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FAYETTE COUNTY LEGISLATIVE BODY

November 23, 2004

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee on the 23<sup>rd</sup> day of November, 2004. 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., George McCloud, Claude D. Oglesby, Jr., Gordon M. Tomlin, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Sylvester Logan.

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

Chairman Taylor opened the floor to the public to address items not on the agenda. With no one coming forward, the floor was closed to the public.

Mayor Taylor then recessed the meeting for an attorney-client meeting.

With the meeting back in session, the next matter on the agenda was the rezoning request of the North American Islamic Trust for rezoning of property located on Orr Road from R - I to SA for use as a cemetery.

Mayor Taylor advised that he had received a request from the applicant that action on this matter be postponed until the next meeting of this Board in order that their legal representative might be present. With no motion made on the request to postpone action the Board stood ready to address the matter.

Kevin Perk, Director of Planning Commission, addressed the Board.

Mayor Taylor then presented a letter from Donald A. Donan, attorney for the applicants, withdrawing the proposed rezoning request. Motion was made by Commissioner Dowdle, seconded by Commissioner Leifer and unanimously carried by the Board calling for a five minute recess.

The meeting was called back in order.

Motion was then made by Commissioner Anderson, seconded by Commissioner Tomlin and unanimously carried by the Board accepting the rezoning withdrawal of the North American Islamic Trust.

Mr. Perk than reviewed a proposed amendment to the text and map of the zoning regulations which would create an R - 6 district. This had been reviewed and approved by the Planning Commission.

The floor was then opened to the public for comments in favor of or in opposition to the amendment. With no one coming forward, the floor was closed to the public

Motion was then made by Commissioner Burnette, seconded by Commissioner Dowdle and unanimously carried by the Board to approve the amendment as presented. Same being as follows.

#### RESOLUTION

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION CREATING A NEW R-6 (URBAN SERVICES RESIDENTIAL) DISTRICT AND DELETING LOT SIZE PROVISIONS RELATED TO SANITARY SEWER SERVICE FROM THE R-2 (FRINGE RESIDENTIAL) AND R-3 (RESTRICTED RESIDENTIAL) DISTRICTS THUS FURTHER ENSURING THAT LAND USE (REZONING) DECISIONS ARE CONSISTENT WITH THE FAYETTE COUNTY GROWTH PLAN

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 day of November 2004, the time and place of which was published with 15 days advance notice; and

WHEREAS, the Fayette County Growth Plan, which established Urban Growth Boundaries, Planned Growth Areas and Rural Areas was adopted in August of 2003; and

WHEREAS, the general goals of the plan are in part to "Concentrate urban development within the planned urban areas and have it serviced by municipal utilities" and to "Encourage urban growth within the corporate boundaries of the cities and towns with a gradual connected expansion into the urban growth boundary;" and

WHEREAS, 10,000 square foot lots (four units per acre) are urban in nature, requiring municipal style services; and

WHEREAS, Fayette County desires to control and direct urban levels of development consistent with the Fayette County Growth Plan;

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

SECTION 1. That the following language be deleted/added from ARTICLE VII – PROVISIONS FOR LAND USE DISTRICTS, SECTION 3 (additions depicted as underline, deletions depicted as ~~strikethrough~~):

**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 scattering of population and settlement; to protect the value of land and buildings; and to promote such distribution 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)~~ five (5) residential development districts in Fayette County, Tennessee.

SECTION 2. That the following language be added/deleted from ARTICLE VII – PROVISIONS FOR LAND USE DISTRICTS, SECTION 3, SUBSECTION 3.1 R-2, Fringe Residential (additions depicted as underline, deletions depicted as ~~strikethrough~~):

**3.1.1.1 Uses Permitted as a Special Exception**

- b. the lot shall be at least one (1) acre in size, or larger if required by the ~~state health department~~ State Department of Environment and Conservation; ~~provided that the minimum lot size shall be ten thousand (10,000) square feet if the enterprise will be conducted entirely within the proprietor's dwelling unit; and~~

**3.1.2.1 Minimum lot of Record Sizes –** ~~Minimum lot of record sizes shall depend upon the availability of public sanitary sewer and public water supply systems, provided that a manufactured home shall not be sited on a lot of record of less than one (1) acre in any event;~~

~~3.1.2.1.1 For single family dwellings and duplexes with public sanitary sewer and water – Ten Thousand (10,000) square feet.~~

~~3.1.2.1.2~~ 1 ~~For single-family dwellings, duplexes and manufactured homes with on-site sewage disposal – One (1) acre, or more if required by the state health department~~ State Department of Environment and Conservation.

**3.1.2.2 Minimum Lot of Record Width at the Site of the Principal Building –** ~~Ninety (90) feet where the minimum lot of record size is ten Thousand (10,000) square feet and one~~ One hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre, provided that the Fayette County Regional Planning Commission may require a minimum lot of record width of not more than two hundred fifty (250) feet for each manufactured home in a nonpreviously-existing subdivision.

**3.1.2.3 Minimum Lot of Record Depth at the Site of the Principal Building –** ~~Ninety (90) feet where the minimum lot of record size is ten Thousand (10,000) square feet and one~~ One hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.

**3.1.2.4 Required Setbacks –** For all buildings except signs there shall be minimum setbacks as follows:

**3.1.2.4.1 From any county or private road centerline –** ~~Sixty (60) feet where the minimum lot of record size is ten thousand (10,000) square feet and eighty~~ Eighty (80) feet where the minimum lot of record size is one (1) acres, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

**3.1.2.4.2 From any state road centerline –** ~~Eighty (80) feet where the minimum lot of record size is ten thousand (10,000) square feet and one~~ One Hundred (100) feet where the minimum lot of record size is one (1) acre, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

**3.1.2.4.4 From any lot of record line not common to a road right-of-way –** ~~Fifteen (15) for an accessory building and fifteen (15) feet for a principal building where the minimum lot of record size is ten thousand (10,000) square feet and thirty feet for a principal building where the minimum lot of record size is one (1) acre.~~

**SECTION 3.** That the following language be added/deleted from **ARTICLE VII – PROVISIONS FOR LAND USE DISTRICTS, SECTION 3, SUBSECTION 3.2 R-3, Restricted Residential** (additions depicted as underline, deletions depicted as ~~strikethrough~~):

**3.2.1.1 Uses Permitted as a Special Exception**

- b. the lot shall be at least one (1) acre in size, or larger if required by the ~~state health department~~ State Department of Environment and Conservation; provided that the minimum lot size shall be ten thousand (10,000) square feet if the enterprise will be conducted entirely within the proprietor's dwelling unit; and

**3.2.2.1 Minimum lot of Record Sizes –** Minimum lot of record sizes shall depend upon the availability of public sanitary sewer and public water supply systems,

~~3.2.2.1.1 For single family dwellings with public sanitary sewer and water – Ten Thousand (10,000) square feet.~~

**3.2.2.1.2** 1 For single-family dwellings with on-site sewage disposal: – One (1) acre, or more if required by the ~~state health department~~ State Department of Environment and Conservation.

