

FAYETTE COUNTY LEGISLATIVE BODY

October 24, 2000

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BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 24th day of October, 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 Logan, and unanimously carried by the Board approving the minutes of the regular September 2000 meeting.

Tod Williams of the Planning Commission presented their recommendation and that of the County Development Committee for rezoning of property located in Civil District 8 from R - 1 to R - 3 for a subdivision and roads. This would be under Lou Montas Development west of Person Road.

Chairman Voss then opened the floor to the public for comments in favor of and in opposition to the rezoning. None were offered and the public hearing was then closed.

Motion was then made by Commissioner Wilson, seconded by Commissioner Brewer, and unanimously carried by the Board approving the rezoning request. Same being as follows:

Beginning at the intersection of the south line of the Louis Montague and wife Peggy Montague property and the west line of the Lou Montas Hills Subdivision, Phase VI recorded in Plat Book 7, Page 61, said point also being 522.66 feet more or less from the southwest corner of said property recorded in Plat Book 7, Page 61; thence with the perimeter of said Louis Montague and wife, Peggy Montague property the following calls: north 86 degrees 50 minutes 24 seconds west, 645.41 feet; north 00 degrees 50 minutes 00 seconds east, 1358.65 feet; north 87 degrees 56 minutes 16 seconds west, 537.53 feet; north 01 degrees 36 minutes 17 seconds

east, 579.27 feet, north 01 degrees 36 minutes 16 seconds  
east, 963.92 feet; south 87 degrees 54 minutes 50 seconds  
east, 230.28 feet; south 02 degrees 05 minutes 10 seconds  
west, 324.30 feet; south 88 degrees 04 minutes 57 seconds  
east, 955.46 feet; south 01 degrees 12 minutes 25 seconds  
west, 2592.14 feet to the point of beginning and containing  
55.295 acres more or less.

Commissioner Harris reviewed the **RULES** and **PROCEDURES** as presented for adoption. After discussion, motion was made by Commissioner Harris, seconded by Commissioner Morman to accept the Rules and Procedures as presented. Said motion carried with one vote of "no". The following as adopted:

## FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS

### RULES

#### Section A. Quorum

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where a vacancy or vacancies exist in the County Legislative Body the same shall not be included in determining the membership of such County Legislative Body.

#### Section B. Order of Business

1. Call to order by the Chairman
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Reading and approval of minutes of previous meeting
6. Resolutions of memorials, sympathy and commendations
7. Public hearings
8. Elections, Appointments and Confirmations
9. Unfinished Business
  - a. Report of standing committees and action thereon
  - b. Report of special committees and action thereon
  - c. Other unfinished business
10. New business
11. Announcements and statements
12. Adjournment

#### Section C. Who May Address the Chairman

Refer to Roberts Rules of Order. In addition Elected County Officials and others with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body. Any person wishing to address the County Legislative Body regarding a matter to come before the Body or to present a matter to the Body, shall first address the appropriate committee of the County Legislative Body.

**Section D. Gaining the Floor**

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall rise and address the Chairman at the same time, the Chairman shall name the member who shall speak first followed by the other member.

**Section E. Speaking**

When any member wishes to speak in debate or deliver any matter whatsoever to the County Legislative Body, he shall rise and respectfully address himself to "Mr. Chairman" and shall, after he is recognized by the Chairman proceed in his remarks and shall confine himself strictly to the question under debate and avoiding all personalities. A committee chairman, his designee or the author of a resolution may speak as often as the situation requires. No other member shall speak more than once on the same subject until every other member has had an opportunity to speak. No member, except for committee reports, shall speak longer than ten minutes on the same subject in the first speech and three minutes in any succeeding speech unless by consent of the County Legislative Body.

**Section F. Consent to Yield**

While a person is speaking, a member shall not interrupt him, except for a question. If the speaker declines to yield, he shall not be interrupted, but shall yield to questions at the end of his presentation.

