property recorded in Book 448, Page 509; thence north 00 degrees 13 minutes 29 seconds east along a west line of said property recorded in Book 493, Page 720 and along the east line of said property recorded in Book 445, Page 509, 208.59 feet to a found metal post in a south line of said property recorded in Book 493, Page 720 and in the north line of said property recorded in Book 493, Page 720 and in the north line of said property recorded in Book 448, Page 509; thence north 89 degrees 58 minutes 07 seconds west along a south line of said property recorded in Book 493, Page 720 and along the north line of said property recorded in Book 448, Page 509, 235.09 feet to the point of beginning and containing 12.284 acres of land.

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Tod Williams now presented the rezoning request of Bailey Ferge, Jr. regarding property located in Civil District 2 to be rezoned from B - 1 to B - 3 for operation of a used car dealership and repair. Having been reviewed by the Planning Commission, this was presented with their recommendation for denial. Chairman Voss then opened the floor for public comments. Addressing the Board in opposition to the rezoning was Warren Adams, Jr.; in favor, Bailey Ferge, Jr. Discussion followed. Motion was then made by Commissioner Taylor, seconded by Commissioner Burnette to approve the rezoning request with stipulations that an eight foot screen fence be behind the shop, that no wrecked or junk cars be stored at this location, and that there be only two access entries to this location. After further discussion, Roll Call Vote was taken. Voting "YES" to the rezoning request were Commissioners Bonner, Brewer, Burnette, Cox, Moore, Morris, Sullivan, Taylor, Thomas, Tomlin and Wilson. (11)

Voting "NO" on the rezoning request were Commissioners Arnett, Doyle, Graves, Kelley, Logan and Morman. (6)

Passed: Commissioner German.

Declairing a possible conflict of interest, Commissioner Harris.

Thereupon, said motion carried rezoning the property as described:

Beginning at an iron (found rod) in the west margin of US Hwy 64, (560) feet wide), this point being the southeast corner of the Helen S. Cooper Tract No. 2 for 2.41 acres (Deed Book 158, Page 390), the northeast corner of the Russell L. Johnston 10.48 acre tract, and being the northeast corner of the tract herein described, from said point of beginning South 31 degrees 59 minutes 31 seconds WEst 722.81 feet, along the west margin of said highway to an iron (set-steel fence post); thence north 58 degrees 00 minutes 29 seconds west 300.18 feet to an iron (set-steel fence post) in the east margin of the Old L & N Railroad (100 feet wide) - (now abandoned), this point being in the west line of the said Johnston tract; thence in a northeastwardly direction along the east margin of said Railroad and the west line of the Johnston tract, the following courses: (3 calls - iron set steel fence post at all break points) NOrth 53 degrees 29 minutes 31 seconds East 198.04 feet; North 45 degrees 29 minutes 31 seconds East 264.00 feet and North 32 degrees 29 minutes 31 seconds East 171.60 feet to an iron (set-steel fence post) in the east margin of said Railroad, this point being the southwest corner of the said Cooper tract and the northwest corner of the said Johnston tract; thence North 88 degrees 09 minutes 22 seconds East 198.00 feet, to the point of beginning and containing 3.13 acres, as per survey of James O. Wiles, County Surveyor of Fayette County, Tennessee, on February 4, 1989. This being 3.13 acres off the north end of what has been designated in the Fayette County Tax Assessor's Office as Parcel No. 26.00 on Tax Map No. 70.

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Motion was made by Commissioner Tomlin, seconded by Commissioner Doyle, and unanimously carried by the Board appointing J. Payson Matthews as Back Tax Attorney with salary remaining the same.

Motion was made by commissioner Kelley, seconded by Commissioner Taylor, and unanimously carried by the Board appointing the following to the Agricultural Extension Board: Bill Cowan, Jr., Wayne Thomas and Mrs. Carolyn Powers.

No action was taken on appointment to the Zoning Appeals Board.

Motion was made by Commissioner Wilson, seconded by Commissioner Burnette, and unanimously carried by the Board appointing the following as Notaries Public: Doris S. Arnett, Major Coburn, Tammy M. Madill and Barbara T. Smith.

A combined summary financial statement and combined schedule of bonds and notes payable were available for the Commissioners.

