

FAYETTE COUNTY LEGISLATIVE BODY

January 27, 2004

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Oak Room in Somerville, Tennessee, on the 27th day of January, 2004.

Present and presiding Chairman Christopher Campbell. Also present, Dell T. Graham, County Clerk and the following County Commissioners: Joann C. Allen, Steve Anderson, Joe B. Burnette, Jr., Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, Thomas Howell Fowler, 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.

Absent: Commissioner Willie German, Jr.

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

The floor was opened to the public to address items not on the Agenda. Addressing the Board were Melisa Mink, Rena Lowman and Kathie Ralph.

Motion was made by Commissioner Dowdy, seconded by Commissioner Fowler and unanimously carried by the Board approving the minutes of the November 2003 meeting of this Board.

Commissioner Vaughan then moved to address Item 11 on the agenda out of order. Mayor Taylor advised that he might be addressing the matter in question in his report.

Motion was made by Commissioner Vaughan, seconded by Commissioner Dowdle to suspend the rules of procedure. Upon Roll Call Vote, the following voted "YES" to suspend the rules: Commissioners Allen, Anderson, Burnette, Dowdle, Dowdy, Graves, Harris, Leifer, Logan, Oglesby, Vaughan, Wilson and Yancey. (13)

Voting "NO": Commissioners Doll, Fowler, Lillard and McCloud (4)

Absent: Commissioner German.

Motion carried.

Mayor Taylor then reported for Parks & Recreation regarding use of county property by the Oakland Ball League and the YMCA.

Motion was made by Commissioner Fowler and seconded by Commissioner Dowdle that use of Fayette County property be under requirements submitted and under the review and approval of the County Attorney.

Much discussion followed. Upon Roll Call Vote, said motion carried unanimously.

Commissioner Vaughan questioned and agreed with Mayor Taylor that the Parks and Recreation Board does still exist. He then questioned why Mayor Taylor was over Parks & Recreation. Mayor Taylor advised that since funds were no longer available for the individual who was in charge of Parks & Recreation operation, and since that individual operated under him, that responsibility fell to him.

Now before the Board was the request of Marshall Tillman to rezone property located at Hwy 57 and Hayes Road from R-1 to B-3. The floor was opened to the public. Speaking in favor of the rezoning was Marshall Tillman; speaking against rezoning was Donnie Leggett. The floor was then closed to the public. Kevin Perk, Director of Development, then addressed the Board giving the recommendation of the Planning & Development Committee to deny this request. Motion was then made by Commissioner Anderson, seconded by Commissioner Allen, to accept the recommendation of the Planning Commission and to deny this rezoning request. Said motion carried with Commissioner Vaughan voting "NO".

Kevin Perk, Director of Development, addressed the Board regarding an amendment to the text of the Fayette County Zoning Resolution. He noted that this was presented with the recommendation of the Planning Commission and Development Committee. The floor was then opened to the public for comments in favor of and in opposition to the amendment. No comments were offered and the floor was closed to the public.

Motion was then made by Commissioner Anderson, seconded by Commissioner McCloud and unanimously carried by the Board approving the amendment. Said Resolution being as follows:

. A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION
TO ADD CRITERIA TO COMPLY WITH TENNESSEE CODE ANNOTATED 6-58-107,
ENSURING LAND USE (REZONING) DECISIONS ARE CONSISTENT WITH THE
FAYETTE COUNTY GROWTH PLAN

WHEREAS, pursuant to Tennessee Code Annotated Section 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 27th day of 2004, 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 added to ARTICLE VII-PROVISIONS FOR LAND USE DISTRICTS, SECTION 3 (additions depicted as underlined):

SECTION 3: It is the intent and purpose of this section to secure the harmonious residential development of the county through provisions designed to ensure compatibility of residential land uses both within residential districts and between residential districts and neighboring nonresidential districts. These provisions are designed further to promote adequate open spaces for traffic, light, air and recreation; to lessen congestion on the roads; to prevent both excessive concentrations and excessive concentrations and excessive scattering of population and residential land development as will tend to facilitate and conserve adequate provisions for transportation, drainage, water supply, sanitation, educational opportunity, recreation, soil fertility, and the protection of both urban and rural development. It is further the intent of this section to comply with the provisions of Tennessee Code Annotated 6-58-107 and ensure consistency with the adopted Fayette County Growth Plan (as written in August 2003 or subsequently amended). As such, the residential districts described by this section are intended to be utilized only within Urban Growth Boundaries or Planned Growth Areas. To accomplish this intent and purpose, there shall be four (4) residential development districts in Fayette County, Tennessee.

