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FAYETTE COUNTY LEGISLATIVE BODY

March 26, 2003

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of March, 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, Myles Leifer, David H. Lillard, Sr., Sylvester Logan, George McCloud, Claude D. Oglesby, Jr., Richard D. Vaughan, Myles Wilson and Allen Yancey, Jr.

With all members 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 included on the Agenda. Addressing the Board were Dana Pittman and Ray Neubauser. Motion was made by Commissioner Burnette, seconded by Commissioner Allen and unanimously carried by the Board that this Board adopt a Resolution supporting the troops overseas.

Motion was made by Commissioner Wilson, seconded by Commissioner Dowdle, and unanimously carried by the Board approving the minutes of the February 2003 meeting of this Board.

Now before the Board was the rezoning request of Marshall Tillman, Jr. to rezone property located in Civil District 10 from R - 1 to I - L. The floor was opened to the public for comments in favor of and in opposition to the rezoning. Marshall Tillman, Jr. addressed the Board in favor of the rezoning. No one spoke in opposition. The floor was then closed to the public.

Considering that the Planning Commission and the Development Committee denied approval of the rezoning request, motion was made by Commissioner Anderson, seconded by commissioner Allen and carried by the Board denying the rezoning request of Marshall Tillman, Jr.

Motion was made by Commissioner Campbell, seconded by Commissioner Fowler and unanimously carried by the Board appointing the following as Notaries Public: Kerri Brakefield, Sandra Gillespie, Keith Morris and Steve Reeves.

Chairman Taylor then presented a Resolution regarding "Sexually Oriented Businesses" that had been reviewed and approved by the Planning Commission and the Development Committee. The floor was opened to the public for comments in favor of or in opposition to the adoption of the Resolution. With no comments being offered, the floor was closed to the public. Motion was then made by Commissioner Logan, seconded by Commissioner Dowdle and unanimously carried by the Board adopting the following Resolution:

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF FAYETTE COUNTY, TENNESSEE, TO ADD THE PERMITTED USE OF "SEXUALLY ORIENTED BUSINESS" TO THE CHART OF PERMITTED USES UNDER I-L (LIGHT INDUSTRIAL) DISTRICTS; AND TO ADD DEFINITIONS AND REGULATIONS PERTAINING TO SEXUALLY ORIENTED BUSINESS.

- WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of Fayette County, Tennessee in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the County; and,
- WHEREAS, the County Commissioners for Fayette County, Tennessee find that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and,
- WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of Fayette County, Tennessee which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and,
- WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and,
- WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential area adjacent to them, causing increased crime and the downgrading of property values; and,
- WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and,
- WHEREAS, the County Commissioners of Fayette County, Tennessee desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and,
- WHEREAS, the County Commissioners for Fayette County, Tennessee have determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of this community; and,
- WHEREAS, it is not the intent of this resolution to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of sexually oriented businesses; and,
- WHEREAS, it is not the intent of the County Commissioners of Fayette County, Tennessee to condone or legitimize the distribution of obscene material, and the Commissioners recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in Fayette County; and,
- WHEREAS, the Fayette County Planning Commission reviewed and recommended the provisions of this resolution on March 03 2003; and,

WHEREAS, a Public Notice was published in the FC Review, a newspaper of general circulation, on Feb. 26, 2003, advertising a public hearing which was conducted by the Fayette County Board of Commissioners on March 25, 2003. & March 03, 2003

WHEREAS, Section 13-7-105 of Tennessee Code Annotated permits the amendment of the Fayette County Zoning Resolution; and

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

WHEREAS, in accordance with Tennessee Code Annotated, Section 13-7-105 the chief legislative body held a public hearing to obtain citizen input regarding said amendment;

NOW THEREFORE, BE IT ORDAINED BY THE FAYETTE COUNTY COMMISSION THAT:

Section 1 of ARTICLE VIII - Definitions of the Fayette County Zoning Resolution be amended by adding the following definitions under 1.1.7 "Sexually Oriented Businesses," with the present definitions from 1.1.7 "Sign" through 1.2.2 "Yard" being renumbered to 1.1.8 through 1.2.3 as appropriate.

