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**FAYETTE COUNTY LEGISLATIVE BODY**

**July 22, 2003**

**BE IT REMEMBERED** That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee on the 22nd day of July, 2003.

Present and presiding Chairman Rhea Taylor. Also present, Dell T. Graham, County Clerk, and the following County Commissioners: Joann C. Allen, Steve Anderson, Christopher L. Campbell, Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, Ronnie Graves, Ronnie Harris, Myles Leifer, George McCloud, Claude D. Oglesby, Jr., Richard D. Vaughan, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioners Joe B. Burnette, Jr., Thomas Howell Fowler, Willie German, Jr., David H. Lillard, Sr. and Sylvester Logan.

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

Chairman Taylor opened the floor for the public to address items not on the Agenda. No one came forward.

At this time the Board adjourned into executive session for discussion of pending lawsuits.

Motion was made by Commissioner Campbell, seconded by Commissioner Leifer and unanimously carried by the Board approving the minutes of the May 2003 meeting.

Motion was then made by Commissioner Anderson, seconded by Commissioner Dowdle and unanimously carried by the Board to reconsider for hearing at the September 2003 meeting the item of Plantation Estates.

Commissioner Anderson then made motion to reconsider the airport contract at the September 2003 meeting of this Board. Motion was seconded by Commissioner Leifer and unanimously carried by the Board.

Motion was made by Commissioner McCloud, seconded by Commissioner Doll and unanimously carried by the Board to table approval of the June 2003 minutes of this Board.

Kevin Perk, Director of the Fayette County Planning Office, addressed the Board requesting fee increases for Rezoning and Board of Appeals Applications. The floor was opened to the public for comments; no comments were offered. Motion was then made by Commissioner Leifer, seconded by Commissioner Allen and unanimously carried by the Board approving the request by the adoption of the following Resolution:

## RESOLUTION

**A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION  
TO REVISE AND UPDATE THE FEE SCHEDULES FOR REZONING AND BOARD  
OF ZONING APPEALS APPLICATIONS**

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102 the Fayette County Chief Legislative Body has adopted a Zoning Resolution and Map for Fayette County; and

WHEREAS, the Fayette County Regional Planning Commission has recommended the amendment to the Zoning Resolution to the Fayette County Chief Legislative Body described below in accordance with said section cited above; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-105 a public hearing was held before this body on Tuesday, the 29<sup>th</sup> day of July 2003, the time and place of which was published with 15 days advance notice:

NOW, THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY LEGISLATIVE BODY:

**SECTION 1. That the following language be deleted from APPENDIX A, SECTION 3 REZONINGS AND SECTION 4 APPEALS:**

**Section 3 Rezoning.** For a rezoning application there shall be levied a publication fee equivalent to the cost of the required newspaper notice, which shall not be refundable following publication of the notice; and when the proposed rezoning is to a business, industrial or special activity land use district there additionally be levied the following review fees, which shall not be refundable following final legislative action:

- 3.1 For a tract of five (5) acres or less - \$200.00
- 3.2 For a tract of more than five (5) acres - \$200.00 plus \$20.00 per acres, or fraction of an acre, to a maximum fee of \$500.00

**Section 4 Appeals.** For an application to the Board of Appeals there shall be levied a fee of \$50.00, which shall not be refundable following publication of the required newspaper notice.

**SECTION 2. BE IT FURTHER RESOLEVED that the following language be added to APPENDIX A, SECTION 3 REZONINGS AND SECTION 4 APPEALS:**

**Section 3 Rezoning.** Applications for rezoning shall be levied the following fees, which are non-refundable following publication of the public hearing notice:

- 3.1 Tracts of land containing less than ten (10) acres - \$600.00
- 3.2 Tracts of land containing more than ten (10) acres - \$600.00 for the first ten acres then \$20.00 per acre or fraction thereof for a maximum fee of \$1000.00
- 3.3 The fees in 3.1 and 3.2 shall be adjusted each fiscal year beginning July 1 to reflect a 5% salary and a 2½% overhead cost increase. This adjustment shall be rounded to the nearest \$50.

**Section 4 Appeals.** Applications to the Board of Zoning Appeals shall be levied the following fees, which are non-refundable following publication of the public hearing notice:

- 4.1 Special exceptions, appeals and non-hardship variances - \$450.00

4.2 Hardship variances, which are defined in Article III, Section 4.3.1 - \$100.00

4.3 The fees in 4.1 and 4.2 shall be adjusted each fiscal year beginning July 1 to reflect a 5% salary and a 2½% overhead cost increase. This adjustment shall be rounded to the nearest \$50.

**SECTION 3. BE IT FURTHER RESOLEVED that this Resolution shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.**

Motion was made by Commissioner Campbell, seconded by Commissioner McCloud and unanimously carried by the Board approving the following as **NOTARIES PUBLIC**: Christi Cannon, Pam D. Clifft, Martha L. Earhart, Ladora Leggett, Sue E. Pulliam, Sarah E. Rose, Angela Thornton and Cindy Weathersbee.