3.2.2.2 Minimum Lot of Record Width at the Site of the Principal Building – ~~Ninety (90) feet where the minimum lot of record size is ten Thousand (10,000) square feet and one~~ One hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.

3.2.2.3 Minimum Lot of Record Depth at the Site of the Principal Building - ~~Ninety (90) feet where the minimum lot of record size is ten Thousand (10,000) square feet and one~~ One hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.

3.2.2.4 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

3.2.2.4.1 ~~From any county or private road centerline – Sixty (60) feet where the minimum lot of record size is ten thousand (10,000) square feet and eighty~~ Eighty (80) feet where the minimum lot of record size is one (1) acres, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.2.2.4.2 ~~From any state road centerline – Eighty (80) feet where the minimum lot of record size is ten thousand (10,000) square feet and one~~ One Hundred (100) feet where the minimum lot of record size is one (1) acre, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

SECTION 4. That the following language be added/deleted from ARTICLE VII – PROVISIONS FOR LAND USE DISTRICTS, SECTION 3, SUBSECTION 3.4 R-5, Manufactured Home Park Residential (additions depicted as underline, deletions depicted as ~~strikethrough~~):

3.4.2.1 R-5 Districts shall only be established on sites which can conform to the access control regulations of Article V and where public sanitary sewer and water can be feasibly connected to the site.

3.4.4.1 Sewage Disposal System – ~~Where feasible, I~~the Fayette County Regional Planning Commission ~~may shall~~ require the installation of sanitary sewers properly connected to an existing public sanitary sewer system to adequately serve all buildings in the manufactured home park; and the specifications for such sewers shall correspond to those of the relevant incorporated city or town and the state health department Department of Environment and Conservation. ~~If the manufactured home park will not connect with an existing public sanitary sewer system, an on-site sewage disposal system shall be installed as specified by the state health department and maintained by an authority approved by the Fayette County Regional Planning Commission.~~

3.4.4.2 Water Supply System - ~~Where feasible, I~~the Fayette County Regional Planning Commission ~~may shall~~ require the installation of water mains and fire hydrants properly connected to an existing water supply system to adequately serve all buildings in the manufactured home park for domestic use and fire protection; and the specifications for such sewers shall correspond to those of the relevant incorporated city or town and the state health department Department of Environment and Conservation. ~~If the manufactured home park will not connect with an existing public water supply system, an on-site water supply system shall be installed as specified by the state health department and maintained by an authority approved by the Fayette County Regional Planning Commission.~~

SECTION 5. That the following language be added to ARTICLE VII – PROVISIONS FOR LAND USE DISTRICTS, SECTION 3, SUBSECTION 3.5 R-6, Urban Services Residential (additions depicted as underline):

3.5 R-6, Urban Services Residential. Within the areas designated R-6 on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

3.5.1 Permitted Uses: Single-family dwellings and accessory buildings; Seasonal sale of farm produce from temporary roadside shelters.

3.5.1.1. Uses Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:

- a. the enterprise shall not violate any restrictive covenant; and
- b. the enterprise shall be conducted entirely within the proprietor's dwelling unit; and
- c. the lot shall not be in violation of any provisions of this Resolution; and
- d. not more than one (1) enterprise shall be established on the lot; and
- e. the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
- f. no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
- g. the enterprise shall not employ more than three (3) persons who do not live on the lot; and
- h. the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than four (4) square feet, or larger than eight (8) square feet where the adjoining road right-of-way width is at least one hundred (100) feet; and
- i. no offensive noise, odor, smoke, dust, dirt, runoff, rubbish, heat, glare, or vibration shall be discernable at any lot line' and
- j. the enterprise shall be limited to the specific activity approved by the Board of Appeals and shall not be changed in any manner without consent of said board; and
- k. the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution; and
- l. the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exists the facts, conditions or conformity upon which the special exception was issued.

3.5.2 Area and Height Standards

3.5.2.1 Minimum Lot of Record Size – Required minimum lot of record sizes shall depend on the availability of public sewer and public water supply systems.

3.5.2.1.1 For single-family dwellings with public sanitary sewer and water – Ten Thousand (10,000) square feet.

3.5.2.1.2 For single family dwellings with on-site sewage disposal and all other uses – One (1) acre, or more if required by the State Department of Environment and Conservation.

3.5.2.2 Minimum Lot of Record Width at the Site of the Principal Building – Ninety (90) feet where the minimum lot of record size is ten Thousand (10,000) square feet and one hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.

**3.5.2.3 Minimum Lot of Record Depth at the Site of the Principal Building - Ninety (90) feet where the minimum lot of record size is ten thousand (10,000) square feet and one hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.**

**3.5.2.4 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:**

**3.5.2.4.1 From any county or private road centerline – Sixty (60) feet where the minimum lot of record size is ten thousand (10,000) square feet and eighty (80) feet where the minimum lot of record size is one (1) acre, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.**

**3.5.2.4.2 From any state road centerline – Eighty (80) feet where the minimum lot of record size is ten thousand (10,000) square feet and one Hundred (100) feet where the minimum lot of record size is one (1) acre, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.**

**3.5.2.4.3 From any district boundary not common to a road-right-of-way – Thirty (30) feet**

**3.5.2.4.4 From any lot of record line not common to a road right-of-way – Fifteen (15) feet.**

**3.5.2.4.5 Minimum distance between principal and accessory buildings or between accessory building – Five (5) feet.**

**3.5.2.5 Maximum Buildable Area – On any lot of record the total ground coverage of all buildings shall not exceed thirty percent (30%) of the total lot of record area.**

**3.5.2.6 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of the structure.**

**SECTION 6. That the following described property be rezoned from R-3 (RESTRICTED RESIDENTIAL) to R-6 (URBAN SERVICES RESIDENTIAL):**