Adult Arcade - means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore, Adult Novelty Store or Adult Video Store - means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or other printed matters, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; or,
- (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for any form of consideration the specified materials which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Cabaret - means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) persons who appear in a state of nudity or semi-nude; or,
- (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or,
- (c) films, motion pictures, video cassettes, slides or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Motel - means a hotel, motel or similar commercial establishment which:

- (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or,

- (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or,
- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater - means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Theater - means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by an emphasis on the exposure of "specified anatomical area" or by "specified sexual activities."

Employee - means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Escort - means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency - means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment - means and includes any of the following:

- (a) the opening or commencement of any sexually oriented business as a new business;
- (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) the additions of any sexually oriented business to any other existing sexually oriented business; or,
- (d) the relocation of any sexually oriented business.

Licensee - means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Nude Model Studio - means any place where a person regularly appears semi-nude or in a state of nudity, or regularly displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Tennessee or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
- (b) where in order to participate in a class a student must enroll at least three days in advance of the class; and,
- (c) where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or a State of Nudity - means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Person - means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-Nude or Semi-Nude Condition - means the showing of the bare female breast below a horizontal line across the top of the areola at its highest point or the showing of the bare male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual Encounter Center - means a business or commercial enterprise that, as one of its principal business purposes, regularly offers for any form of consideration:

- (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or,
- (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business - means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor, osteopath, or a licensed massage therapist, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

Specified Anatomical Areas - Specified anatomical areas means, but is not limited to, the following:

- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or,
- (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity - means any of the following offenses:

- (a) prostitution; patronizing prostitution; promoting prostitution; sexual performance by a child; aggravated sexual exploitation of a minor; sexual exploitation of a minor; possession or distribution of child pornography; public indecency; indecent exposure; engaging in organized criminal activity; aggravated sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (b) for which:
 - (1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or,
 - (3) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- (c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

Specified Sexual Activities - means any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or,
- (c) excretory functions as part of or in connection with any of the activities set forth in (a)

Substantial Enlargement - of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25 percent), as the floor areas exist on the date this ordinance takes effect.

Transfer of Ownership or Control - of a sexually oriented business means and includes any of the following:

- (a) the sale, lease, or sublease of the business;
- (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or,
- (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Under Section 6.3 (I-L, Light Industrial Districts) of Article VII - Provisions for Land Use Districts, of the Fayette County Zoning Resolution be amended by adding the following Subsection:

6.3.6 Special Provisions for Adult Oriented Business

Location of Sexually Oriented Businesses

- A. A person commits a violation of this resolution and any other applicable laws of the State of Tennessee offense if the person operates or causes to be operated a sexually oriented business within 1,000 feet of:
 - (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (2) A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - (3) A boundary of any residential district as defined in, but not limited to, the following residential zoning classifications in Article VII, Zoning Resolution of Fayette County, Tennessee, R-1,R-2,R-3,R-4,R-5;
 - (4) A "dwelling" as defined in Article VIII, Section 1, 1.3 thru 1.3.2.4 and including 1.3.3, Zoning Resolution of Fayette County, Tennessee;
 - (5) A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
 - (6) The property line of a lot devoted to use as a "dwelling" as defined in Article VIII, Section 1, 1.3 thru 1.3.2.4 and including 1.3.3, Zoning Resolution of Fayette County, Tennessee;
 - (7) An entertainment business which is oriented primarily towards children or family entertainment.
- B. A person commits a violation of this resolution and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

- C. A person commits a violation of this resolution and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof, containing another sexually oriented business.
- D. For the purposes of subsection A of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection A.. The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- E. For purposes of subsection B of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- F. Any sexually oriented business lawfully operating on _____, 2002, that is in violation of subsection (a) through (f) of this section shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.
- G. A sexually oriented business lawfully in operation as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a the sexually oriented business license, of a use listed in subsection (b) of this Section within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.
- H. A sexually oriented business must meet all applicable federal, state and or local requirements.

