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FAYETTE COUNTY LEGISLATIVE BODY

May 28, 2002

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 28th day of May, 2002.

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 Norman, 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 Wilson and unanimously carried by the Board approving the minutes of the April 2002 meeting of this Board.

Chairman Voss then opened the floor for a public hearing on the rezoning of 310.921 acres located on Canadaville Loop from R - 1 to R -3 for construction of new roads in a proposed residential development. With no one speaking against or in favor of the rezoning, the floor was closed to the public. Motion was then made by Commissioner Kelley, seconded by Commissioner Morris and unanimously carried by the Board approving the rezoning. Same being as follows:

Beginning at a point in the west edge of pavement of Canadaville Loop, thence north 89 degrees 32 minutes 51 seconds, 1839.55 feet to a found; thence north 00 degrees 00 minutes 55 seconds east, 2326.14 feet; thence south 89 degrees 59 minutes 28 seconds east, 2013.88 feet; thence south 99 degrees 00 minutes 00 seconds east, 4500.00 feet to a set cotton picker spindle in Clay Pond Drive; thence south 86 degrees 38 minutes 42 seconds west with said Clay Pond Drive, 3906.21 feet; thence north 00 degrees 00 minutes 23 seconds west, 669.05 feet; thence north 89 degrees 57 minutes 10 seconds east, 13.35 feet; thence north 01 degrees 06 minutes 08 seconds east, 814.68 feet; thence south 89 degrees 57 minutes 10 seconds west, 29.11; thence the following calls: north 00 degrees 00 minutes 23 seconds west, 158.59 feet to a set 1/2" rebar with plastic cap; north 89 degrees 59 minutes 36 seconds east, 45.78 feet to a found rebar; north 00 degrees 00 minutes 24 seconds west, 746.06 feet to the point of beginning and containing 310.921 acres of land.

Same being recorded in Book 594, Pages 113-115, records of Fayette County, Tennessee.

Chairman Voss then presented the rezoning request of Matthew Plunkett for one acre located in Civil District 10 to be rezoned from R - 1 to B - 3 for use as a retail plant nursery. The floor was opened to the public. No comments were presented. Motion was then made by Commissioner Arnett, seconded by Commissioner Morman, and unanimously carried by the Board approving the rezoning. Said property being described as follows:

Beginning at the intersection of the north right-of-way line of Hwy No. 57 (100' R.O.W.) and the east line of the Matthew Alan Plunkett property recorded in Book 486, Page 985; thence north 00 degrees 00 minutes 00 seconds west with the east line of said property recorded in Book 486, Page 985, 348.66 feet to a point; thence south 88 degrees 11 minutes 00 seconds east across said property recorded in Book 522, Page 582, 125.00 feet to a point in the west line of the Southern Ready Mix, Inc. property recorded Book 561, Page 802; thence south 00 degrees 00 minutes 00 seconds east with the west line of said property recorded in Book 561, Page 802, 348.00 feet to a point in the north right-of-way line of said Hwy 57; thence north 88 degrees 11 minutes 00 seconds west with the north right-of-way line of said Hwy 57, 125.00 feet to the point of beginning and containing 43,560 square feet or 1.000 acres of land.

* * * * *

Motion was made by Commissioner Graves, seconded by Commissioner Brewer and unanimously carried by the Board appointing the following as Notaries Public: Marcy L. Clifton, Susan Glover, Andrea D. Hamilton, Mariah J. Leath and Billie Quinn.

Motion was made by Commissioner Morris, seconded by Commissioner Doyle and unanimously carried by the Board appointing Tommie Johnson, Jr. and Bobby Cannon to the Construction Board of Adjustment and Appeals.

Written reports of the Fayette County Commission on Aging, Public Works, General Fund, Solid Waste, Drug Control, General Debt Service, Trustee and Board of Education Funds 141, 142, 143 and 177 were filed.

Chairman Voss distributed a letter from County Attorney Rosser giving his opinion that he felt it unconstitutional for the Chairman of this Board to vote on issues before this Board. Some discussion followed.

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

Written reports were filed by the Board of Public Works and the Sheriff's Department.

Commissioner Morris reported that the Development Committee had met and reviewed the recommendation of the Planning Commission concerning change to the Planning Ordinance. This will be presented to this Board at its next meeting.