Beginning at a point, said point being the intersection of the western right-of-way line of State Route 76 and the centerline of Central Drive, thence west, directly following the center line of Central Drive to a point, said point being the intersection of the center line of Central Drive and the centerline of Rhea Drive (State Route 195); thence in a northerly direction directly following the center line of Rhea Drive to a point, said point being the intersection of the centerline of Rhea Drive and the centerline of Clark Road; thence in a northwesterly direction, directly following the centerline of Clark Road to a point, said point being the intersection of the centerline of Clark Road with the corporate limits of the Town of Somerville, Tennessee as depicted on Fayette County Tax map number 97G as updated January 2003; thence in an easterly, northeasterly, easterly, northerly, southeasterly, northerly, southeasterly, northeasterly and southeasterly direction directly following the corporate limits of the Town of Somerville, Tennessee as depicted on Fayette County Tax Maps numbers 97G, 97B, and 97C as updated January 2003 to a point, said point being the intersection of the corporate limits of the Town of Somerville, and the eastern right-of-way line of State Route 76 as depicted on Fayette County Tax Map number 97c as updated January 2003; thence south directly following the eastern right-of-way line of State Highway 76 to a point, said point being the intersection of the

eastern right-of-way line of State Highway 79 and the corporate limits of the Town of Somerville, Tennessee as depicted on Fayette County Tax Map number 97C as updated January 2003; thence in a southwesterly direction, crossing State Highway 76 and directly following the southeastern right-of-way line of Rhea Drive (State Highway 195) to a point, said point being the intersection of the southeastern right-of-way line of Rhea Drive and the northern property line of parcel 56 as depicted on Fayette County Tax Map number 97G as updated January 2003, said point also sitting on the corporate limits of the Town of Somerville, Tennessee; thence in an easterly, southwesterly, easterly and southerly direction, directly following the corporate limits of the Town of Somerville, Tennessee as depicted on Fayette County Tax Map numbers 97G, 97F and 97K as updated January 2003 to a point, said point being the intersection of the corporate limits of the Town of Somerville, Tennessee and the western right-of-way line of State Highway 76 as depicted on Fayette County Tax map number 97K as updated January 2003; thence in a southerly direction, directly following the western right-of-way line of State Highway 76, back to the point of beginning and excluding the following described parcels; parcel 16 on Fayette County Tax Map 97J as updated January 2003, parcel 52 on Fayette County Tax Map 97G as updated January 2003, parcel 6 on Fayette County Tax Map 97J as updated January 2003, and parcel 52 on Fayette County Tax Map 97G as updated January 2003.

SECTION 7. BE IT FURTHER RESOLEVED that this Resolution shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.

Mr. Perk then reviewed the rezoning application regarding property located on the west side of State Road 196 at the intersection with Braden Road for change from R - 1 to R - 3. This was reviewed and approved by the Planning Commission.

The floor was then opened to the public for comments in favor of or in opposition to the rezoning. With no comments being offered, the floor was closed to the public. Motion was then made by Commissioner McCloud, seconded by Commissioner Dowdle and carried by the Board approving the rezoning. Commissioner Burnette abstained from the vote. **Located in Civil District 7; Tax Map 68; Parcel 19; 178.87 acres.**

Mr. Perk then reviewed the **Rural Planned Enhancement District** as approved and recommended by the Planning Commission. The floor was opened to the public for comments in favor of or in opposition to the district. Addressing the Board in opposition was Dana Pittman; speaking in favor, Harris Armour. The floor was then closed to the public. Motion was made by Commissioner Burnette, seconded by Commissioner Dowdle to approve the proposed district. Said motion carried, but not unanimously. Said being as follows:

## RESOLUTION

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION  
CREATING A RURAL PRESERVATION AND ENHANCEMENT DISTRICT (RPED)  
DISTRICT FOR UTILIZATION IN THE RUAL DESIGNATED AREAS OF  
FAYETTE COUNTY

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 26th day of October 2004, the time and place of which was published with 15 days advance notice; and

WHEREAS, the Fayette County Growth Plan, which established Urban Growth Boundaries, Planned Growth Areas and Rural Areas was adopted in August of 2003; and

WHEREAS, the current Zoning Resolution was inconsistent with the Rural Area goals of the Fayette County Growth Plan and the County desires to be consistent with said goals

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 underline):

**3.5. Rural Preservation and Enhancement District (RPED)** It is the goal of this section to preserve and enhance the rural nature and tradition of the County by promoting the preservation of open spaces, prime farmlands, natural resources; implementing the intent of the Fayette County Growth Plan of August 2003; allowing clustered and concentrated forms of development in some rural areas under strictly interpreted conditions and where approved by the Planning Commission and County Commission; and in general by directing a majority of the growth towards the municipalities and their urban growth boundaries or county planned growth areas.

This section recognizes the existing rural pattern and places a significant emphasis on open spaces, viewsheds and low impact development. reducing conflict and developing unlike the typical large lot, suburban sprawl type pattern, will protect, preserve and enhance the rural sections of Fayette County.

**3.5.1 RPED Locational Standards.** RPED is an overlay zoning district to be utilized in the rural designated portions of the county, as per the August 2003 Fayette County Growth Plan or any subsequent amendment to that plan.

**3.5.2. RPED Approval Process.** A RPED shall require legislative rezoning approval by the County Commission and subdivision design approval by the Regional Planning Commission. These two approval processes shall be concurrent as much as is possible. The RPED approval process shall be as follows:

- 3.5.2.1 Prior to any engineering or soil mapping, the developer shall contact staff from the development office to discuss the proposed RPED. Staff shall meet the developer on site with personnel from the Tennessee Department of Environment and Conservation (if possible). The developer shall have prepared a sketch plan for this meeting, utilizing existing data sources and depicting an unengineered general layout of the proposed development. This process will result in a buildout map, or buildable areas map for the subject site.
- 3.5.2.2 The developer shall then update the sketch plan, based upon the recommendations of Planning and TDEC staff, for review and approval of the design by the Planning Commission. This sketch plan shall depict the proposed development layout (not engineered), road pattern and significant cultural and environmental features as described from existing sources of information. The Plan shall be submitted 30 days prior to the Planning Commission Meeting. Twenty copies, folded shall be required for submittal.
- 3.5.2.3 Upon design approval by the Planning Commission of the Sketch Plan, staff shall forward the Plan to the County Commission for legislative zoning approval as per the requirements of Tennessee Code Annotated. The County Commission shall not have authority over subdivision design as per Tennessee Code Annotated 13-3-404.
- 3.5.2.4 The developer shall submit this plan to TDEC for septic and well approval. Upon approval, the developer shall engineer a set of engineering/construction plans as specified in the current subdivision regulations.