BE IT FURTHER ORDAINED that this resolution shall take effect upon its passage, the general health, safety and welfare of Fayette County, Tennessee, requiring it.

The Subheading "Other Uses" under Section 6.5 (Chart of Permitted Uses) under Article VII, Provisions for Land Use Districts, of the Fayette County Zoning Resolution - be amended by adding the following use: SOB (Sexually Oriented Business) and that it be shown to be a Site Plan Approval Use (as designated by the letter "S").

Passed this 25th day of March, 2003.

Register

Fayette Court Clerk/Recorder

Chairman Taylor reported for the Mayor's Office. He noted that he had been advised that it would be about six months before a 1101 Grant Plan would be available.

He reviewed cuts in state funds that could affect our tax rate for the coming year.

He noted that the farm land rental at the Industrial Park as mentioned in the Mayor's report last month, originally was uncleared acreage, which was cleared by the rentor.

Chairman Taylor then addressed the Geographic Information System as reviewed by Dana Pittman under "un-agenda items" who agreed that this was something the County needs to do.

Commissioner Vaughan asked the Mayor to re-commit himself to work with the Commissioners and the Board of Education to improve education through schools in Fayette County. Mayor Taylor so agreed.

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

The minutes of February 2003 meeting of the Board of Public Works were filed.

Commissioner Leifer reviewed the meeting of the Development Committee.

Commissioner Graves reported for the Criminal Justice & Public Safety Committee. Motion was made by Commissioner Graves, seconded by Commissioner McCloud, and unanimously carried by the Board approving a Resolution showing a maximum of \$50,000.00 on a rural grant match.

Report from the Personnel Committee was called for, but not presented.

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

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

Commissioner Doll reported for the Budget Committee and with their recommendation for passage, moved for the approval of following amendment to the General Purpose Fund. Motion was seconded by Commissioner Graves. The amendment being as follows:

**FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141
MARCH, 2003**

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION		
71100 116	Teachers	\$140,000.00	
71100 163	Teacher Assistants	\$1,987.00	
71100 201	Social Security	\$1,065.00	
71100 204	State Retirement	\$4,700.00	

71100 207	Health Insurance		\$27,000.00
71100 212	Medicare	\$487.00	
71100 429	Other Supplies and Materials		\$24,231.00
71100 449	Textbooks	\$24,231.00	
	TOTAL:	\$172,470.00	\$51,231.00

71200	SPECIAL EDUCATION PROGRAM		
71200 116	Teachers		\$60,501.00
71200 163	Teacher Assistants	\$4,250.00	
71200 189	Other Salaries and Wages	\$288.00	
71200 201	Social Security		\$1,100.00
71200 204	State Retirement		\$1,127.00
71200 207	Health Insurance		\$3,900.00
71200 212	Medicare		\$250.00
	TOTAL:	\$4,538.00	\$66,878.00

71300	VOCATIONAL EDUCATION PROGRAM		
71300 195	Substitute Teachers	\$8,800.00	
	TOTAL:	\$8,800.00	\$0.00

72000	SUPPORT SERVICES		
72110	ATTENDANCE		
72110 105	Supervisor/Director	\$315.00	
72110 201	Social Security		\$245.00
72110 204	State Retirement	\$11.00	
72110 207	Health Insurance		\$192.00
72110 212	Medicare		\$58.00
	TOTAL:	\$326.00	\$495.00

72130	OTHER STUDENT SUPPORT		
72130 123	Guidance Personnel	\$26,684.00	
72130 201	Social Security	\$1,443.00	
72130 204	State Retirement	\$1,010.00	
72130 207	Health Insurance	\$1,250.00	
72130 212	Medicare	\$337.00	
	TOTAL:	\$30,724.00	\$0.00

72210	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director	\$945.00	
72210 129	Librarian		\$5,875.00
72210 138	Instructional Computer Personnel	\$21,185.00	
72210 201	Social Security		\$375.00
72210 204	State Retirement		\$500.00
72210 207	Health Insurance	\$995.00	
72210 212	Medicare		\$80.00
	TOTAL:	\$23,125.00	\$6,830.00