The item on the Agenda was the "Road Off Chapel Road". Commissioner Bonner called for a ten minute recess for discussion of this matter. Motion was seconded by Commissioner Logan.

With the meeting called back in session, discussion continued. Another recess was called for. Meeting was back in session; much discussion followed. Motion was made by Commissioner Doyle, seconded by Commissioner Graves to repair Chapel Road on condition the people survey the area, that they furnish a quitclaim deed to the county, that a title search be provided by property owners with a legal discription on .7 mile stretch with a cul-de-sac at the end of the road.

Upon roll call, the following voted YES: Commissioners Arnett, Bonner, Brewer, Cox, Doyle, Graves, Kelley, Logan, Moore, Norman and Wilson. (11)

Voting NO: Commissioners Burnette, German, Harris, Morris, Sullivan, Taylor, Thomas and Tomlin. (8)

Thereupon, said motion carried.

Report from the Criminal Justice & Public Safety Committee was called for, but none available.

Commissioner Tomlin reported for the Health & Welfare Committee presenting their recommendation by motion that Sam McKnight be hired as Director of the Ambulance Service. Discussion followed.

Motion was then made by Commissioner Taylor, seconded by Commissioner Burnette to amend Commissioner Tomlin's motion in that the Fayette County government take on and operate an ambulance service; that ambulance service shall be overseen and policy made by the Health and Welfare Committee of the Fayette County Commission; a Director be hired to run the ambulance service, with the responsibilities of supervising, hiring and firing of employees and submitting a yearly budget to the Fayette County Commission, to work at the will and pleasure of the Health & Welfare Committee; that Sam McKnight be hired for the Director position of the Fayette County Ambulance Service and a recommended salary of \$40,000.00 be paid. Vote on the amended motion carried. Vote on the original motion carried unanimously.

Report from the Personnel Committee was called for, but none available.

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

Commissioner Ronnie Harris, Chairman of the Budget Committee, presented the recommendation of that committee to approve amendments to the School Fund Budgets. Motion was made by Commissioner Harris, seconded by Commissioner Taylor and unanimously carried by the Board approving the following amendments:

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141
 MAY, 2002

		INCREASE	DECREASE
1000	INSTRUCTION		
1100	REGULAR INSTRUCTION PROGRAM		
1100 399 ERATE	Other Contracted Services	\$20,000.00	
1100 722 ERATE	Regular Instruction Equipment	\$26,550.45	
	TOTAL:	\$46,550.45	\$0.00
2000	SUPPORT SERVICES		
2130	OTHER STUDENT SUPPORT		
2130 189 MYS	Other Salaries and Wages		\$2,300.00
2130 499 MYS	Other Supplies and Materials	\$2,528.00	
2130 790 MYS	Other Equipment		\$228.00
	TOTAL:	\$2,528.00	\$2,528.00
2610	OPERATION OF PLANT		
2610 399	Other Contracted Services	\$500,000.00	
	TOTAL:	\$500,000.00	\$0.00
	GRAND TOTAL:	\$549,078.45	\$2,528.00

Total Increase: \$546,550.45

Revenue:	44170 ERATE Refunds	\$46,550.45
	46980 Other State Grants	\$500,000.00
	Total:	\$546,550.45

Revenue:	Prior Total Available Funds	\$18,766,523.69
	Total Increase This Amendment	\$546,550.45
	Total Available Funds This Amendment	\$19,313,074.14

Expenditure:	Prior Total Estimated Expenditures	\$18,400,126.22
	Total Increase This Amendment	\$546,550.45
	Total Estimated Expenditures This Amend	\$18,946,676.67

FAYETTE COUNTY BOARD OF EDUCATION
CENTRAL CAFETERIA FUND
FUND 143
MAY, 2002

		INCREASE	DECREASE
73000	OPERATIONS OF NON-INSTRUCTIONAL SERVICES		
73100	FOOD SERVICE		
73100 165	Cafeteria Personnel	\$15,000.00	
73100 422	Food Supplies		\$10,000.00
73100 499	Other Supplies and Materials		\$5,000.00
	TOTAL:	\$15,000.00	\$15,000.00

Total Increase/Decrease: \$0.00

Revenue:	44110 Interest Earned	(\$16,166.00)
Revenue:	Prior Total Available Funds	\$2,180,716.42
	Total Decrease This Amendment	(\$16,166.00)
	Total Available Funds This Amendment	\$2,164,550.42
Expenditures:	Prior Total Estimated Expenditures	\$1,831,818.00
	Total Increase This Amendment	\$0.00
	Total Estimated Expenditures This Amendment	\$1,831,818.00

