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FAYETTE COUNTY LEGISLATIVE BODY

January 28, 2003

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 28th day of January 2003.

Present and presiding Chairman Rhea Taylor. Also present, Dell T. Graham, County Clerk, and the following County Commissioners: Joann C. Allen, Steve Anderson, Joe B. Burnette, Jr., Christopher L. Campbell, Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, Thomas Howell Fowler, Willie German, Jr., Ronnie Graves, Ronnie Harris, David H. Lillard, Sr., Sylvester Logan, George McCloud, Claude D. Oglesby, Jr., Richard D. Vaughan, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Myles Leifer.

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

Chairman Taylor opened the floor to the public for matters not on the Agenda to be addressed. No one came forward.

The minutes of the November and December 2002 meetings were presented for approval. Commissioner Doll requested a correction on the November 2002 minutes under the County General Fund Budget Amendment, "change in fund balance this amendment".

Chairman Taylor asked the Board to approve funds for the Fire Chief's salary under the County General Fund Budget Amendment. No motion was made to support this request.

Motion was then made by Commissioner Doll, seconded by Commissioner Logan and unanimously carried by the Board approving the minutes of the November 2002 meeting with the one change made on "change in fund balance this amendment".

Motion was then made by Commissioner Wilson, seconded by Commissioner Dowdy and unanimously carried by the Board approving the minutes of the December 2002 meeting.

Rezoning were now presented to the Board. The first was the request of Hall Farms to rezone from R - 1 to R - 3 157.864 acres located in Civil District 7 for the residential development. The floor was opened to the public for comments in favor of and in opposition to the rezoning. Douglas Swink spoke in favor of the rezoning and was available for questions. No one spoke in opposition to the rezoning. The floor was then closed to the public. Motion was then made by Commissioner Vaughan, seconded by Commissioner Dowdy, and unanimously carried by the Board approving the rezoning request of the property, same being described as follows:

Beginning at a point in the centerline of Donelson Drive, said point being in the east line of said Hall Farms, Inc. property described in Book 327, Page 536; thence North 89 degrees 34 minutes 29 seconds west with the centerline of said Donelson Drive, 1275.44 feet to a point, thence north 89 degrees 07 minutes 15 seconds west with the centerline of said Donelson Drive, 232.04 feet to a point in the east line of Lot 38, Cherry Wylthe Farms Subdivision - Phase II; thence northwardly with the east line of said Lot 38 the following calls: north 00 degrees 52 minutes 45 seconds east, 40.00 feet to a point of curve, thence northeastwardly on a curve to the left having a radius of 25.00 feet, delta angle of 90 degrees and a curve distance of 39.27 feet to a point of reverse curve; thence northeastwardly on a curve to the right having a radius of 50.00 feet, delta angle of 19 degrees 56 minutes 54 seconds and a curve distance of 17.41 feet to a point of reverse curve; thence northeastwardly on a curve to the left having a radius of 50.00 feet, delta angle of 19 degrees 56 minutes 54 seconds and a curve distance of 17.41 feet to a point; thence north 00 degrees 52 minutes 45 seconds east, 186.28 feet to a point in the north line of said Lot 38; thence north 72 degrees 21 minutes 36 seconds west with the north line of said Lot 38 and Lot 37, 319.14 feet to a point; thence south 82 degrees 16 minutes 04 seconds west with the north line of Lots 36, 35 and 34, 431.18 feet to a point in the west line of said Lot 34; thence south 19 degrees 55 minutes 12 seconds west, 305.60 feet to a point in the centerline of said Donelson Drive; thence north 67 degrees 59 minutes 45 seconds west with the centerline of said Donelson Drive, 157.00 feet to a point; thence north 57 degrees 53 minutes 37 seconds west with the centerline of said Donelson Drive, 692.01 feet to a point in the west line of said Hall Farms, Inc. property, said point being in the east line of Lynne Road; thence north 00 degrees 42 minutes 15 seconds east with the west line of said Hall Farms, Inc. property and the east line of said Lynne Road, 844.77 feet to a point in a north line of said Hall Farms, Inc. property; thence with the said north line of Hall Farms Inc. property the following calls: south 86 degrees 07 minutes 18 seconds east, 374.36 feet; south 89 degrees 44 minutes 09 seconds east, 236.95 feet; north 89 degrees 06 minutes 25 seconds east, 517.70 feet to a point in a west line of said Hall Farms Inc. property; thence northwardly with the west line of said Hall Farms Inc. Property, the following calls: north 00 degrees 14 minutes 26 seconds west, 704.87 feet; north 89 degrees 43 minutes 18 seconds east, 250.02 feet; north 00 degrees 21 minutes 52 seconds east, 1834.00 feet to a point in the north line of said Hall Farms, Inc. property; thence north 89 degrees 37 minutes 17 seconds east with the north line of said Hall Farms Inc. property, 875.44 feet to a point in the east line of said Hall Farms Inc. property; thence southwardly with the east line of said Hall Farms Inc. property the following calls: south 00 degrees 19 minutes 55 seconds east, 1327.02 feet; south 83 degrees 35 minutes 14 seconds east, 813.07 feet; south 01 degrees 09 minutes 13 seconds west, 2435.80 feet to the point of beginning and containing 157.864 acres of land.