72220		SPECIAL EDUCATION PROGRAM	
72220 105	Supervisor/Director	\$315.00	
72220 124	Psychological Personnel		\$38,723.00
72220 189	Other Salaries and Wages	\$362.00	
72220 201	Social Security		\$2,384.00
72220 204	State Retirement		\$1,270.00
72220 207	Health Insurance		\$580.00
72220 212	Medicare		\$560.00
	TOTAL:	\$677.00	\$43,517.00

72230		VOCATIONAL EDUCATION PROGRAM	
72230 105	Supervisor/Director	\$330.00	
72230 201	Social Security		\$101.00
72230 204	State Retirement	\$11.00	
72230 207	Health Insurance		\$240.00
	TOTAL:	\$341.00	\$341.00

72310		BOARD OF EDUCATION	
72310 210	Unemployment Compensation	\$18,000.00	
72310 513	Workman's Compensation Insurance	\$30,000.00	
	TOTAL:	\$48,000.00	\$0.00

72320		OFFICE OF THE SUPERINTENDENT	
72320 101	County Official/Administrative Officer	\$580.00	
72320 201	Social Security	\$60.00	
72320 204	State Retirement	\$19.00	
72320 207	Health Insurance		\$340.00
72320 212	Medicare	\$14.00	
	TOTAL:	\$673.00	\$340.00

72410		OFFICE OF THE PRINCIPAL	
72410 104	Principals	\$4,692.00	
72410 139	Assistant Principals	\$1,839.00	
72410 201	Social Security		\$141.00
72410 204	State Retirement		\$162.00
72410 207	Health Insurance	\$6,843.00	
72410 212	Medicare		\$78.00
	TOTAL:	\$13,374.00	\$381.00

72510	FISCAL SERVICES		
72510 207	Health Insurance		\$297.00
	TOTAL:	\$0.00	\$297.00
72610	OPERATION OF PLANT		
72610 207	Health Insurance		\$578.00
72610 399	Other Contracted Services	\$2,966.00	
	TOTAL:	\$2,966.00	\$578.00
72620	MAINTENANCE OF PLANT		
72620 207	Health Insurance	\$2,133.00	
	TOTAL:	\$2,133.00	\$0.00
72710	TRANSPORTATION		
72710 207	Health Insurance	\$911.00	
	TOTAL:	\$911.00	\$0.00
	GRAND TOTAL:	\$309,058.00	\$170,888.00

Total Increase: \$138,170.00

Revenue:	44520	Insurance Recovery	\$14,153.00
	44530	Sales of Equipment	\$60,130.00
	44560	Damages From Individuals	\$604.00
	46511	Basic Education Program	\$65,000.00
	46550	Driver Education	\$9,000.00
	47143	Special Ed. Grants to States	(\$10,717.00) -
	Total:		\$138,170.00

Revenue:	Prior Total Available Funds	\$18,975,942.66
	Total Increase This Amendment	\$138,170.00
	Total Available Funds This Amendment	\$19,114,112.66

Expenditure:	Prior Total Estimated Expenditures	\$18,424,754.03
	Total Increase This Amendment	\$138,170.00
	Total Estimated Expenditures This Amend	\$18,562,924.03

Upon roll call vote, the following voted "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Vaughan, Wilson and Yancey. (19)

Voting "NO": None.

Absent: None:

Thereupon, said amendment was unanimously approved.

Commissioner Doll then reviewed an amendment to the **Federal Projects Fund 141** as recommended by the Budget Committee and moved for the adoption of same. Same being as follows:

FAYETTE COUNTY BOARD OF EDUCATION
FEDERAL PROJECTS FUND
FUND 142
SUBFUND 385 - DRUG FREE SCHOOLS
MARCH, 2003

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72130	OTHER STUDENT SUPPORT		
72130 499 PUB	Other Supplies and Materials		\$2,279.00
72130 499 FAA	Other Supplies and Materials	\$1,436.00	
72130 499 ROA	Other Supplies and Materials	\$843.00	
TOTAL:		\$2,279.00	\$2,279.00

Total Increase/Decrease: \$0.00

Motion to adopt this amendment was seconded by Commissioner Anderson. Upon roll call, the following Commissioners voted "YES": Commissioner Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Vaughan, Wilson and Yancey. (19)

Voting "NO": None

Absent: None.