SECTION 2: BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage, THE PUBLIS WELFARE REQUIRING IT.

Motion was made by Commissioner Leifer, seconded by Commissioner Dowdy and unanimously carried by the Board appointing the following as Notaries Public: Doris S. Arnett, J. B. Bowling, Cheryl D. Darden, Alice Jackson, Tammy M. Madill, Melissa Tatum, Mrs. Layton Watson and L. J. Wiley.

Mayor Taylor presented for appointment to the Fayette County Planning Commission Annette Cutliff. Motion was made by Commissioner Fowler, seconded by Commissioner Allen and unanimously carried by the Board making the appointment as presented.

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

Mayor Taylor reported for his office. On one matter he asked the Board to authorize Attorney Rosser to inter-plea with Hickory Withe in Chancery Court and present a plan to the judge. The floor was then turned over to Attorney Rosser to address the Board on the tax refund to Hickory Withe .

After much discussion, motion was made by Commissioner Fowler, seconded by Commissioner Dowdle to inter-plea the funds into the court system and to file a law suit. Said motion carried unanimously.

Quarterly report was filed by County Trustee Parker.

Report was called for from the Board of Education and the Sheriff's Department, but none available.

Reports from the Board of Public Works and Juvenile Court were filed.

Commissioner Allen reported for the Development Committee. Motion was made by Commissioner Logan and seconded by Commissioner McCloud to approve the road list as submitted. Said motion carried with Commissioner Graves voting "NO".

Commissioner Allen reviewed the right-of-way proposals for Highway 76 bridge over the north fork of Wolf River, and Highway 196 at Highway 64. This was presented without recommendation from the Development Committee. After review by Attorney Rosser, motion was made by Commissioner Anderson, seconded by Commissioner Lillard, and unanimously carried by the Board to approve both contracts, subject to the changes suggested by Attorney Rosser – that being to specify the intersection on Highway 57.

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

Commissioner Lillard reported orally for the Health & Welfare Committee.

Commissioner Doll presented the recommendation of the budget committee to amend the General Fund Budget and moved to approve same. Said was seconded by Commissioner Fowler and unanimously carried by Roll Call Vote. 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 at this 27th day of January 2004, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in Somerville, Tennessee.

That the General Fund #101 Budget Amendment be amended in the following words and figures, to-wit:

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 27th day of January, 2004, 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 03/04
January, 2004

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
47250 <u>Law Enforcement Grants</u>		<u>\$12,407.00</u>
Subtotal-47250		\$12,407.00
47990 <u>Other Direct Federal Revenue</u>		<u>\$22,646.00</u>
Subtotal-47190		\$22,646.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT		\$35,053.00

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
54150 Drug Enforcement		
160 Guards	\$10,555.00	
201 Social Security	655.00	
205 Employee & Dependent Insurance	1,044.00	
212 Employer Medicare	<u>153.00</u>	
Subtotal-54150	\$12,407.00	
54310 Fire Prevention and Control		
499 Other Supplies and Materials	<u>\$ 22,646.00</u>	
Subtotal-551130	\$ 22,646.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$35,053.00	

Prior Estimated Expenditures	\$8,259,864.00
Total Estimated Expenditures This Amendment	\$8,259,864.00
Projected Fund Balance before Amendment	\$1,980,444.00
Change in Fund Balance This Amendment	\$ 00.00
Estimated Ending Fund Balance as of June 30 th , 2004	\$1,980,444.00

Commissioner Doll then presented the recommendation of the Health & Welfare Committee and the Budget Committee to approve an amendment to the Solid Waste/Sanitation Fund. Motion was made by Commissioner Doll, seconded by Commissioner Wilson to approve the amendment. Upon Roll Call Vote, the following voted "YES": Commissioners Allen, Burnette, Dowdle, Dowdy, Harris, Leifer, Logan, Oglesby, Vaughan, Wilson and Yancey. (11)

Voting "NO": Commissioners Anderson, Doll, Fowler, Graves, Lillard, McCloud.

(6)

Absent: Commissioner German.

Thereupon, the following Resolution was approved.

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on the 27th day of January, 2004, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in Somerville, Tennessee.