**Section G. Points of Order**

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him to order, in which case the member so-called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

**Section H. Appeal on Rulings**

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decide the appeal.

**Section I. Refusal to be in Order**

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

**Section J. Introduction of a Resolution (Motion)**

Any proposed resolution may be introduced by any member of the County Legislative Body.

**Section K. Committee Referrals**

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee.

**Section L. Motions**

Motions may be made only by Commissioners.

1. **Debating Motions:** No motion shall be debated until the same is seconded and stated by the Chairman.
2. **Motions in Writing:** When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk, delivered to the table and read before the same shall be debatable, if desired by the Chairman or any member.
3. **Motions during Vote:** When by order of the County Legislative Body, the Chairman has risen to submit a question, and when there is a call for the Ayes and Nays, or a count of the members, no motion, except a motion to recess, or to table the proposed action, shall be in order until the decision of the County Legislative Body is declared by the Chairman.
4. **Requiring Roll Call:** Any motion may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote, except all motions concerning appropriation of funds shall require a roll call vote.
5. **Votes Required to Pass a Motion:** To transact any business requiring a vote there must be a vote of a majority of the then existing County Legislative Body not merely a majority vote of the quorum present.

**Section M. Member May Change Vote**

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then, the result shall be announced by the Clerk.

**Section N. Reconsideration of a Motion**

When a question has been put to a vote, it shall be in order for any member of the prevailing side to move and another to second a reconsideration at any time during that session of Court and prior to the adjournment thereof by the Chairman. Reconsideration of an action by the County Commission must be brought up prior to the reading of the minutes by a member of the prevailing side. The vote to reconsider must pass by a 2/3 majority of the County Legislative body. Any reconsideration motion must go through the same Committee process as the original. Any cost incurred must be borne by the person or organization requesting the reconsideration. This rule cannot be suspended, but may be changed annually upon approval of the rules of procedure.

**Section O. Elections with Nominations from the Floor**

When the Chairman is to receive nominations from the floor, a member may nominate only one other person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed. The election will proceed as follows:

1. **Appointive Office** – the persons nominated will be displayed before the County Legislative Body if practical.
  - a. The ballots are cast by voice votes.
  - b. A majority of the full County Legislative Body is required for election except as otherwise provided by statute or private act.
  - c. If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected.
2. **County Legislative Body Committees** – all committees of the County Legislative Body shall be named by the Chairman and approved by the County Legislative Body. Any commission member may call for a vote on individual approval of committee members. Upon appointment of the membership of a committee by the Chairman of the County Legislative Body, he shall also designate the chairman and vice chairman of the committee. The membership of the committee shall select a secretary from its membership to take minutes and record the proceedings of the committee meeting.

**Section P. Appropriation Requests**

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the Chief Financial Officer for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be made available to all members.

1. **Appropriations Except by Bond Issue** – Any and all appropriations except bond issues, to be issued or approved must be filed in triplicate, the original with the Chief Financial Officer and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body.

2. **Appropriations by Bond Issue** – Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with the Chief Financial Officer and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the length of time of the bond issue.

**Section Q. Amending or Suspending the Rules**

These rules can only be amended at any time by the County Legislative Body while in regular session by a two-thirds majority of the qualified and acting members except as otherwise provided by these rules and statutes or private act.

**Section R. Roberts Rules of Order**

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

**RULE II - CHAIRMAN**

**Section A. Call to Order**

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman, the Chairman Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

**Section B. Question of Order**

The Chairman shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

**Section C. Members Speaking**

Before a member is allowed to speak twice on the same subject, the Chairman shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

**Section D. Motions**

Once a motion has been made and duly seconded, the Chairman shall state the motion so that debate on the motion may begin.

**Section E. Putting the Question**

The Chairman shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

**Section F. Agenda to Commissioners**

A copy of the agenda, attachments, and notice calling each County Legislative Body shall be mailed to each member on Thursday prior to the following Tuesday night.