FAYETTE COUNTY BOARD OF EDUCATION
FEDERAL PROJECTS FUND
FUND 142
SUBFUND 271 - TITLE I
MAY, 2002

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers		\$15,000.00
71100 163	Teacher Assistants	\$15,000.00	
	TOTAL:	\$15,000.00	\$15,000.00

Total Increase/Decrease: \$0.00

Justification: Insufficient amount budgeted for assistants salary moved from teacher.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 276 - TITLE VI
 MAY, 2002

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 429 ES1	Instructional Supplies and Materials	\$471.76	
71100 722 ES1	Regular Instruction Equipment		\$261.00
	TOTAL:	\$471.76	\$261.00
72000	SUPPORT SERVICES		
72270	REGULAR INSTRUCTION PROGRAM		
72270 355 ES1	Travel		\$210.76
	TOTAL:	\$0.00	\$210.76
	GRAND TOTAL:	\$471.76	\$471.76

Total Increase/Decrease: \$.00

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 280 - TITLE II
 MAY, 2002

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116 PUB	Teacher	\$6,500.00	
71100 195 PUB	Substitute Teacher		\$3,600.00
71100 201 PUB	Social Security	\$179.00	
71100 204 PUB	State Retirement	\$241.80	
71100 212 PUB	Medicare	\$41.25	
71100 429 PUB	Instructional Supplies and Materials		\$1,666.03
	TOTAL:	\$6,962.05	\$5,266.03
72000	SUPPORT SERVICES		
72270	REGULAR INSTRUCTION PROGRAM		
72270 355 PUB	Travel		\$398.49
72270 457 PUB	Inservice/Staff Development		\$1,297.53
	TOTAL:	\$0.00	\$1,696.02
	GRAND TOTAL:	\$6,962.05	\$6,962.05

Total Increase/Decrease: \$.00

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 185 - DRUG FREE SCHOOLS
 MAY, 2002

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72130	OTHER STUDENT SUPPORT		
72130 189 PUB	Other Salaries and Wages		\$1,109.33
72130 201 PUB	Social Security		\$69.28
72130 204 PUB	State Retirement		\$541.55
72130 207 PUB	Health Insurance		\$1,679.92
72130 212 PUB	Medicare		\$17.42
72130 355 PUB	Travel	\$1,679.92	
72130 399 PUB	Other Contracted Services		\$200.20
72130 499 PUB	Other Supplies and Materials	\$1,937.70	
	TOTAL:	\$3,617.70	\$3,617.70

Total Increase/Decrease: \$.00

Justification: To close out grant program

* * * * *

Motion was made by Commissioner Harris, seconded by Commissioner Kelley and unanimously carried by the Board adopting the following Resolution amending the General Fund Budget as follows:

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of May, 2002, 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 01/02
May, 2002**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51100 County Commission</u>		
307 Communication	\$ 9.00	
308 Consultants		\$ 35,000.00
331 Legal Services	\$ 35,000.00	
435 Office Supplies		9.00
51100-Subtotal	\$ 35,009.00	\$ 35,009.00
<u>51300 County Executive</u>		
355 Travel	\$ 5.00	
425 Gasoline		\$ 5.00
51300-Subtotal	\$ 5.00	\$ 5.00
<u>51500 Election Commission</u>		
169 Part-Time Personnel	\$ 600.00	
709 Data Processing Equipment		\$ 600.00
51500-Subtotal	\$ 600.00	\$ 600.00
<u>51600 Register of Deeds</u>		
307 Communication		\$ 250.00
348 Postal Charges		600.00
349 Printing, Stationery & Forms	\$ 1,200.00	
355 Travel		350.00
51600-Subtotal	\$ 1,200.00	\$ 1,200.00
<u>51800 County Buildings</u>		
451 Uniforms	\$ 232.00	
452 Utilities	5,000.00	
446 Small Tools		\$ 2,700.00
499 Other Supplies		232.00
711 Furniture & Fixtures		1,000.00
791 Other Construction		1,300.00
51800-Subtotal	\$ 5,232.00	\$ 5,232.00
<u>51810 Other Facilities</u>		
415 Electricity	\$ 420.00	
442 Propane Gas		\$ 420.00
51810-Subtotal	\$ 420.00	\$ 420.00
<u>52100 Accounting and Budgeting</u>		
196 In-Service Training	\$ 100.00	
355 Travel		\$ 100.00
52100-Subtotal	\$ 100.00	\$ 100.00
<u>52300 Property Assessor's Office</u>		
307 Communication		\$ 230.00
351 Rentals	\$ 230.00	
52300-Subtotal	\$ 230.00	\$ 230.00