Once approved by the Department of Public Works and the Planning Commission, a final plat shall be submitted to the Planning Commission for approval and eventual recordation. Bonds for any road and utility construction and any fees required, shall be collected prior to final plat recordation.

**3.5.3. Development Requirements.** As stated in the intent and purpose section, these regulations are designed to preserve and enhance the rural nature of Fayette County. Thus, in return for the right to develop and construct roads in the rural designated areas of Fayette County, the following minimum standards shall be adhered to. It is not the intent of this section to permit flag lot subdivisions along existing county roads. It is the intent to allow construction of a road to serve building sites on the interior of the RPED away from the existing county road.

- 3.5.3.1 Recognizing the differing levels of rural within Fayette County, a tier system shall be utilized in the rural areas. Differing tiers shall allow differing levels of development. Tiers in close proximity to urban growth boundaries or planned growth areas (population centers) shall be permitted higher levels of development than those farther away from the population centers of the county. The densities permitted in and location of each of the tiers shall be as follows:

Tier A – In Rural areas within 1 mile of City Limit or UGB or PGA - 1  
du/2 acres

Tier B – In Rural areas over 1 mile from City Limit or UGB or PGA – 1  
du/5 acres

- 3.5.3.2 Development Standards – All RPEDs must front on a public road that has been upgraded to meet current county standards. Otherwise, the entire stretch of road leading to the proposed development must be upgraded.

Each home site/lot in a RPED shall have a maximum size based upon the tier it is located in. There is no minimum lot size. The maximum lot sizes are as follows:

Tier A- 1.25 acres

Tier B -2.5 acres

Smaller lots and creative wastewater system designs are encouraged, however individual septic tanks and field lines are required for each dwelling unit unless a collective wastewater treatment system is proposed. Field lines can be placed in permanent open space on the condition that no dirt disturbing activities take place over the lines. Collective wastewater systems may be permitted at the discretion of the Planning Commission, under terms specifically approved by the Planning Commission, only if an incorporated city or town will perpetually own and operate the system. The remainder of the land within the proposed RPED is to remain perpetually open under the terms specifically approved by the Planning Commission. No RPED shall be approved which does not contain at least 50 percent of the entire site designated as perpetual open space.

Thus, utilizing the above set of standards, a 100 acre tract of land in Tier A would be permitted 1 dwelling unit per 2 acres or 50 dwelling units. Those 50 units would be placed on lots, with a maximum lot size of 1.25 acres for a total of 62.5 acres. However, because 50 percent of the proposed RPED must remain open, several of the proposed lots could not utilize the maximum lot size and would need to be reduced.

3.5.3.3 Density Bonus – One dwelling unit for each additional 3% of open space provided within the RPED, up to five additional units.

Two dwelling units for the improvement of required open spaces with significant trails, equestrian facilities or other outdoor recreational facilities to the satisfaction of the Planning Commission.

3.5.3.4 Permitted Uses – Single family dwellings and structures customarily accessory to single family dwellings; agriculture and agricultural related structures and customary outdoor recreational uses related to equestrian or other traditionally rural forms of outdoor recreation shall be the permitted uses of the RPED. All other uses, including the utilization of singlewide mobile homes as accessory structures, are prohibited.

3.5.3.5 Other Requirements – Buffer lands within the RPED shall be utilized to distance the proposed building sites away from working farms both outside and within the proposed RPED. The view from the existing county road shall be maintained in as much as is possible. Green infrastructure, including trees, environmentally sensitive lands, pastures, etc shall be preserved as much as is possible. Minimum road frontage for the building lots within the RPED shall be 20 feet for those lots fronting on an interior road within the RPED. No building lots shall be permitted to front on an existing county road. There shall be no designated minimum setbacks, nor minimum lot widths at the building line, however the Planning Commission reserves the right set them. All other requirements as per the Fayette County Zoning Resolution or Regional Subdivision Regulations shall also be adhered to.

3.5.4 Open Space Requirements. Open space lands shall be generally identified, located and designed as the first step in the RPED development process. Open Space shall remain in the largest tracts of land possible and directly accessible to the largest number of lots in the proposed RPED possible. House lots should therefore abut open space, in order to provide direct views and access. Open space shall also be provided along the frontage of existing county roads in order to minimize the visual impact of the RPED. Walls and elaborate entranceway structures shall not be permitted, but fencing and entranceways that utilize traditional rural designs for Fayette County shall be permitted.

Open space shall be defined as an area that is not divided into buildable lots. Easements for purposes other than open space can be utilized within the required open space at the

discretion of the Planning Commission if said easements will not interfere with the intent of this section.

Open space shall consist of any wetlands, lands that are inundated with water, lands within the 100 year floodplain or are classified as very poorly drained, or with slopes exceeding 25%. These shall be predetermined open spaces and shall be set during the sketch plan process. Other open spaces shall include buffers of at least 100 feet in width along or around all water ways or bodies, buffers of at least 50 feet along side wetland soils classified as very poorly drained, along with significant stands of trees, prime farmlands, significant wildlife habitats, historic, cultural and archaeological features. TVA or other large utility easements may also be utilized as open spaces. Home sites can however be located within strands of trees. The Planning Commission understands that soils will drive the siting of homes and will work with the developer on the location of home sites and open spaces based upon the soil conditions but shall not increase the density or maximum lot sizes permitted in this section.

**3.5.5. Ownership and Maintenance of Open Space.** The open space created through the RPED process shall be permanently protected and maintained. The open space shall remain undivided. Various ownership and management techniques can apply to the open space. A brief description describing the ownership, use and maintenance of all open space shall be submitted with any application.