**RULE III - COUNTY CLERK**

**Section A. Minutes of the County Legislative Body**

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member.
2. One copy upon request to each county office, department and/or commission head.
3. One copy upon request to all public, school and university libraries in the county.
4. One copy upon request to all licenses and operating commercial radio and television stations in the county.
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public.
6. One or more pages shall be made available to the general public at cost.

**Section B. Roll Call**

On all appropriations, the Clerk shall call the roll for "Aye" and "No" votes. Names will be called in alphabetical order.

**Section C. Change of Vote**

It shall be the duty of the Chairman, at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Chairman.

**RULE IV - SHERIFF**

**Section A. The Sheriff**

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the orders of the presiding officer of the court.

**RULE V - COUNTY ATTORNEY**

**Section A. County Attorney**

The County Attorney shall attend meetings of the County Legislative Body to advise on matters of Law. He shall also attend committee meeting when called upon by the Chairman of a standing or special committee or a written request signed by a majority of that committee.

## **RULE VI - COMMITTEES GENERAL**

### **Section A. Officers Election**

Upon appointment of a committee by the Chairman of the County Legislative Body, if no chairman or vice chairman of the committee is named, the members of the committee shall convene and elect a chairman, vice-chairman, and a secretary from its membership and formulate rules for its operation not covered under general regulations pertaining to all committees. If a committee has not carried out the aforementioned requirements within twenty-one days, the Chairman shall call the committee into session before the next regular meeting date of the County Legislative Body and serve as temporary chairman until the committee elects a chairman and proceeds with its required business.

### **Section B: Committee Chairman and Agenda**

Standing committee chairmen should notify the County Mayor's Office of the major matters to be reported to the Commission at the next meeting. This should be done in time for the item to be included on the agenda.

### **Section C. Committee Meeting Open to Membership of County Legislative Body**

All committee meetings shall be open. Only duly elected members of the committee in session may be recognized by the chairman, however, non members of the committee, upon the request of a committee member and an affirmative vote of the committee members present may appear before the committee.

### **Section D. Authority of Committees**

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally described in the title of the committee and as more specifically defined in the subject areas listed under the title. Should any question arise as to jurisdiction of any committee it shall be referred to the commission chairman for determination, subject to an appeal to the County Legislative Body at its next regular meeting.

### **Section E. Reporting Procedure**

The procedure for reporting the findings of a committee to the County Legislative Body shall be as follows:

1. The chairman or a member he so designates shall make the report.
2. Upon completion of a report the Chairman shall entertain a motion and second.
3. Discussion shall be had only after there has been a motion and a second and so stated by the Chairman, and only then shall there be discussion.
4. There shall be a vote on the proposition when discussion is complete and when there is a call for the question by the County Legislative Body.

**Section F. Duties of Committee and Subcommittee Officers**

The chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the County Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and responsibilities of the chairman in his absence. Should the chairman, for any reason, vacate his position, the vice-chairman will automatically become chairman. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same.

**Section G. Committee Meeting Minutes**

The minutes of all committee meetings shall contain the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, the time of adjournment, and a tape copy of the entire meeting.

**Section H. Vacancies on Committees**

If for any reason one or more members of any respective committee vacate their position, the Chairman, with the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

**Section I. Special Committees**

The Court may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work is completed and in no case shall it exist longer than one year unless extended by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

**Section J. Reporting Referrals**

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

**Section K. Failure to Meet**

If for any reason the chairman of a committee fails to call a meeting, the chairman, or two members of a three member committee, or three members of a larger committee may do so.

**Section L. Quarterly Reports**

The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

**Section M. Technical Assistance**

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

**Section N. Informal Consideration**

The Body may by a two-thirds vote of the members present agree to informal consideration of a question. The results of votes taken during informal consideration are decisions of the commission which are not voted on again.