<u>52500 County Clerk's Office</u>		
332	Legal Notices	\$ 900.00
355	Travel	\$ 1,300.00
499	Other Supplies	200.00
599	Other Charges	200.00
	52500-Subtotal	\$ 1,300.00
<u>53310 General Sessions Judge</u>		
307	Communication	\$ 687.00
432	Library Books/Media	\$ 687.00
	53310-Subtotal	\$ 687.00
<u>53320 General Sessions Court Clerk</u>		
169	Part-Time Personnel	\$ 7,000.00
187	Overtime Pay	\$ 7,000.00
	53320-Subtotal	\$ 7,000.00
<u>53500 Juvenile Court</u>		
201	Social Security	\$ 86.00
204	State Retirement	258.00
307	Communication	\$ 86.00
337	Maint. & Repair-Office Equipment	258.00
	53500-Subtotal	\$ 344.00
<u>54110 Sheriff's Department</u>		
106	Deputy (ies)	\$ 10,000.00
109	Captain (s)	\$ 18,000.00
337	Maint. & Repair-Office Equip.	12,000.00
338	Maint. & Repair-Vehicles	5,000.00
355	Travel	1,500.00
425	Gasoline	3,500.00
707	Building Improvements	2,000.00
709	Data Processing Equipment	2,000.00
719	Office Equipment	4,000.00
	54110-Subtotal	\$ 20,000.00
<u>54150 Drug Enforcement</u>		
204	State Retirement	\$ 475.00
513	Workers Compensation	\$ 475.00
	54150-Subtotal	\$ 475.00
<u>54210 Jail</u>		
148	Dispatch/Radio Operators	\$ 2,000.00
160	Guards	\$ 20,000.00
165	Cafeteria Personnel	200.00
340	Medical & Dental Services	20,000.00
410	Custodial Supplies	2,000.00
422	Food Supplies	5,000.00
435	Office Supplies	1,000.00
451	Uniforms	2,000.00
707	Building Improvements	2,000.00
716	Law Enforcement Equip.	1,200.00
	54210-Subtotal	\$ 30,200.00

<u>54220</u>	<u>Workhouse</u>		
165	Cafeteria Personnel	\$ 200.00	
	54220-Subtotal	\$ 200.00	
<u>54310</u>	<u>Fire Prevention and Control</u>		
196	In-Service Training		\$ 747.00
338	Maint. Repair-Vehicles	\$ 892.00	
499	Other Supplies	145.00	
599	Other Charges		1,037.00
701	Administrative Equipment	15,000.00	
718	Motor Vehicles		27,044.00
790	Other Equipment	<u>12,791.00</u>	
	54310-Subtotal	\$ 28,828.00	\$ 28,828.00
<u>54410</u>	<u>Civil Defense</u>		
435	Office Supplies		\$ 366.00
451	Uniforms	\$ 366.00	
599	Other Charges		274.00
719	Office Equipment	<u>274.00</u>	
	54410-Subtotal	\$ 640.00	\$ 640.00
<u>54420</u>	<u>Rescue Squad</u>		
499	Other Supplies	\$ 6,000.00	
	54420-Subtotal	\$ 6,000.00	
<u>54900</u>	<u>Other Public Safety</u>		
142	Mechanic(s)	\$ 500.00	
417	Equipment Parts-Light	<u>4,500.00</u>	
	54900-Subtotal	\$ 5,000.00	
<u>55110</u>	<u>Local Health Center</u>		
191	Board & Committee Fees		\$,103.05
307	Communications		1,170.00
328	Janitorial Service		44.00
335	Maint & Repair-Buildings	\$ 4,000.00	
351	Rentals		1,971.10
413	Drugs & Medical Supplies	788.15	
435	Office Supplies		<u>1,500.00</u>
	55110-Subtotal	\$ 4,788.15	\$ 4,788.15
<u>55120</u>	<u>Rabies & Animal Control</u>		
355	Travel	\$ 1,500.00	
452	Utilities	<u>300.00</u>	
	55120-Subtotal	\$ 1,800.00	
<u>55160</u>	<u>Dental Health Program</u>		
131	Medical Personnel	\$ 12,000.00	
212	Medicare	588.00	
299	Other Fringe Benefits	942.00	
312	Contracts with Private Agents		\$ 17,530.00
413	Drugs & Medical Supplies	<u>4,000.00</u>	
	55160-Subtotal	\$ 17,530.00	\$ 17,530.00