Now before the Board was the rezoning request of Reuben S. Rhea, Sr. to rezone 4.98 acres located in Civil District 4 from R - 1 to B - 3 for construction of a service station and quick stop. The floor was opened to the public for comments in favor of and in opposition to the rezoning. None were made. Motion was then made by Commissioner Fowler, seconded by Commissioner Dowdle and unanimously carried by the Board approving the rezoning. Description being as follows:

11 minutes West 10.00 feet to a concrete right-of-way monument; thence, continuing with the easterly margin of Stanton-Somerville Road North 4 degrees 10 minutes West 315.47 feet to an iron stake; thence, leaving said easterly margin of Stanton-Somerville Road North 85 degrees 50 minutes East 427.00 feet to an iron stake; thence, South 43 degrees 36 minutes East 305.5 feet to an iron stake on the northerly margin of Interstate 40; thence, with the northerly margin of Interstate 40 South 47 degrees 49 minutes West 140.00 feet to a concrete monument; thence, continuing with said northerly margin of Interstate 40 South 66 degrees 08 minutes West 528.15 feet to the the POINT OF BEGINNING and it is the intention of Grantor herein to convey all property between the east line of the Stanton-Somerville Road and the north line of Interstate 40 to the north line of the property herein above

The last rezoning was that of John Hodges and Jane Mitchell for property located in Civil District 7 for the transfer from R - 1 to R - 3 for road construction for a proposed estate development. The floor was opened to the public for comments for and against the rezoning. With none being made, the opened floor was closed. Motion was then made by Commissioner McCloud, seconded by Commissioner Fowler and unanimously carried by the Board approving the rezoning request. Same being described as follows:

Beginning at a point in the centerline of Hickory Withe Road (Highway 196) 525.00 feet north of the north line of Helene Drive, said point of beginning being the southwest corner of the tract being described (Railroad Spike Set); thence, north 02 degrees 20 minutes 06 seconds west along the centerline of Hickory Withe Road (Highway 196), a distance of 424.20 feet to a point (Masonry Nail Set); thence north 01 degrees 22 minutes 40 seconds west along the centerline of Hickory Withe Road (Highway 196), a distance of 740.35 feet to point (Railroad Spike Set); thence, south 89 degrees 16 minutes 01 seconds east along the south line of the Lassiter tract, a distance of 2405.20 feet to a point (Iron Pin Set); thence, south 02 degrees 12 minutes 31 seconds west along the west line of the Treadwell tract, a distance of 981.65 feet to a point (T Post Found); thence, south 02 degrees 54 minutes 37 seconds west along the west line of the Dismuke tract, a distance of 680.17 feet to a point (T Post Found); thence, south 02 degrees 52 minutes 17 seconds west along the west line of the Wartham tract, a distance of 527.65 feet to a point (Iron Pin Set); thence, north 88 degrees 35 minutes 31 seconds west along the north line of Helene Estates Subdivision (unrecorded), a distance of 2231.05 feet to the point of beginning, containing 116.1075 acres more or less.

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Motion was made by Commissioner Logan, seconded by Commissioner Dowdy and unanimously carried by the Board approving the following as **Notaries Public**: Julie C. Bartholomew, Margaret B. Browning, Jean Y. Jenkins, Tonya R. Lessel, Mary Ann Peete, Michael A. Thomas and Ava M. Wilder.

Now before the Board was the election of the **County Attorney**. Motion was made by Commissioner Fowler, seconded by Commissioner Anderson, nominating **Richard G. Rosser**. With no other nominations being made, motion was made by Commissioner Oglesby, seconded by Commissioner Dowdy and unanimously carried by the Board that the nominations cease and that Mr. Rosser be elected as County Attorney by acclamation.

Commissioner Allen questioned the duties and the salary of the County Attorney. A list of the duties was read with the budgeted salary quoted as \$16,245.00.

Motion was made by Commissioner German, seconded by Commissioner Burnette, and unanimously carried by the Board appointing Charles Taylor and Richard Vaughan to the **Solid Waste Board**.

Combined Summary Financial Statements were available and filed.

Mayor Taylor turned the floor over to Edith Heller who addressed the Board for **Keep Tennessee Beautiful**.

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

A copy of the minutes of the December 2002 meeting of the Fayette County Public Works Department was filed.