Thereupon, the proposed amendment was approved.

Commissioner Doll reviewed a proposed **County General Fund Budget Amendment** as recommended by the Budget Committee. Same 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 25th day of March, 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
March, 2003

	INCREASE	DECREASE
<u>Adjustment to Revenue Account:</u>		
46120 <u>Airport Maintenance</u>		\$209,068.30
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT		\$209,068.30

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51100 County Commission</u>		
316 Contributions	\$ 750.00	
Subtotal-51100	\$ 750.00	
<u>54310 Fire Prevention and Control</u>		
724 Site Development		\$ 750.00
Subtotal-54310		\$ 750.00
<u>54410 Civil Defense</u>		
349 Printing, Stationery and Forms		\$ 800.00
355 Travel	\$ 700.00	
435 Office Supplies		100.00
599 Other Charges	1,050.00	
719 Office Equipment		850.00
790 Other Equipment	500.00	
Subtotal-54410	\$ 2,250.00	\$ 1,750.00
<u>54490 Other Emergency Management</u>		
499 Other Supplies		\$ 500.00
Subtotal-54490		\$ 500.00
<u>55130 Ambulance</u>		
164 Attendants		\$169,557.00
169 Part-Time Personnel	\$41,384.00	
187 Overtime Pay	128,173.00	
202 Handling Charges		\$34,462.00
204 State Retirement	34,462.00	
211 Local Retirement		9,896.00
212 Employer Medicare	9,896.00	
412 Diesel Fuel		400.00
425 Gasoline	400.00	
Subtotal-55130	\$ 214,315.00	\$ 214,315.00
<u>58220 Airport</u>		
399 Other Contracted Services	\$209,068.30	
Subtotal-58220	\$209,068.30	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$ 426,383.30	\$ 217,315.00

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*, 2003	\$1,991,235.63

Motion was then made by Commissioner Doll, seconded by Commissioner McCloud to approve the amendment. Upon roll call vote, the following voted "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Wilson, and Yancey. (18)

Voting "NO": Commissioner Vaughan.

Absent: None.

Thereupon, the proposed amendment to the General Fund 101 budget was approved.

Commissioner Doll then presented the recommendation of the Budget Committee to amend the Public Works Budget. Same being as follows:

PUBLIC WORKS FUND 131
 FY 02-03
 BUDGET AMENDMENT NO. 2

<u>EXPENDITURES</u>		<u>AMENDMENT</u>	<u>AMENDED TOTAL</u>
<u>62000 Hwy. & Br. Maint.</u>			
141 Foremen	-	\$ 16,000.00	\$ 96,903.0
143 Equipment Oper.	-	10,000.00	379,876.0
147 Truck Drivers	-	19,000.00	371,021.0
149 Laborers	-	4,000.00	258,496.0
Total 62000	-	\$ 49,000.00	\$ 1,437,819.0
<u>65000 Other Charges</u>			
308 Consultants	-	\$ 15,000.00	\$ 10,000.0
Total 65000	-	\$ 15,000.00	\$ 208,415.0
<u>68000 Capital Outlay</u>			
714 Highway Equipment	-	\$ 73,000.00	\$ 109,000.0
791 Other Construction	+	\$ 137,000.00	\$ 437,000.0
Total 68000	+	\$ 64,000.00	\$ 1,012,000.0
<u>Est. Ending Fund Balance June 30</u>			<u>NO CHANGE</u>

Motion was then made by Commissioner Doll, seconded by Commissioner McCloud that the amended budget be approved. Upon roll call vote, the following voted "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Vaughan, Wilson and Yancey. (19)

Voting "NO": None.

Absent: None.

Thereupon, the proposed amendment was approved.

With no other matters requiring action by this Board, said meeting adjourned.

RHEA TAYLOR - Chairman
 Mayor

ATTEST:

Dell T. Graham, County Clerk