55720 Sanitation Education/Information		
201 Social Security	\$ 80.00	
205 Employee Insurance		\$ 99.00
212 Employer Medicare	19.00	
443 Road Signs		200.00
499 Other Supplies	<u>200.00</u>	
55720-Subtotal	\$ 299.00	\$ 299.00
56500 Libraries		
169 Part-Time Personnel	\$ 3,420.00	
307 Communication		\$ 465.00
335 Maint. & Repair-Buildings		490.00
337 Maint. & Repair-Office Equip.		700.00
349 Printing, Stationery and Forms		50.00
435 Office Supplies		400.00
452 Utilities		165.00
499 Other Supplies		500.00
719 Office Equipment		<u>650.00</u>
56500-Subtotal	\$ 3,420.00	\$ 3,420.00
58220 Airport		
191 Board & Committee Fees		\$ 228.00
506 Liability Insurance	<u>\$ 228.00</u>	
58220-Airport	\$ 228.00	\$ 228.00
58900 Miscellaneous		
499 Other Supplies		\$ 500.00
509 Refunds	<u>\$ 500.00</u>	
58900-Subtotal	\$ 500.00	\$ 500.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$171,535.15	\$ 171,535.15

Prior Estimated Expenditures	\$7,436,794.00
Total Estimated Expenditures This Amendment	\$7,436,794.00
Projected Fund Balance before Amendment	\$ 369,068.00
Change in Fund Balance This Amendment	\$ 0.00
Estimated Ending Fund Balance as of June 30 th , 2002	\$ 369,068.00

Motion was made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board approving the following Resolution authorizing submission fo an application for litter and trash collecting grant. 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 28th day of May, 2002, 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.

* * * * *

Motion was made by Commissioner Harris, as approved by the Budget Committee, to adopt the following Continuing Budget and Tax Rate Resolution. Same being as follows:

**A RESOLUTION TO ADOPT A CONTINUING BUDGET
AND TAX RATE FOR THE FISCAL YEAR BEGINNING
JULY 1, 2002, AND TO AUTHORIZE THE ISSUANCE OF
TAX ANTICIPATION NOTES FOR THE COUNTY OF FAYETTE**

WHEREAS, it now appears that the 2002-03 fiscal year budget of Fayette County, Tennessee, will not be approved during the 2002 July term of the Board of County Commissioners, now;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, Tennessee, that amounts set out in the 2001-02 Appropriation Resolution are hereby continued until a new 2002-03 Appropriation Resolution is adopted, and;

BE IT FURTHER RESOLVED, that the property tax rate of \$1.845 per each \$100.00 of taxable property for the fiscal year beginning July 1, 2001, shall remain in effect until a new property tax rate is adopted, and;

BE IT FURTHER RESOLVED, that the County Mayor and County Clerk are hereby authorized to borrow money on tax anticipation notes, provided that such notes are first approved by the State Director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenues for the fiscal year 2002-03 have been collected, not exceeding 60% of the appropriations of each individual fund of the continuing budget. The notes evidencing the loans authorized under this section shall be issued under the authority of Title 9, Chapter 21, Tennessee Code Annotated. All said notes shall mature and be paid in full without renewal not later than June 30, 2003.

BE IT FURTHER RESOLVED, that this Resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2002.

Said Resolution was unanimously adopted by the Board.

* * * *

Discussion was held on using \$350,000.00 of bond money to update some schools to meet the fire code. This will be acted upon at the next meeting; however, the Board did agree that this action would be taken.

The matter of the Justice Complex was brought up by Commissioner Doyle. Discussion followed as did discussion on the Planning Commission.

Thereupon, said meeting adjourned.

JIM VOSS - Chairman
County Mayor

ATTEST:

Dell T. Graham, County Clerk