**3.5.5.1 Ownership Standards – Open space within a RPED shall be owned, administered and maintained by any of the following methods, or combination of methods, subject to the approval of the Planning Commission and County Commission.**

- A. Offer of Dedication – The County shall have first and last offer of dedication of undivided open space in the event the land is to be conveyed. Dedication shall take the form of fee simple ownership. The county may, but shall not be required to accept ownership of undivided open space provided that: (1) the land is accessible to the residents of the county; (2) there is no cost of acquisition; and (3) the county has access to and agrees to maintain such lands. Where the county accepts the dedication of open space that contains improvements, the county may require the posting of a bond or other instrument to ensure the structural integrity of the improvements**
- B. Homeowner's Association – The undivided open space and facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions.**
- 1. A description of the association, bylaws and methods of open space maintenance shall be provided with any application.**
  - 2. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.**
  - 3. Membership in the association is automatic and mandatory for all purchasers of lots or homes and their successors within the RPED. The conditions of timing and transferring control of the association from the developer shall be identified. The association shall maintain proper liability insurance.**
  - 4. The association shall be responsible for maintenance of insurance and taxes on the undivided open space, enforceable by liens placed by the county upon the association. The association may place liens on the homes or houselots of its members who fail to pay association dues.**
  - 5. The shares of maintaining the open space shall be defined in the by-laws of the association.**
  - 6. Notice of any proposed transfer of ownership of the common open space shall be provided to all property owners within the RPED.**
  - 7. The association may lease the open space for the operation or maintenance of it, such use shall provide:**

- a. That the residents of the RPED shall at all times have access to the open space (except for agricultural activities).
  - b. That the open space shall be leased for purposes contained in these provisions.
  - c. That the operation of the open space facilities be for the residents of the RPED only, or may be open to the residents of the county, at the election of the developer and or association.
8. The lease shall be subject to approval of the Planning Commission for review of these requirements and recorded with the County Registers office.

C. Condominiums – The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the Planning Commission. Such agreements shall be in conformance with the state's applicable laws. All undivided open space shall be held as a common element.

D. Dedication of Easements – The County may, but is not required to, accept easement for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by condominium or homeowners' association provided: (1) such land is accessible to county residents; (2) there is no cost of acquisition; and (3) a satisfactory maintenance agreement is reached between the developer, condominium or homeowners association and the county.

E. Transfer of Easements to a Private Conservation Organization – With the permission of the county, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources. provided that:

- 1. The organization is acceptable to the county, and is a bona fide conservation organization with perpetual existence.
- 2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- 3. A maintenance agreement acceptable to the Planning Commission is entered into between the developer and the organization.

### 3.5.5.2 Maintenance Standards

A. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open space through annual dues, specialized assessments, etc. The owners shall be authorized to place liens on the property with in the RPED that fall delinquent of such payments.

B. In the event the association or any successor association or organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in a reasonable order and condition in accordance with the development plan, the county may serve written notice upon the owner of record, setting forth the manner in which the owner has failed to maintain the open space in a reasonable condition.

C. Failure to adequately maintain undivided open space in a reasonable order and condition constitutes violation of these provisions. The county is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant of any violation, directing a remedy within thirty (30) days.

- D. Should any bills for maintenance of undivided open space by the county be unpaid by the beginning of each fiscal year, a late fee of 15% shall be added to such bills and a lien shall be filed against the premises in a manner as with other county claims.

3.5.6 Evaluation Criteria. In evaluating a proposed RPED, the Planning Commission shall consider numerous items to determine if the proposed plan meets the intent of this section. The Planning Commission shall examine, among other items discussed in this section, the following:

- 3.5.6.1 The RPED protects and preserves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction, except as depicted for approved infrastructure or agriculture.
- 3.5.6.2 Preserves and maintains significant strands of trees, existing fields, pastures, meadows, orchards and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- 3.5.6.3 The RPED is designed around existing hedgerows, tree lines and minimizes impacts upon existing fields and meadows.
- 3.5.6.4 Avoids siting new construction on prominent hilltops or ridges.
- 3.5.6.5 Protects wildlife habitat areas and adjoins potential habitat or open areas on adjoining properties or RPEDs.
- 3.5.6.6 Designs around and preserves sites of historical, archaeological or cultural value and their environs so much as are needed to safeguard the character of the feature.
- 3.5.6.7 Protects rural roadside character by avoiding any type of frontage on existing county roads and establishes a buffer along the scenic rural road corridor and is located as far as is possible from existing county roads. The Planning Commission shall require any road frontage in the same parcel to be included within the RPED. An RPED shall not be approved when it has been determined that road frontage has been divided or parcelized and sold within two years of the application date.
- 3.5.6.8 Provides open space that is generally contiguous to other open space within and outside the proposed RPED.
- 3.5.6.9 Provides a measure of fire protection.

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

Mr. Perk then reviewed and presented the recommendation of the Planning Commission to approve an amendment to the regulation and placement of billboard signs. The floor was opened to the public for comments in favor of or in opposition to the amendment. With no one addressing the matter, the floor was closed to the public. Motion was then made by Commissioner Anderson, seconded by Commissioner Campbell and unanimously carried by the Board adopting the following Resolution:

RESOLUTION

EXHIBIT C

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION REGARDING THE REGULATION AND PLACEMENT OF OFF-SITE (BILLBOARD) SIGNS

- 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 day of October 2004, the time and place of which was published with 15 days advance notice; and
- WHEREAS, Fayette County desires to further control and direct the placement of off-site (billboard) signs in unincorporated Fayette County;

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

SECTION 1. That the following language be deleted/added from ARTICLE V – GENERAL PROVISIONS, SECTION 11 SIGNS, SUBSECTION 11.8 OFF PREMISE SIGNS (additions depicted as underline, deletions depicted as ~~strikethrough~~):

11.8.1 Off premise signs shall only be sited in ~~B-1, B-2 or~~ B-3 Zoning Districts.

11.8.2 Off Premise signs shall *only be allowed on lots fronting designated state roads* as shown on the Fayette County Major Road Plan, except those state roads designated as scenic or State Parkway System Highways by Tennessee Code Annotated.

11.8.4 Off premise signs shall be located at least twenty-five hundred (2500) from any other off premise sign ~~on the same side of the road unless it is an off-premises sign regulated by Section III of Article IX.~~

11.8.5 Off premise signs shall be located at least one thousand (1000) feet from any ~~residential building or place of worship~~ residential zoning district.

11.8.6. Off premise signs shall be setback a distance equal to the height of the sign plus ten (10) feet from any road right-of-way or property line. If road right-of-way cannot be determined, the setback shall be the height of the sign plus fifteen (15) feet from the edge of the pavement.

11.8.7 No variance shall be granted from the sign size (area) provisions of this section.

SECTION 2. That the following language be added/deleted from ARTICLE IX – OVERLAY DISTRICTS, SECTION 3, HIS Interstate Highway Sign Regulation District (additions depicted as underline, deletions depicted as ~~strikethrough~~):

1. Off premise signs shall have a maximum area of ~~three hundred and seventy-eight (378)~~ four hundred (400) square feet per side.

3. Off premise signs shall be located at least ~~one thousand (1000)~~ twenty-five hundred (2500) feet from any other off premise sign on the same side of the highway.
4. No variance shall be granted from the sign size (area) provisions of this section.