**RULES VII - COMMITTEES SPECIFIC****Section A. Standing Committee**

All standing committees of the County Legislative Body shall be appointed annually by the Chairman and approved by a majority of the County Legislative Body no later than October. The Chairman of the County Legislative Body shall appoint the various chairman and vice-chairman of the standing committees. Any member of the County Legislative Body may call for a vote on individual approval of the committee members.

The Chairman, in the event the Chief Executive Officer does not serve as chairman, shall be an ex-officio member of all committees and sub-committees.

The standing committees of the County Legislative Body are as follows:

1. **Criminal Justice and Public Safety**: All matters pertaining to the criminal justice system including law enforcement, courts, and corrections; civil disturbances; juvenile delinquency; alcohol and drug abuse; emergency preparedness; fire prevention and control. (Five members)
2. **Health and Welfare**: All matters pertaining to health care, comprehensive health planning, local health services, mental health and emergency medical services; social services and welfare programs, recreation, solid waste management; soil, water, and wildlife conservation; energy conservation, agriculture, flood prevention and control. (Five members)
3. **Education**: All matters pertaining to elementary, secondary and adult education; vocational and technical education; library services. (Five members)
4. **County Development**: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulation, zoning, building codes; road improvements, highway safety, airport development. (Five members)

5. **Personnel Committee:** All general matters related to personnel; compliance with OSHA and TOSHIA Regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, salary classification, and employee benefits. This does not include budgetary issues regarding personnel salaries, requests for additional personnel, personnel transfers, etc. (Five members)
6. **Dudget;** Taxation; finance; investments; property and intergovernmental relations, all matters pertaining to the financial resources of the county and reports and audit findings; issues regarding personnel salaries, requests for promotion, additional personnel and personnel transfer; health insurance plans. (Eight members)

The matter now before the Board was the election of a Chairman of the Board of Commissioners. For this action, Chairman Pro Tempore Ronnie Harris presided.

Motion was made by Commissioner Kelley nominating JIM VOSS for election as Chairman of this Board. With no other nominations being offered, motion was made by Commissioner Tomlin, seconded by Commissioner Morman, that the nominations cease and that he be elected by acclamation. Said motion carried with one "no" vote.

Chairman Voss now presided over the meeting.

The next action for this Board was to set the salary of the Chairman. Motion was made by Commissioner Kelley, seconded by Commissioner Graves and unanimously carried by the Board that this salary remain the same as was set last year, same being covered in 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 assembled on the 24th day of October, 2000, it being the fourth Tuesday of the month and the regular meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the County Mayor shall receive for his services the minimum annual salary as provided by law, effective October 01, 2000.

Now before the Board was the election of a Chairman Pro Tempore. Motion was made by Commissioner Morris nominating RONNIE HARRIS. With no other nominations being offered, motion was made by Commissioner Kelley, seconded by Commissioner Brewer and unanimously carried by the Board that the nominations cease and that Commissioner Harris be elected by acclamation.

Now was the matter of setting the salary of the Chairman Pro Tempore. Motion was made by Commissioner Kelley, seconded by Commissioner Doyle and unanimously carried by the Board that this salary remain the same as that set last year. This salary is covered in 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 assembled on this 24th day of October, 2000, 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 compensation of the Chairman Pro Tempore shall be fixed on a per diem basis and shall not be less than the amount fixed for the members of the Legislative Body; provided further that the compensation of the Chairman Pro Tempore shall not exceed the compensation allowed the Chairman for like services.

Motion was made by Commissioner Graves, seconded by Commissioner Morris, and unanimously carried by the Board appointing the following as **Notaries Public:** Robert L. Collie, Jr., Jeana Reeves, Deborah B. Sullivan, Marvin R. Taylor and Marilyn Alene Walton.

Combined statement of cash receipts and disbursements and a combined summary financial statement from July 01, 2000 through September 30, 2000 were presented to the Board members for review.