Chairman Voss addressed the Board regarding new planning proposals and more understandable zoning. Several ideas to be considered were reviewed. Motion was then made by Commissioner Kelley, seconded by Commissioner Morman, calling for a five minute recess. Voting in favor of the recess were Commissioners Arnett, Brewer, Burnette, Cox, Doyle, Graves, German, Kelley, Logan, Moore, Morman, Morris, Sullivan, Taylor, Thomas, Tomlin and Wilson. (17)

Voting NO: Commissioner Harris.

Passing: Commissioner Bonner.

Five minute recess was taken.

Chairman Voss brought up the matter of Rules of Procedure. Motions to amend the rules of procedure were made, but after discussion were withdrawn to obtain a legal opinion from the county attorney.

Reports from the Board of Public Works and the Board of Education were called for, but not presented.

Commissioner Morris presented the recommendation of the County Development Committee and moved to accept the official public road list with the exception of Marbury Road. Said motion was seconded by Commissioner Graves, and unanimously carried by the Board.

Commissioner Kelley questioned the status of **Brookline Cove**. Chairman Voss advised that it was the opinion of the county attorney that since the county had the funds for such that it was the responsibility of the county to repair the road.

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

Commissioner Brewer reported orally for the Personnel Committee.

Commissioner Harris presented and moved to support legislation requiring Tennessee property casualty insurers to cover sinkhole collapse or soil subsidence which causes damage to Tennessee homes. This motion was seconded by Commissioner Wilson and unanimously carried by the Board.

No recommendation was made by the Budget Committee on the request of the Bird Dog Foundation for \$12,500.00 as a painting sponsor. No action was taken by this Board.

Having been reviewed by the Budget Committee and presented with their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Morris and unanimously carried by the Board approving the following amendment to the General Purpose Fund:

**FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141
FEBRUARY, 2000**

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 117	Career Ladder		\$10,000.00
71100 195	Substitute Teachers	\$23,000.00	
71100 201	Social Security		\$14,000.00
71100 204	State Retirement		\$8,000.00
71100 207	Health Insurance	\$20,087.00	
71100 212	Medicare		\$3,000.00
	TOTAL:	\$43,087.00	\$35,000.00
71300	VOCATIONAL EDUCATION PROGRAM		
71300 201	Social Security		\$1,465.00
71300 204	State Retirement		\$500.00
71300 207	Health Insurance	\$2,165.00	
71300 212	Medicare		\$200.00
	TOTAL:	\$2,165.00	\$2,165.00
2000	SUPPORT SERVICES		
2110	ATTENDANCE		
2110 201	Social Security		\$114.00
2110 207	Health Insurance	\$114.00	
	TOTAL:	\$114.00	\$114.00
2120	HEALTH SERVICES		
2120 355	Travel	\$1,000.00	
2120 399	Other Contracted Services		\$1,000.00
	TOTAL:	\$1,000.00	\$1,000.00
2130	OTHER STUDENT SUPPORT		
2130 117	Career Ladder		\$500.00
2130 123	Guidance	\$970.00	
2130 135	Assessment Personnel		\$394.00
2130 162	Clerical Personnel		\$2,867.00
2130 201	Social Security		\$245.00

130 204	State Retirement		\$351.00
130 207	Health Insurance	\$3,973.00	
130 212	Medicare		\$57.00
	TOTAL:	\$4,943.00	\$4,414.00
210	REGULAR INSTRUCTION PROGRAM		
210 105	Supervisor/Director	\$3.00	
210 117	Career Ladder		\$1,500.00
210 129	Librarian		\$8,970.00
210 138	Instructional Computer Personnel		\$394.00
210 201	Social Security		\$1,055.00
210 204	State Retirement		\$594.00
210 207	Health Insurance		\$2,932.00
210 212	Medicare		\$247.00
	TOTAL:	\$3.00	\$15,692.00
230	VOCATIONAL EDUCATION PROGRAM		
230 201	Social Security		\$132.00
230 207	Health Insurance	\$170.00	
230 212	Medicare		\$38.00
	TOTAL:	\$170.00	\$170.00
320	OFFICE OF THE SUPERINTENDENT		
320 101	County Official/Administrative Officer	\$10,185.00	
320 201	Social Security	\$668.00	
320 204	State Retirement	\$563.00	
320 207	Health Insurance	\$257.00	
320 212	Medicare	\$202.00	
	TOTAL:	\$11,875.00	
410	OFFICE OF THE PRINCIPAL		
410 104	Principals		\$2,597.00
410 117	Career Ladder		\$1,000.00
410 139	Assistant Principals		\$23,697.00
410 201	Social Security		\$2,193.00
410 204	State Retirement		\$1,492.00
410 207	Health Insurance	\$395.00	
410 212	Medicare		\$513.00
	TOTAL:	\$395.00	\$31,492.00
72510	FISCAL SERVICES		
72510 119	Accountant	\$1,198.00	
72510 189	Other Salaries and Wages	\$4,314.00	
72510 201	Social Security	\$343.00	
72510 204	State Retirement	\$229.00	
72510 207	Health Insurance	\$220.00	
72510 212	Medicare	\$81.00	
	TOTAL:	\$6,385.00	\$0.00