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

Jim Smith reported for the Department of Public Works presenting the roads of Windsor Park Subdivision for acceptance as county roads. Motion was made by Commissioner Leifer, seconded by Commissioner McCloud and unanimously carried by the Board accepting the following as County Roads. Balmoral Court, Brington Court, Buckingham Court, Kensington Cove, Kingston Cove, Whitehall Court and Windson Court.

Motion was made by Commissioner McCloud, seconded by Commissioner Leifer and unanimously carried by the Board approving the following as Notaries Public: Linda McNabb Dollahite, Katie Doyle, Steven W. Glover, Rebecca Lynn Good, Doris C. Green, Dana D. Cox-Howcroft, Doris D. Riles, Deborah B. Sullivan, Melissa Watkins and Linda P. Young.

Motion was made by Commissioner Tomlin, seconded by Commissioner Fowler and unanimously carried by the Board appointing Jim Morrison and John Trotter to the Zoning Appeals Board.

Combined Summary Financial Statements, Public Works financial summary and the Board of Education financial summary were filed.

A Resolution regarding local governments adopting regulation of tobacco products will be addressed at the next meeting of this Board.

Mayor Taylor reported from the Mayor's Office. He reviewed the procedure to approve acceptance of a grant for the career center. Motion was made by Commissioner Campbell, seconded by Commissioner Dowdy and unanimously carried by the Board to accept the Grant.

Commissioner Yancey, Chairman of the Development Committee, reported for that committee announcing that that committee had agreed to appoint a new **Justice Complex Committee** to be approved by this Board of Commissioners. Those recommended to serve on the Justice Complex Committee were: Sheriff Bill Kelley, Jimmy German, Rhea Taylor, Bob Doll, Gordon Tomlin, David Lillard, Allen Yancey and Sissy Dowdle.

Motion was then made by Commissioner Lillard, seconded by Commissioner Doll to amend the motion for Myles Leifer to serve as a member of the Justice Complex Committee. Said motion carried unanimously.

Vote was then taken on the original motion setting members to the Justice Complex Committee, which vote carried unanimously. Said Committee being as follows: Bill Kelley, Jimmy German, Rhea Taylor, Bob Doll, Gordon Tomlin, David Lillard, Allen Yancey, Sissy Dowdle and Myles Leifer.

Commissioner Yancey then presented the recommendation of the Development Committee for appointment of new members to the **Records Committee**. Motion was made by Commissioner Burnette, seconded by Commissioner Wilson and unanimously carried by the Board appointing the following to the Records Committee: Sissy Dowdle, Judge Kerry Blackwood, Joy Rosser, Dell Graham, Edward Pattat, Dot Morton, Bernice Cargill and Earlene Shaw.

Commissioner Yancey then presented the recommendation of the Development Committee for appointments to the **Adequate Facilities Tax Appeals Board**. Those recommended were Nolan Autin, Richard Settles, Commissioner David H. Lillard, Sr., Ezell Williams with one recommendation from the Joint Economic Committee. Motion was made by Commissioner Wilson, seconded by Commissioner Dowdle and unanimously carried by the Board, approving that Board.

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

Commissioner Doll reported for the Budget Committee. With their recommendation for passage, he presented and moved for the approval of a Budget Amendment to Public Works. Motion was seconded by Commissioner McCloud and upon Roll Call Vote, said amendment was unanimously approved. Said being as follows:

<u>EXPENDITURES</u>	<u>AMENDMENT</u>	<u>AMENDED TOTAL</u>
<u>61000 Administration</u>		
317 Data Processing Services	+ \$4,500.00	\$12,000.00
Total 61000:	+ \$4,500.00	\$150,042.00
<u>62000 Highway &amp; Bridge Maint.</u>		
166 Longevity Pay	- \$1,800.00	\$43,500.00
Total 62000:	- \$1,800.00	\$1,458,204.00
<u>68000 Capital Outlay</u>		
791 Other Construction	- \$2,700.00	\$471,672.00
Total 68000:	- \$2,700.00	\$1,071,672.00
Total Estimated Expenditures:	+ \$0.00	\$4,310,735.00
Estimated Fund Balance 6/30/05:		<u>UNCHANGED</u>

Commissioner Doll then presented and reviewed School Board Amendments and with the recommendation of the Budget Committee for passage, moved for the adoption of same. Motion was seconded by Commissioner Graves and was unanimously carried by the Board by Roll Call Vote. Same being as follows:

FAYETTE COUNTY BOARD OF EDUCATION  
 GENERAL PURPOSE FUND  
 FUND 141  
 OCTOBER, 2004

		INCREASE	DECREASE
1000	INSTRUCTION		
1100	REGULAR INSTRUCTION PROGRAM		
1100 399 NWCS	Other Contracted Services	\$7,000.00	
1100 429 SMCS	Instructional Supplies and Materials	\$3,000.00	
1100 429 SWCS	Instructional Supplies and Materials	\$19,201.95	
1100 722 NWCS	Regular Instructional Equipment	\$11,538.22	
1100 722 SMCS	Regular Instructional Equipment	\$26,313.88	
1100 722 SWCS	Regular Instructional Equipment	\$20,000.00	
	TOTAL:	\$87,054.05	\$0.00

otal Increase: \$247,902.55

venue:	47590 NWCS Other Federal Thru State	\$18,538.22
	47590 SMCS Other Federal Thru State	\$29,313.88
	47590 SWCS Other Federal Thru State	\$39,201.95
	Total:	\$87,054.05

venue:	Prior Total Available Funds	\$21,539,946.64
	Audit Adjustments to Prior Year	(\$44,066.74)
	Total Increase This Amendment	\$87,054.05
	Total Available Funds This Amendment	\$21,582,933.95

xpenditure:	Prior Total Estimated Expenditures	\$20,912,617.00
	Total Increase This Amendment	\$87,054.05
	Total Estimated Expenditures This Amend.	\$20,999,671.05

arryover amount from 03-04 on CSR program for 3 schools.