Written reports from the Sheriff's Department and Juvenile Court were filed.

Commissioner Logan reported for the Development Committee reviewing items addressed by that committee. The first was their recommendation to approve the **2003 County Road List and Map**. Motion was made by Commissioner Lillard, seconded by Commissioner German and unanimously carried by the Board to approve the list presented with the correction of the spelling of "Lillard Road".

The next matter requiring action by this Board concerned salary for a **Planner**. It was recommended by the Development Committee to set this salary at a top figure of \$50,000.00. Motion was made by Commissioner Logan, seconded by Commissioner Allen and unanimously carried by the Board approving that Committee's recommendation and setting the salary of a Planner at \$50,000.00

Commissioner Morman then presented the recommendation of the Development Committee to approve amendments to the Private Act for **Adequate Facilities Tax**. Motion was made by Commissioner Logan and seconded by Commissioner McCloud to approve the recommendation of that committee. Chairman Taylor then opened the floor to the public for comments. Motion was then made by Commissioner German, seconded by Commissioner Oglesby, to accept an amendment presented by John Pitner. Again, discussion followed. Commissioners German and Oglesby withdrew their motion to amend the proposed amendment to the adequate facilities tax.

Roll Call Vote was then taken on the original motion as approved and presented by the Development Committee. Voting "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Lillard, Logan, McCloud, Vaughan, Wilson and Yancey. (16)

Voting "NO": Commissioners Harris and Oglesby. (2)

Absent: Commissioner Leifer.

Thereupon, said motion as recommended by the Development Committee was approved.

Reports from the Criminal Justice & Public Safety Committee and the Personnel Committee were called for, but none available.

Commissioner McCloud reviewed the meeting of the Education Committee with approved budget amendment to be presented by the Budget Committee.

Commissioner German reviewed the meeting of the Health & Welfare Committee.

Commissioner Doll reviewed the recommendation of the Budget Committee on amendments to Federal Projects Funds and Central Cafeteria Funds. Motion was made by Commissioner Doll and seconded by Commissioner Oglesby to approve the amendments as follows:

FAYETTE COUNTY BOARD OF EDUCATION
FEDERAL PROJECTS FUND
FUND 142
SUBFUND 399 - READING EXCELLENCE ACT
JANUARY, 2003

		INCREASE	DECREASE
1000	INSTRUCTION		
1100	REGULAR INSTRUCTION PROGRAM		
1100 189 JF	Other Salaries and Wages		\$2,700.00
1100 195 JF	Substitute Teachers	\$2,700.00	
1100 189 NW	Other Salaries and Wages		\$1,350.00
1100 195 NW	Substitute Teachers	\$1,350.00	
1100 189 OK	Other Salaries and Wages		\$5,000.00
1100 195 OK	Substitute Teachers	\$5,000.00	
1100 189 SM	Other Salaries and Wages		\$2,556.00
1100 195 SM	Substitute Teachers	\$1,350.00	
1100 207 SM	Health Insurance	\$1,206.00	
	TOTAL:	\$11,606.00	\$11,606.00

Total Increase/Decrease: \$.00

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 370 - TITLE I 21ST CENTURY GRANT
 JANUARY, 2003

		INCREASE	DECREASE
1000	INSTRUCTION		
1100	REGULAR INSTRUCTION PROGRAM		
1100 116	Teachers	\$122,642.00	
1100 195	Substitute Teachers	\$1,980.00	
1100 201	Social Security	\$7,727.00	
1100 204	State Retirement	\$4,170.00	
1100 212	Medicare	\$1,807.00	
1100 299	Other Fringe Benefits	\$480.00	
1100 399	Other Contracted Services	\$167,380.00	
1100 429	Instructional Supplies and Materials	\$106,467.00	
1100 499	Other Materials and Supplies	\$8,866.00	
1100 599	Other Charges	\$17,000.00	
1100 722	Regular Instruction Equipment	\$3,970.00	
	TOTAL:	\$442,489.00	\$0.00
2000	SUPPORT SERVICES		
2210	REGULAR INSTRUCTION PROGRAM		
2210 355	Travel	\$8,514.00	
2210 524	In Service/Staff Development	\$19,241.00	
	TOTAL:	\$27,755.00	\$0.00
2710	TRANSPORTATION		
2710 146	Bus Drivers	\$14,000.00	
2710 201	Social Security	\$869.00	
2710 204	State Retirement	\$529.00	
2710 212	Medicare	\$203.00	
2710 299	Other Fringe Benefits	\$55.00	
2710 425	Gasoline	\$14,100.00	
	TOTAL:	\$29,756.00	\$0.00
	GRAND TOTAL:	\$500,000.00	\$0.00