2610	OPERATION OF PLANT		
2610 161	Secretary	\$2,709.00	
2610 207	Health Insurance	\$850.00	
	TOTAL:	\$3,559.00	\$0.00
2710	TRANSPORTATION		
2710 162	Clerical Personnel	\$1,645.00	
	TOTAL:	\$1,645.00	\$0.00
2810	CENTRAL AND OTHER		
2810 189 SSA	Other Salary and Wages	\$3,094.00	
2810 201 SSA	Social Security	\$192.00	
2810 204 SSA	State Retirement	\$169.00	
2810 212 SSA	Medicare	\$45.00	
2810 399 SSA	Other Contracted Services	\$4,674.00	
2810 499 SSA	Other Supplies and Materials	\$2,800.00	
2810 790 SSA	Other Equipment	\$13,000.00	
	TOTAL:	\$23,974.00	
	GRAND TOTAL:	\$99,315.00	\$90,047.00

Total Increase: \$9,268.00

Revenue:	46590 SSA Other State Education Funds	\$23,974.00
	46610 Career Ladder Program	(\$14,706.00)
	Total:	\$9,268.00

Revenue:	Prior Total Available Funds	\$20,715,088.35
	Audit Adjustment	(\$2,924.17)
	Total Increase This Amendment	\$9,268.00
	Total Available Funds This Amendment	\$20,721,432.18

Expenditure:	Prior Total Estimated Expenditures	\$19,948,250.64
	Total Increase This Amendment	\$9,268.00
	Total Estimated Expenditures This Amen	\$19,957,527.64

Motion was made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board approving the following amendments to the Federal Projects Fund:

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 091 - IDEA
 FEBRUARY, 2000

		INCREASE	DECREASE
1000	INSTRUCTION		
1200	SPECIAL EDUCATION PROGRAM		
1200 163	Aides	\$20,000.00	
1200 429	Instructional Supplies and Materials	\$8,400.00	
	TOTAL:	\$28,400.00	\$0.00
2000	SUPPORT SERVICES		
2220	SPECIAL EDUCATION PROGRAM		
2220 124	Psychological Personnel		\$24,410.24
2220 201	Social Security		\$1,513.72
2220 204	State Retirement		\$1,335.66
2220 207	Health Insurance		\$1,085.72
2220 212	Medicare	\$67.41	
2220 312	Contracts w/Private Agencies	\$8,277.93	
2220 457	In-Service/Staff Development	\$5,929.00	
	TOTAL:	\$14,274.34	\$28,345.34
	GRAND TOTAL:	\$42,674.34	\$28,345.34

Total Increase: \$14,329.00

Revenue:	47143 Special Education-Grants thru State	\$14,329.00
Revenue:	Prior Total Available Funds	\$1,921,137.59
	Total Increase This Amendment	\$14,329.00
	Total Available Funds This Amendment	\$1,935,466.59
Expenditures:	Prior Total Estimated Expenditures	\$1,921,137.59
	Total Increase This Amendment	\$14,329.00
	Total Estimated Expenditures This Amendment	\$1,935,466.59