Commissioner Doll questioned completion of the application form used to become a Notary Public. Commissioner Harris suggested that County Attorney Rosser review this and report to this Board at the next meeting.

Chairman Taylor presented for appointment to the Board of Zoning Appeals John W. Campbell and Eugene McFerren. Motion was made by Commissioner Wilson, seconded by Commissioner Dowdy and unanimously carried by the Board approving the recommendation.

Annual Financial Reports from Constitutional Officials were available as filed by each office.

Chairman Taylor reported that he did not know where the Grant Plan stood at this time, but that he would be in Nashville to determine the status and answer pending questions.

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

Minutes of the Board of Public Works meeting were filed.

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

Commissioner Leifer, Vice Chairman of the Development Committee, reviewed the meeting of that committee and presented for acceptance as County Roads the following: Bonne Terre Circle, Bonne Terre Drive, Bonne Terre Cove, Westbury Lane, Avebury Cove, Glastonbury Cove, Amesbury Cove, Salisbury Cove. Motion was made by Commissioner McCloud, seconded by Commissioner Wilson and unanimously carried by the Board accepting these roads as presented.

Commissioner Dowdle, Vice Chairman of the Criminal Justice and Public Safety Committee reviewed the meeting of that committee. Motion was made by Commissioner Leifer, seconded by Commissioner McCloud to approve application for a Homeland Security Grant for emergency equipment. Motion carried with Commissioner Anderson abstaining.

It was also noted that an Occupational Health & Safety Resolution was reviewed and would again be reviewed in August.

Commissioner Dowdle then reviewed the recommendation of the Public Safety Committee to approve a Resolution for CTAS Fire Department Analysis and moved for the adoption of same. Motion was seconded by Commissioner Allen and unanimously carried by the Board. Same being as follows:

### **RESOLUTION**

#### **REQUESTING CTAS FIRE DEPARTMENT ANALYSIS**

WHEREAS, the Board of County Commissioners of Fayette County by resolution on November 26, 2002, pursuant to T.C.A. § 5-17-101 formed a county-wide fire department known as the Fayette County Fire Department; and

WHEREAS, County Technical Assistance Service (CTAS) has fire management consulting available as part of its usual and customary services to Fayette County; and

WHEREAS, the Board of County Commissioners desires to provide adequate fire service to the citizens of Fayette County and to plan for future improvements to the fire service,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, in regular session this 22nd day of July, 2003, at the Courthouse in Somerville, Tennessee, that County Technical Assistance Service is hereby requested to perform a complete analysis of the fire service in Fayette County at the earliest possible date; and

BE IT FURTHER RESOLVED that said analysis shall include a study of the participation of municipal fire departments in the delivery of county fire service; and

BE IT FURTHER RESOLVED that said analysis shall include recommendations for improvements to the county fire service and an evaluation of the funding sources available for the recommended improvements.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately, the public welfare requiring it.

Chairman Taylor reviewed the Fire Contract and asked for a ninety (90) day extension of the contract under the old terms. Motion was made by Commissioner Campbell, seconded by Commissioner Dowdle and unanimously carried by the Board extending the contract for ninety-days.

Commissioner Dowdy, Vice Chairman of the Personnel Committee, reported for that committee. A Resolution regarding the acceptance and placement of a bust of Lt. Governor John S. Wilder in the rotunda of the Fayette County Courthouse was presented. Motion was made by Commissioner Harris, seconded by Commissioner McCloud and unanimously carried by the Board accepting the following Resolution:

## RESOLUTION

WHEREAS, THE COUNTY COMMISSION OF FAYETTE COUNTY, TENNESSEE is authorized by Tennessee Code Annotated, Section 5-7-101 to acquire and hold property for county purposes, and

WHEREAS, THE FRIENDS OF JOHN S. WILDER have commissioned a bust of Lt. Governor John S. Wilder, and

WHEREAS, Lt. Governor John S. Wilder has been a true friend and loyal citizen of Fayette County, and

WHEREAS, Lt. Governor John S. Wilder at one time represented Fayette County as a duly elected Quarterly Court member, and

WHEREAS, Lt. Governor John S. Wilder has represented Fayette County for many years in the Senate of the State of Tennessee, and

WHEREAS, the Friends of John S. Wilder wish to honor Lt. Governor John S. Wilder for his many years of outstanding service to Fayette County, and

WHEREAS, no public funds will be utilized to accomplish this, and

WHEREAS, the County Commission can so ordain, the bust of Lt. Governor John S. Wilder is to be placed in the rotunda of the Fayette County Courthouse for future generations of Fayette Countians to observe and honor and said resolution is to be spread upon the minutes of the Fayette County Board of Commissioners.

Chairman Taylor reviewed a County Drug Policy. Motion was made by Commissioner Harris, seconded by Commissioner Dowdy and unanimously carried by the Board approving negotiation of a contract for a County Drug Policy.

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

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

Chairman Taylor reviewed the Joint Meeting of all Committees and the Jail Committee.

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

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RHEA TAYLOR - Chairman  
Mayor

ATTEST:

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Dell T. Graham, County Clerk