Reports were called for from the Board of Public Works and the Sheriff's Department, but none presented.

Commissioner Morris, Chairman of the County Development Committee, presented their recommendation to accept the following as County Roads: **Janis Road, Canterbury Lane and Kent Lane.** Motion was made by Commissioner Morris, seconded by Commissioner Taylor, and unanimously carried by the Board approving the recommendation.

Commissioner Morris then addressed the **Growth and Annexation Plan** as approved by his committee. Motion was made by Commissioner Morris, seconded by Commissioner Kelley to table action on this matter for thirty days until pending questions could be satisfied.

Motion was made by Commissioner Logan, seconded by Commissioner Graves to suspend the rules to allow Piperton Mayor Huffman to address the Board. Upon roll call vote, said motion carried by eighteen (18) votes, with one (1) "no" vote made by Commissioner Morris.

With the meeting back in session, much discussion followed. With a vote on the original motion to delay action on the Growth and Annexation Plan for thirty (30) days, said motion carried with one (1) "no" vote.

Motion was then made by Commissioner Morris, seconded by Commissioner Kelley and unanimously carried by the Board approving the completion and filing of the following Growth Plan Dispute Resolution.

**FAYETTE COUNTY COMPREHENSIVE GROWTH PLAN  
DISPUTE RESOLUTION PROCESS  
PARTY AGREEMENT**

I, \_\_\_\_\_, am the authorized representative of the participants for \_\_\_\_\_, a party in the dispute resolution process concerning the Fayette County Comprehensive Growth Plan. For myself, and on behalf of the other participants representing my party in this process, I UNDERSTAND AND AGREE that:

1. Depending upon the number of parties involved and the number of representatives for each party, it may be necessary for the mediator to limit the number of persons who are directly involved in the mediation discussions. However, all party representatives may be seated in the conference room, and may change places with the participating representatives as needed.

2. The number of persons expected to attend the mediation as representatives for my party is \_\_\_\_\_.

3. The contact person who will receive written correspondence, telephone calls and E-mail for my party is:

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_

4. Tennessee Code Annotated, Section 6-58-104(b)(2), provides that the resolution panel shall consist of three members; however, that section allows a single Administrative Judge to conduct the resolution process, if it is by agreement of the parties. The process will be the same whether it is conducted by one or three Judges. Check the appropriate space to indicate your preference:

\_\_\_\_\_ My party prefers to have the proceeding conducted by a panel of three Administrative Judges.

\_\_\_\_\_ My party agrees to having one Administrative Judge conduct the proceeding.

5. All dispute resolution sessions will be held in Nashville, Tennessee, at a time and place designated by the Panel. The Panel will confer with the parties to try to arrange the sessions at convenient times for all representatives, but because it is important to proceed expeditiously with the process, session times may have to be set which are not convenient for everyone concerned.

6. Participants will attend the resolution sessions and participate in a good faith effort to reach a reasonable agreement.

7. Mediation will be a less formal proceeding than the hearing on the record. However, a structured environment is necessary for productive mediation sessions, and the participants will conduct themselves courteously, with respect for the opinions of others.

8. The participants will follow the procedural instructions and orders of the Panel.

9. One or more consultants with expertise in urban planning, growth and development may participate in the process as authorized by T.C.A. § 6-58-104(b)(3).

10. In accordance with T.C.A. § 6-58-104(b)(4), the parties are responsible for the reasonable and necessary costs incurred in the resolution process. These will include a cost of eighty dollars (\$80.00) per hour for each judge involved, and the costs for consultants and court reporters.

So AGREED this the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

Representative for \_\_\_\_\_

**COUNTY COMPREHENSIVE GROWTH PLAN  
DISPUTE RESOLUTION PROCESS  
PROCEDURE OUTLINE**

**Overview**

Tennessee Code Annotated, Section 6-58-104(b), provides that growth plan impasses are to be resolved by a dispute resolution panel composed of Administrative Judges from the Office of the Secretary of State.