FAYETTE COUNTY BOARD OF EDUCATION
FEDERAL PROJECTS FUND
FUND 142
SUBFUND 090 - PRESCHOOL
FEBRUARY, 2000

		INCREASE	DECREASE
1000	INSTRUCTION		
1200	SPECIAL EDUCATION PROGRAM		
1200 163	Aides		\$3,068.00
1200 429	Instructional Supplies and Materials		\$5,000.00
	TOTAL:	\$0.00	\$8,068.00

Total Decrease: (\$8,068.00)

Revenue: 47143 Special Education-Grants thru State (\$8,068.00)

Revenue: Prior Total Available Funds \$1,929,205.59
 Total Decrease This Amendment (\$8,068.00)
 Total Available Funds This Amendment \$1,921,137.59

Expenditures: Prior Total Estimated Expenditures \$1,929,205.59
 Total Decrease This Amendment (\$8,068.00)
 Total Estimated Expenditures This Amendment \$1,921,137.59

Motion was made by Commissioner Harris, seconded by Commissioner Doyle and unanimously carried by the Board approving the following amendment to the Public Works Fund #131:

PROPOSED BUDGET AMENDMENT NO. 1
1999-2000 HIGHWAY FUND 131

<u>REVENUES</u>		<u>AMENDMENT</u>	<u>AMENDED TOTAL</u>
44520 Insurance Recovery	+	\$ 12,360.00	\$ 12,360.00
Total Estimated Revenues:	+	\$ 12,360.00	\$4,241,530.00

EXPENDITURES

63100 Oper. & Maint. of Equip.			
412 Diesel Fuel	+	\$ 5,400.00	\$ 89,400.00
425 Gasoline	+	4,360.00	24,360.00
Total 63100:	+	\$ 9,760.00	\$ 583,240.00
68000 Capitol Outlay			
714 Highway Equip,	+	\$ 2,600.00	\$ 202,600.00
Total 68000:	+	\$ 2,600.00	\$4,018,535.00
Total Estimated Expenditures:	+	\$ 12,360.00	\$4,086,295.00

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 22nd day of February, 2000, 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
February, 2000**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51100 County Commission</u>		
189 Other Salaries & Wages		\$ 2,000.00
204 State Retirement		\$ 500.00
331 Legal Services	<u>\$ 2,500.00</u>	
Subtotal-51100	\$ 2,500.00	\$ 2,500.00
<u>54310 Fire Prevention and Control</u>		
718 Motor Vehicles	\$30,000.00	
790 Other Equipment		<u>\$30,000.00</u>
Subtotal-54310	\$30,000.00	\$30,000.00
<u>55130 Ambulance/Emergency Medical Serv.</u>		
413 Drugs & Medical Supplies		\$ 3,235.00
451 Uniforms	<u>\$ 3,235.00</u>	
Subtotal-55130	\$ 3,235.00	\$ 3,235.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$35,735.00	\$35,735.00
Prior Estimated Expenditures		\$6,590,610.00
Total Estimated Expenditures This Amendment		\$6,590,610.00
Projected Fund Balance before Amendment		\$ 77,109.00
Change in Fund Balance This Amendment		\$ 00.00
Estimated Ending Fund Balance as of June 30 th , 2000		\$ 77,109.00

The Audit Findings on the Office of County Mayor were issued to the Commissioners and will be reviewed by the Budget Committee.

Motion was made by Commissioner Burnette, seconded by Commissioner German and so ordered by the Board amending the agenda.

Motion was then made by Commissioner Burnette, seconded by Commissioner Morris and unanimously carried by the Board adopting the following Resolution allowing the **TEN COMMANDMENTS** in public offices and buildings, with a copy to be sent to our Representatives.

RESOLUTION

We, the below-signed sitting Commission of Fayette County, in consideration of our great Biblical history of Tennessee, both in our Tennessee Constitution and devotional activities in our heritage, hereby acknowledge the importance of the Ten Commandments of Almighty God and wish to go on record in support of this Magnificent Document and state that we will defend our right to its display to the limit of our ability, against all enemies, domestic and foreign, public and private.

In the enacting of this Resolution, we hereby petition the God of Heaven to preserve the peace which He has so graciously extended to us by our ancient acknowledgement of the Ten Commandments and beg His continued protection and alleviation of ills which come to those who forget Him and His Law.

Thereupon, said meeting adjourned.

**JIM VOSS - Chairman
County Mayor**