Total Increase: \$500,000.00

Revenue:	47590 Other Federal Thru State	\$500,000.00
Revenue:	Prior Total Available Funds	\$3,308,979.84
	Total Increase This Amendment	\$500,000.00
	Total Available Funds This Amendment	\$3,808,979.84
Expenditures:	Prior Total Estimated Expenditures	\$3,308,979.84
	Total Increase This Amendment	\$500,000.00
	Total Estimated Expenditures This Amendment	\$3,808,979.84

FAYETTE COUNTY BOARD OF EDUCATION
CENTRAL CAFETERIA FUND
FUND 143
JANUARY, 2003

		INCREASE	DECREASE
73000	OPERATION OF NON-INSTRUCTIONAL SERVICES		
73100	FOOD SERVICES		
73100 105	Supervisor/Director	\$2,239.00	
73100 119	Accountants/Bookkeepers	\$1,056.00	
73100 165	Cafeteria Personnel	\$60,000.00	
73100 189	Other Salaries and Wages	\$1,550.00	
73100 201	Social Security	\$4,000.00	
73100 204	State Retirement	\$3,322.00	
73100 207	Health Insurance	\$1,215.00	
73100 212	Medicare	\$900.00	
73100 513	Workers' Compensation Insurance		\$1,606.00
	TOTAL:	\$74,282.00	\$1,606.00

Total Increase: \$72,676.00

Revenue:	43521 Lunch Payment - Children	(\$24,000.00)
	43522 Lunch Payments - Adults	(\$9,000.00)
	43523 Income from Breakfast	(\$3,000.00)
	43990 Other Charges	\$101,509.00
	47111 Section 4 Lunch	\$25,000.00
	47113 Section 4 Breakfast	\$10,000.00
	47114 USDA other	\$2,000.00
	Total:	\$102,509.00

Revenue:	Prior Total Available Funds	\$2,232,219.44
	Total Increase This Amendment	\$102,509.00
	Total Available Funds This Amendment	\$2,334,728.44

Expenditure:	Prior Total Estimated Expenditures	\$1,838,175.00
	Total Increase This Amendment	\$72,676.00
	Total Estimated Expenditures This Amend	\$1,910,851.00

Upon roll call vote, the following "YES" votes were taken: Commissioner Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Lillard, Logan, McCloud, Oglesby, Vaughan, Wilson, Yancey. (18)

Voting "NO": None

Absent: Commissioner Leifer.

Thereupon, said amendments were adopted.

Motion was then made by Commissioner Doll, seconded by Commissioner German and unanimously carried by the Board allowing the County Mayor to sign a renewal on an annual jail contract for prisoner compensation.

Commissioner Doll then presented the recommendation of the Budget Committee to approve the **General Fund Budget Amendment** and moved for same. Motion was seconded by Commissioner German. The following amendment being 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 January, 2003, 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 02/03 January, 2003

	INCREASE	DECREASE
<u>Adjustment to Revenue Account:</u>		
46120 Airport Maintenance		\$145,757.36
Subtotal-46120		\$145,757.36
46980 Other State Grants		\$26,656.88
Subtotal-46980		\$26,656.88
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT		\$172,414.24
<u>Adjustment to Expenditure Accounts:</u>		
<u>52310 Reappraisal Program</u>		
351 Rentals		\$ 2,400.00
355 Travel		600.00
718 Motor Vehicle	\$ 3,000.00	_____
Subtotal-52310	\$ 3,000.00	\$ 3,000.00
<u>54110 Sheriff's Department</u>		
337 Maintenance & Repair-Office Equip	\$26,656.88	
Subtotal-54110	\$26,656.88	

January, 2003

General Fund

<u>54310 Fire Prevention and Control</u>		
499 Other Supplies and Materials	\$ 5,300.00	
511 Vehicle & Equipment Insurance		\$ 627.00
599 Other Charges	327.00	
790 Other Equipment		<u>5,000.00</u>
Subtotal-54310	\$ 5,627.00	\$ 5,627.00
<u>58220 Airport</u>		
399 Other Contracted Services	<u>\$145,757.36</u>	
Subtotal-58220	\$145,757.36	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$181,041.24	\$ 8,627.00

Prior Estimated Expenditures	\$8,753,321.37
Total Estimated Expenditures This Amendment	\$8,753,321.37
Projected Fund Balance before Amendment	\$1,991,235.63
Change in Fund Balance This Amendment	\$ 00.00
Estimated Ending Fund Balance as of June 30 th , 2003	\$1,991,235.63

Upon roll call, the following voted "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Lillard, Logan, McCloud, Oglesby, Vaughan, Wilson and Yancey. (18)

Voting "NO": None.

Absent: Commissioner Leifer.

Thereupon, said amendment was approved.

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

RHEA TAYLOR - Chairman
Mayor

ATTEST:

Dell T. Graham, County Clerk