FAYETTE COUNTY BOARD OF EDUCATION  
 FEDERAL PROJECTS FUND  
 FUND 142  
 SUBFUND 598 - READING FIRST GRANT  
 OCTOBER, 2004

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116 OT	Teachers	\$7,470.80	
71100 201 CT	Social Security	\$463.20	
71100 204 CT	State Retirement	\$410.90	
71100 212 CT	Medicare	\$108.34	
71100 429 CT	Instructional Supplies and Materials	\$125,447.23	
71100 116 JF	Teachers	\$5,379.30	
71100 201 JF	Social Security	\$333.54	
71100 204 JF	State Retirement	\$295.86	
71100 212 JF	Medicare	\$78.00	
71100 429 JF	Instructional Supplies and Materials	\$138,118.06	
71100 116 IM	Teachers	\$6,755.50	

71100 201 LM	Social Security	\$418.86	
71100 204 LM	State Retirement	\$371.57	
71100 212 LM	Medicare	\$97.98	
71100 429 LM	Instructional Supplies and Materials	\$125,168.81	
71100 116 NW	Teachers	\$3,637.10	
71100 201 NW	Social Security	\$225.48	
71100 204 NW	State Retirement	\$200.04	
71100 212 NW	Medicare	\$52.74	
71100 429 NW	Instructional Supplies and Materials	\$135,371.03	
71100 116 SM	Teachers	\$5,996.30	
71100 201 SM	Social Security	\$371.77	
71100 204 SM	State Retirement	\$329.81	
71100 212 SM	Medicare	\$86.95	
71100 429 SM	Instructional Supplies and Materials	\$137,935.06	
71100 116 SW	Teachers	\$3,047.30	
71100 201 SW	Social Security	\$183.53	
71100 204 SW	State Retirement	\$167.60	
71100 212 SW	Medicare	\$44.19	
71100 429 SW	Instructional Supplies and Materials	\$138,401.37	
	TOTAL:	\$836,968.24	\$0.00

72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 355 CT	Travel	\$4,577.36	
72210 355 JF	Travel	\$3,120.80	
72210 355 LM	Travel	\$3,866.52	
72210 355 NW	Travel	\$2,572.08	
72210 355 SM	Travel	\$4,826.00	
72210 355 SW	Travel	\$1,538.28	
	TOTAL:	\$20,501.04	\$0.00
	GRAND TOTAL:	\$857,469.28	\$0.00

Total Increase: \$857,469.28

Revenue:	47590 CT Other Federal Thru State	\$138,477.83	
	47590 JF Other Federal Thru State	\$147,325.56	
	47590 LM Other Federal Thru State	\$136,679.24	
	47590 NW Other Federal Thru State	\$142,058.47	
	47590 SM Other Federal Thru State	\$149,545.89	
	47590 SW Other Federal Thru State	\$143,382.29	
	Total:	\$857,469.28	

Revenue:	Prior Total Available Funds	\$4,251,982.51	
	Total Increase This Amendment	\$857,469.28	
	Total Available Funds This Amendment	\$5,109,451.79	

Expenditures:	Prior Total Estimated Expenditures	\$4,251,982.51	
	Total Increase This Amendment	\$857,469.28	
	Total Estimated Expenditures This Amendment	\$5,109,451.79	

FAYETTE COUNTY BOARD OF EDUCATION  
 FEDERAL PROJECTS FUND  
 FUND 142  
 SUBFUND 599 - READING EXCELLENCE ACT  
 OCTOBER, 2004

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116 OK	Teachers	\$1,386.00	
71100 201 OK	Social Security	\$85.93	
71100 204 OK	State Retirement	\$76.23	
71100 212 OK	Medicare	\$20.09	
71100 429 OK	Instructional Supplies and Materials	\$50,797.30	
71100 429 NW	Instructional Supplies and Materials	\$46,773.76	
71100 429 SM	Instructional Supplies and Materials	\$56,456.09	
71100 429 JF	Instructional Supplies and Materials	\$28,529.40	
71100 722 JF	Regular Instruction Equipment	\$14,100.00	
	TOTAL:	\$198,224.80	\$0.00

Total Increase: \$198224.80

Revenue:	47590 OK Other Federal Thru State	\$52,365.55
	47590 JF Other Federal Thru State	\$42,629.40
	47590 NW Other Federal Thru State	\$46,773.76
	47590 SM Other Federal Thru State	\$56,456.09
	Total:	\$198,224.80

Revenue:	Prior Total Available Funds	\$5,109,451.79
	Total Increase This Amendment	\$198,224.80
	Total Available Funds This Amendment	\$5,307,676.59

Expenditures:	Prior Total Estimated Expenditures	\$5,109,451.79
	Total Increase This Amendment	\$198,224.80
	Total Estimated Expenditures This Amendment	\$5,307,676.59

FAYETTE COUNTY BOARD OF EDUCATION  
 FEDERAL PROJECTS FUND  
 FUND 142  
 SUBFUND 552 - VOCATIONAL INCENTIVE GRANT  
 OCTOBER, 2004

		INCREASE	DECREASE
000	INSTRUCTION		
0300	VOCATIONAL EDUCATION PROGRAM		
0300 189 CTE	Other Salaries and Wages	\$10,150.00	
0300 201 CTE	Social Security	\$634.39	
0300 204 CTE	State Retirement	\$563.34	
0300 212 CTE	Medicare	\$152.27	
0300 355 CTE	Travel	\$11,500.00	
0300 429 CTE	Instructional Supplies and Materials	\$7,000.00	
	TOTAL:	\$30,000.00	\$0.00

tal Increase: \$30,000.00

venue:	47139 CTE State Incentive Grant	\$30,000.00
venue:	Prior Total Available Funds	\$5,307,676.59
	Total Increase This Amendment	\$30,000.00
	Total Available Funds This Amendment	\$5,337,676.59

penditures:	Prior Total Estimated Expenditures	\$5,307,676.59
	Total Increase This Amendment	\$30,000.00
	Total Estimated Expenditures This Amendment	\$5,337,676.59

FAYETTE COUNTY BOARD OF EDUCATION  
 FEDERAL PROJECTS FUND  
 FUND 142  
 SUBFUND 570, 21ST CENTURY GRANT  
 OCTOBER, 2004

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers	\$264,510.00	
71100 163	Assistants	\$29,400.00	
71100 189	Other Salaries and Wages	\$23,640.00	
71100 201	Social Security	\$19,688.00	
71100 204	State Retirement	\$18,578.00	
71100 212	Medicare	\$4,604.00	
71100 299	Other Fringe Benefits	\$1,708.00	
71100 429	Instructional Supplies and Materials	\$20,000.00	
71100 599	Other Charges	\$14,000.00	
	TOTAL:	\$396,128.00	\$0.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 355	Travel	\$11,914.00	
72210 524	In-Service/Staff Development	\$4,000.00	
	TOTAL:	\$15,914.00	\$0.00
72710	TRANSPORTATION		
72710 146	Bus Drivers	\$39,800.00	
72710 201	Social Security	\$2,468.00	
72710 204	State Retirement	\$3,092.00	
72710 212	Medicare	\$577.00	
72710 299	Other Fringe Benefits	\$2,221.00	
72710 412	Diesel	\$19,900.00	
72710 425	Gasoline	\$19,900.00	
	TOTAL:	\$87,958.00	\$0.00
	GRAND TOTAL:	\$500,000.00	\$0.00