The Panel will consist of three Judges unless, as provided in T.C.A. 6-58-104(b)(2), the parties agree for one Judge to preside. The same Panel will preside over the entire resolution process, and the procedure will be the same whether the "Panel" consists of one or three Judges.

The Panel will first mediate the dispute and encourage an agreed settlement. If agreement is not possible, the panel will propose a non-binding resolution. If the proposed resolution is not accepted, the panel will hear the matter on the record and impose a binding plan.

All resolution sessions will be held in Nashville, Tennessee, at a time and place designated by the Panel. The Panel will try to schedule the sessions on dates that are convenient to the parties, but since prompt attention must be given to this matter, the persons who participate must be prepared to attend even if they are otherwise inconvenienced by the session scheduling.

Mediation will be structured, but relatively informal. A hearing on the record will be more formal and the imposed plan will conform to the provisions of T.C.A. 6-58-106.

### Mediation

The Panel will first encourage and help the parties to resolve their dispute by agreement. The parties will be urged to set aside their positions as litigants and work together as problem solvers.

The mediation process is one of defining the problem, considering the needs and interests of the participants, and exploring alternative resolutions that could reasonably meet the needs of all concerned. There are no set formalities for the process, but a structured environment is important to make the sessions productive, and the Panel will more specifically advise the participants as to that structure.

During mediation, the parties can use any visual or written information necessary to explain the dispute and their interests, and persons other than the parties may be allowed to speak, if the Panel decides that the information would be helpful. One or more consultants with expertise in urban planning, growth, and development may be called upon to participate as authorized by T.C.A. §6-58-104(b)(3).

Mediation has proven to be an effective method of resolving disputes, but a key ingredient for success is a commitment by the participants to participate with a good faith effort toward resolving the problem. This includes appropriate preparation for the sessions.

Ordinarily, mediation is conducted in closed, confidential sessions. The nature of your dispute and the entities involved suggest that the Open Meetings Law applies, and adjustments to the mediation procedure may have to be made to accommodate that requirement.

If an impasse is reached in mediation, the Panel will propose a non-binding resolution and give the county legislative body and the municipalities a reasonable period in which to consider the proposal. If the proposal is not accepted, and the parties cannot otherwise agree upon a resolution, the matter will proceed with a hearing on the record.

### HEARING ON THE RECORD

If the Panel must adopt a growth plan for the parties, a hearing will be convened to take information upon which the adoption will be based. A court reporter will be employed, and a record of the proceeding will be kept.

The law does not contemplate that the matter will be heard under the strict procedural guidelines of the Administrative Procedures Act; however, some safeguards are necessary to ensure a fair and impartial decision. The hearing will be a formal proceeding, and the rules of evidence will apply. Witnesses will testify under oath, and exhibits will be numbered for entry into the record. Parties will be allowed to cross-examine witnesses and provide rebuttal testimony, with the understanding that the Panel may impose limitations on any procedural or evidentiary rules as are necessary for an expedient resolution.

Once the Panel has heard the matter, it will consider all the information provided on the record and issue the imposed growth plan. The plan will conform to the provisions of T.C.A. 6-58-106.

Motion was made by Commissioner Harris, seconded by Commissioner Graves and unanimously carried by the Board approving the lease agreement on the Airport as approved by the Budget Committee.

Commissioner Harris, Chairman of the Budget Committee, presented their recommendation to increase the per diem to the School Board to \$100.00 and \$50.00 for other meetings with the cost of living adjustment as set by this Board of Commissioners. Motion was made by Commissioner Harris, seconded by Commissioner Morman.

Motion was then made by Commissioner Burnette to amend the motion for setting pay to be \$50.00 per meeting. No second to the motion was offered.

Vote was then taken on the original motion which carried with two (2) "no" votes.