That the solid Waste/Sanitation Fund #116 Budget Amendment be amended in the following words and figures, to-wit:

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 27th day of January, 2004, 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 Solid Waste/Sanitation Fund #116 Budget Amendment be amended in the following words and figures, to-wit:

**SOLID WASTE/SANITATION FUND
BUDGET AMENDMENT
F/Y 03/04
January, 2004**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>55754 Landfill Operation & Maintenance</u>		
187 Overtime Pay	\$ 6,253.14	
187 Overtime Pay	5,000.00	
201 Social Security	310.00	
204 State Retirement	311.00	
212 Employer Medicare	<u>73.00</u>	
Subtotal-55754	\$11,947.14	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$11,947.14	

Prior Estimated Expenditures	\$ 710,119.00
Total Estimated Expenditures This Amendment	\$ 722,066.14
Projected Fund Balance before Amendment	\$ 315,007.00
Change in Fund Balance This Amendment	\$ 11,947.14
Estimated Ending Fund Balance as of June 30 th , 2004	\$ 303,059.86

Commissioner Doll then presented a Resolution of Local Match for a Community Development Block Grant (CDBG) for housing and community development needs. Same being as follows:

**RESOLUTION
OF LOCAL MATCH
THE COUNTY OF FAYETTE**

WHEREAS, the State of Tennessee, Community Development Block Grant program has been established by HUD to assist local governments in meeting the housing and community development needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the County of Fayette, Tennessee acting by and through the Fayette County Commission proposes to apply for a FY 2004 Small Cities Block Grant (CDBG) for funding the purpose of performing eligible community development activities that will benefit all of the residents in Fayette County, Tennessee with improvements to the County's Emergency Communication System.

WHEREAS, the County of Fayette will provide local financial support in conjunction with the CDBG funds to complete the above project; and,

WHEREAS, under the terms and provisions of Title I of the Housing and Community Development Act of 1974, as amended, the County of Fayette as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of the said grant.

NOW, THEREFORE, BE IT RESOLVED by the Fayette County Commission of the County of Fayette, Tennessee as follows:

THAT, Rhea Taylor, County Mayor, is hereby authorized to execute and submit an application with the appropriate assurances to the State of Tennessee's Department of Economic and Community Development, Office of Program Management, requesting a Fiscal Year 2004 Small Cities Block Grant (CDBG) in the amount of \$84,925.00 for the immediate and necessary improvements to the County's Emergency Communication System and,

THAT, the County of Fayette will be responsible for the local share of \$13,825.00, equal to 14% of the total project costs (\$98,750.00) to be provided for in the form of monetary contributions from the appropriate governmental account; and,

THAT, Rhea Taylor, County Mayor, be and is hereby designated and appointed as Financial Officer under the terms and pursuant to the Tennessee Code Annotated, as Amended, and to perform on behalf of the County of Fayette, Tennessee, those acts and assume such duties as are consistent with the said position.

READ AND ADOPTED this the 20th day of January, 2004.

Motion was then made by Commissioner Doll, seconded by commissioner McCloud and unanimously carried by Roll Call Vote adopting the foregoing Resolution.

Commissioner Harris asked if the Jail matter would be brought back before this Board at this time. Mayor Taylor advised that the owner of the property on Hwy 64 had agreed to sell the acreage that was cut at the November 2003 meeting for \$400,000.00.

Motion was made by Commissioner Harris, seconded by Commissioner Vaughan to purchase the acreage on Hwy 64 at the proposed price of \$400,000.00

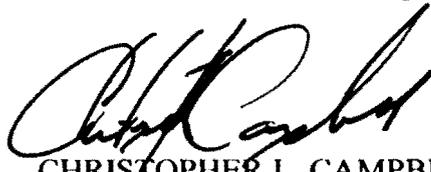
Shannon Carter of Barge, Waggoner, Summer & Cannon addressed the Board and answered questions. Discussion followed. Commissioner Dowdle yielded the floor to Sydney Wilson who reviewed property located north in the Town of Somerville on Hwy 76 which was available for sale for construction of a Jail site.

After much discussion, motion was made by Commissioner Anderson, seconded by Commissioner McCloud to call a Joint Committee Meeting prior to the next regular meeting of this Board to discuss the Jail/Justice Complex Center, the courthouse and cost of various land parcels involved. Shannon Carter would be asked to attend this meeting to make recommendations as she would see fit. Recommendations of the Joint Committees would then be made to the Budget Committee. The Budget Committee would then present their recommendation to this Board.

Commissioner Harris then withdrew his prior motion.

Vote was then taken on the motion submitted by Commissioner Anderson which carried unanimously. The meeting was then set for February 17th at 6:30 P.M.

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


CHRISTOPHER L. CAMPBELL
Chairman

ATTEST:

Dell T. Graham, County Clerk