Total Increase: \$500,000.00

RESOLUTION TO ADOPT DRUG-FREE WORKPLACE PROGRAM AND TO  
AMEND THE FAYETTE COUNTY PERSONEL POLICY

November 17, 2004

WHEREAS, Fayette County wishes to establish a formal Drug-Free Workplace Program; and

WHEREAS, Fayette County wants to ensure the safety of its employees and citizens; and

WHEREAS, TCA 50-6-418 mandates that an employer who adopts a Drug-Free program shall receive a 5 percent discount on its Workman's Compensation Insurance;

NOW, THEREFORE, BE IT RESOLVED by Fayette County that:

1. The following attachments entitled "Fayette County Drug Testing Policy and Procedures" and "Fayette County Alcohol Testing Policy and Procedures" shall be added to the Fayette County Personnel Policy.
2. Each employee of the county shall be issued a copy of the policy.
3. The parts of this policy that are required by federal and state agencies shall be changed when necessary to remain in compliance.
4. At any time the policy is required to be changed, the employees shall be individually notified of those changes.

Adopted this 23<sup>rd</sup> day of November, 2004.

Motion was then made by Commissioner Doll, seconded by Commissioner McCloud, and unanimously carried by Roll Call Vote, approving the following County General Fund Budget Amendment as approved by the Budget Committee.

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 23rd day of November, 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 04/05  
November, 2004

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
58600 Employee Benefits		
340 Medical and Dental Services	\$ 7,210.00	
513 Worker's Compensation Insurance		\$ 7,210.00
Subtotal-58600	\$ 7,210.00	\$ 7,210.00

Revenue:	47590 Other Federal Thru State	\$500,000.00
Revenue:	Prior Total Available Funds	\$5,337,676.59
	Total Increase This Amendment	\$500,000.00
	Total Available Funds This Amendment	\$5,837,676.59
Expenditures:	Prior Total Estimated Expenditures	\$5,337,676.59
	Total Increase This Amendment	\$500,000.00
	Total Estimated Expenditures This Amendment	\$5,837,676.59

FAYETTE COUNTY BOARD OF EDUCATION  
FEDERAL PROJECTS FUND  
FUND 142  
SUBFUND 574 - SCHOOL IMPROVEMENT  
OCTOBER, 2004

		INCREASE	DECREASE
000	INSTRUCTION		
100	REGULAR INSTRUCTION PROGRAM		
100 429	Instructional Supplies and Materials	\$1,780.00	
100 599	Other Charges	\$14,000.00	
100 722	Regular Instruction Equipment	\$1,685.00	
	TOTAL:	\$17,465.00	\$0.00

Total Increase: \$17,465.00

Revenue:	47590 Other Federal Thru State	\$17,465.00
Revenue:	Prior Total Available Funds	\$5,837,676.59
	Total Increase This Amendment	\$17,465.00
	Total Available Funds This Amendment	\$5,855,141.59
Expenditures:	Prior Total Estimated Expenditures	\$5,837,676.59
	Total Increase This Amendment	\$17,465.00
	Total Estimated Expenditures This Amendment	\$5,855,141.59

Commissioner Doll then presented for approval an amendment to the County Personnel Policy for a resolution to adopt a drug free workplace program. Motion to approve was made by Commissioner Doll, seconded by Commissioner Leifer and unanimously carried by the Board. Said Resolution being as follows:

<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 7,210.00</b>	<b>\$ 7,210.00</b>
Prior Estimated Expenditures		\$9,158,690.00
Total Estimated Expenditures This Amendment		\$9,158,690.00
Projected Fund Balance before Amendment		\$1,089,066.00
Change in Fund Balance This Amendment		\$ 00.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2005		\$1,089,066.00

Commissioner Doll then presented the recommendation of the Budget Committee to amend the General Capital Projects Fund Budget in regard to the Justice Complex. Motion was made by Commissioner Doll, seconded by Commissioner Fowler and unanimously carried by the Board by Roll Call Vote, approving the following amendment:

**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 23rd day of November, 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 Capital Projects Fund #171 Budget Amendment be amended in the following words and figures, to-wit:

**GENERAL CAPITAL PROJECTS FUND  
BUDGET AMENDMENT  
F/Y 04/05  
November, 2004**

<u>Adjustment to Reserve Accounts:</u>	INCREASE	DECREASE
34154 <u>Reserved for Litigation Tax- Jail, Workhouse or Courthouse</u>		<u>\$ 75,400.00</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNT</b>		<b>\$ 75,400.00</b>

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
91120 Administration of Justice Projects		
304 Architects	\$ 37,700.00	
321 Engineering Services	<u>37,700.00</u>	
Subtotal-91120	\$ 75,400.00	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 75,400.00</b>	

Commissioner Doll then presented the recommendation of the Budget Committee to lease the National Guard Armoury for one year for \$208.75. Motion was made by Commissioner Doll, seconded by Commissioner German and unanimously carried by the Board.

Chairman Taylor then presented a Resolution to cancel the December 2004 meeting of this Board. Motion was made by Commissioner Leifer, seconded by Commissioner Burnette and unanimously carried by the Board approving the following Resolution:

**RESOLUTION TO CANCEL DECEMBER 2004 COUNTY COMMISSION MEETING  
FOR FAYETTE COUNTY**

**WHEREAS**, *Tennessee Code Annotated*, §§ 5-5-104, permits counties, upon a majority vote of their respective county legislative bodies, to enact a resolution stipulating the time, day and place of their county legislative body's regular meeting; and,

**WHEREAS**, Fayette County is required to have at least four meetings per year, and has fulfilled the requirement;

**WHEREAS**, the December Fayette County Commission meeting would occur during the busy holiday season surrounding Christmas and New Year's;

**WHEREAS**, there being no urgent business of the Fayette County Commission, or business that cannot be resolved by a special called meeting of the Fayette County Commission;

**NOW, THEREFORE, BE IT RESOLVED** by the county legislative body of Fayette County that the December 28, 2004 meeting of the Fayette County Commission is cancelled.

Adopted this 23 day of November, 2004.

With do other matters to be brought before this Board, said meeting adjourned.

Rhea Taylor - Chairman

Dell T. Graham, County Clerk