As approved by the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Morman and unanimously carried by the Board approving the following amendment to the Federal Projects Fund #142:

FAYETTE COUNTY BOARD OF EDUCATION  
FEDERAL PROJECTS FUND  
FUND 142  
SUBFUND 185 - DRUG FREE SCHOOLS  
OCTOBER, 2000

			INCREASE	DECREASE
1000	SUPPORT SERVICES			
2130	OTHER STUDENT SUPPORT			
2130 123 PUB	Guidance		\$1,250.00	
2130 189 PUB	Other Salaries and Wages		\$10,750.00	
2130 201 PUB	Social Security		\$745.00	

2130 204 PUB	State Retirement	\$645.00	
2130 212 PUB	Medicare	\$175.00	
2130 299 PUB	Other Fringe Benefits	\$44.00	
2130 355 PUB	Travel	\$5,000.00	
2130 399 PUB	Other Contracted Services	\$30,000.00	
2130 499 PUB	Other Supplies and Materials	\$14,320.00	
2130 355 FAA	Travel	\$6,000.00	
2130 499 FAA	Other Supplies and Materials	\$1,000.00	
2130 399 ROA	Other Contracted Services	\$1,000.00	
2130 499 ROA	Other Supplies and materials	\$500.00	
TOTAL:		\$71,429.00	\$0.00

Total Increase: \$71,429.00

Revenue:	47590 Other Federal Through State	\$71,429.00
Revenue:	Prior Total Available Funds	\$1,970,800.48
	Total Increase This Amendment	\$71,429.00
	Total Available Funds This Amendment	\$2,042,229.48
Expenditures:	Prior Total Estimated Expenditures	\$1,883,754.21
	Total Increase This Amendment	\$71,429.00
	Total Estimated Expenditures This Amendment	\$1,955,183.21

**FAYETTE COUNTY BOARD OF EDUCATION**  
**FEDERAL PROJECTS FUND**  
**FUND 142**  
**SUBFUND 471 - CSRD**  
**OCTOBER, 2000**

		INCREASE	DECREASE
1000	INSTRUCTION		
1100	REGULAR INSTRUCTION PROGRAM		
1100 399	Other Contracted Services	\$3,000.00	
1100 429	Instructional Supplies and Materials	\$34,700.00	
	TOTAL:	\$37,700.00	\$0.00
2000	SUPPORT SERVICES		
2210	REGULAR INSTRUCTION PROGRAM		
2210 457	In-Service/Staff Development	\$37,300.00	
	TOTAL:	\$37,300.00	\$0.00
	GRAND TOTAL:	\$75,000.00	\$0.00

Total Increase: \$75,000.00

venue:	47590 Other Federal Through State	\$75,000.00
venue:	Prior Total Available Funds	\$2,042,229.40
	Total Increase This Amendment	\$75,000.00
	Total Available Funds This Amendment	\$2,117,229.40
penditures:	Prior Total Estimated Expenditures	\$1,955,183.21
	Total Increase This Amendment	\$75,000.00
	Total Estimated Expenditures This Amendment	\$2,030,183.21

As recommended by the Budget Committee, motion was made by Commissioner Kelley, seconded by Commissioner Arnett and unanimously carried by the Board requiring that all committee meetings be recorded on tape with that tape being filed as a part of the minutes.

Commissioner Arnett reported for the Education Committee which has approved of the land site for proposed school construction. Much discussion followed on part of the land being under the flood plan.

Chairman Voss agreed to meet with the Board of Education, Superintendent Bond and the Education Committee to discuss the location being considered and to consider other locations.

Commissioner Kelley requested a joint committee meeting of the Public Safety Committee and the Budget Committee.

Commissioner Tomlin advised that there would be a meeting with the Hospital Board on Monday, October 30, 2000, to discuss ambulance service.

Thereupon, said meeting adjourned.

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**JIM VOSS - Chairman**  
**County Mayor**

**ATTEST:**

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**Dell T. Graham, County Clerk**