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**FAYETTE COUNTY LEGISLATIVE BODY**

**April 26, 2005**

**BE IT REMEMBERED** That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee on the 26<sup>th</sup> day of April, 2005. 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, Joe 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., Gordon M. Tomlin, 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 to the public to address items not on the agenda. With no one coming forward, the floor was closed.

Motion was made by Commissioner Dowdle, seconded by Commissioner Leifer and unanimously carried by the Board approving the minutes of the March 2005 meeting of this Board.

Chairman Taylor then reviewed the rezoning request of **MTW Developments, LLC** for property located on the east side of Harrell Drive presented for rezoning from R – 1 to R – 3 for development of a subdivision.

Kevin Perk, Director of Planning & Development, reported on the review by his office and gave their recommendation for passage of the rezoning request. The floor was then opened to the public for comments in favor of or in opposition to the rezoning. John Moultrie representing MTW Developments, addressed the Board. Addressing in opposition to the rezoning was Terry Russum. The floor was then closed th the public.

Motion was then made by Commissioner Anderson, seconded by Commissioner German to approve the rezoning. Said motion carried with Commissioner Harris passing.

Motion was then made by Commissioner Logan, seconded by Commissioner Anderson and unanimously carried by the Board approving the following as **Notaries Public**: Margaret H. Chambless, Dorothy J. Davis, Jeana Dawn Reeves, Patricia Wilson Spicer, Sharron R. Sprayberry, Vanessa Wright.

Chairman Taylor presented for appointment to the **Agricultural Committee**, Debbie Sullivan. Motion was made by Commissioner Doll nominating Holly Rhea. Motion was made by Commissioner Dowdle nominating Debbie Sullivan. With motion being made for nominations to cease, the following Roll Call Vote was taken. Voting for **Holly Rhea**: Commissioners Allen, Anderson, Campbell, Doll, Dowdy, Fowler, Graves, Leifer, Lillard, Logan, McCloud, Tomlin and Yancey. (13)

Voting for **Debbie Sullivan**: Commissioners Burnette, Dowdle, Harris, Oglesby and Wilson. (5)

Thereupon, **Holly Rhea** was elected to serve on the **Agricultural Committee**.

Chairman Taylor presented **William Schiebe** and **Paul B. "Jack" Dawson** for appointment of the **Industrial Board**. Motion was made by Commissioner Leifer, seconded by Commissioner Dowdy and unanimously carried by the Board appointing **Jack Dawson**. Chairman Taylor withdrew William Schiebe for appointment.

Motion was then made by Commissioner Tomlin, seconded and unanimously carried appointing **Rusty Bliss** to the **Airport Advisory Board**.

Chairman Taylor then adjourned the meeting for an attorney/client meeting.

With the meeting back in session, motion was made by Commissioner Anderson, seconded by Commissioner McCloud and unanimously carried by the Board that the County settle the **Richardson/McCrum** case as the parties have agreed to and that the County Attorney be authorized to proceed to defend the **Hutchinson** lawsuit.

A Summary Financial Statement, Trustee's Combined Statement of Cash Receipts and Disbursements and the Board of Education Financial Summaries were filed.

Chairman Taylor reported for the Mayor's Office.

Reports were called for from the Sheriff's Department, Board of Education, Juvenile Court and Board of Public Works, but none presented.

Chairman Taylor distributed a proposed 2005/06 Budget with the exception of Public Works, School and Solid Waste.

Commissioner Yancey reported for the Development Committee. He reviewed the **Tennessee Department of Transportation Bridge Improvements Program** which his Board had requested be reviewed by the County Attorney. Motion was then made by Commissioner Anderson, seconded by Commissioner Dowdle and unanimously carried by the Board approving the bridge improvement program subject to any changes the County Attorney sees fit to apply.

Commissioner Yancey then presented the agreement of his Committee to present for approval an airport agreement between **Jamieson** and the County. Motion was made by Commissioner Yancey, seconded by Commissioner Dowdle and unanimously carried by the Board approving the agreement.

Kevin Perk, of Planning & Development, reviewed a problem where in the past beer permits have been issued to locations less than the required 2000 foot distance from churches, as stated in the county rule. Discussion followed. Motion was then made by Commissioner Burnette, seconded by Commissioner Logan and carried, but not unanimously, that we do away with the footage situation we now have and that the Beer Board enforce rules as to approvals and denials.

Commissioner Lillard reviewed the meeting of the General Service Committee.

Commissioner Doll then reported for the Budget Committee. Presented with the recommendation of the Budget Committee for passage, motion was made by Commissioner Doll, seconded by Commissioner McCloud, and unanimously carried by Roll Call Vote approving the following amendment to the General Fund Budget.

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 26th day of April, 2005, 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  
April, 2005

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
46310 <u>Health Department Programs</u>		<u>\$ 34,600.00</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS</b>		<b>\$ 34,600.00</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
51710 <u>Development</u>		
103 Assistant	<u>\$ 5,000.00</u>	
Subtotal-51710	<u>\$ 5,000.00</u>	
55160 <u>Dental Health Program</u>		
131 Medical Personnel	<u>\$ 34,600.00</u>	
Subtotal-55160	<u>\$ 34,600.00</u>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS</b>	<b>\$ 39,600.00</b>	
Prior Estimated Expenditures		\$9,159,965.00
Total Estimated Expenditures This Amendment		\$9,164,965.00
Projected Fund Balance before Amendment		\$1,089,066.00
Change in Fund Balance This Amendment		\$ 5,000.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2005		\$1,084,066.00

Motion was made by Commissioner Anderson, seconded by Commissioner Leifer and unanimously carried by the Board to table action on a proposed amendment to the **General Debt Service Fund** until same had gone back before the Budget Committee.

Motion was made by Commissioner Doll, seconded by Commissioner Leifer and unanimously carried by Roll Call Vote approving the following amendment to the **General Purpose School Fund**:

FAYETTE COUNTY BOARD OF EDUCATION  
GENERAL PURPOSE FUND  
FUND '141  
APRIL, 2005

		INCREASE	DECREASE
<b>71000</b>	<b>INSTRUCTION</b>		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers		\$42,510.00
71100 163	Assistants		\$12,000.00
71100 195	Substitute Teachers	\$16,000.00	
71100 204	State Retirement		\$4,000.00
71100 207	Health Insurance	\$19,000.00	
71100 399	Other Contracted Services	\$54,143.00	
	TOTAL:	\$89,143.00	\$58,510.00
<b>71200</b>	<b>SPECIAL EDUCATION PROGRAM</b>		
71200 116	Teachers		\$2,150.00
71200 163	Assistants		\$3,000.00
71200 195	Substitute Teachers	\$4,000.00	
71200 204	State Retirement		\$1,000.00
71200 207	Health Insurance	\$2,150.00	
71200 312	Contracts w/Private Agencies		\$10,042.00
71200 725	Special Education Equipment	\$10,042.00	
	TOTAL:	\$16,192.00	\$16,192.00
<b>71300</b>	<b>VOCATIONAL EDUCATION PROGRAM</b>		
71300 116 ISY	Teachers	\$9,900.00	
71300 201 ISY	Social Security	\$614.00	
71300 204 ISY	State Retirement	\$545.00	
71300 212 ISY	Medicare	\$143.00	
71300 299 ISY	Other Fringe Benefits	\$43.00	
71300 116	Teachers	\$597.00	
71300 195	Substitute Teachers	\$1,200.00	
71300 204	State Retirement	\$33.00	
71300 207	Health Insurance		\$2,500.00
	TOTAL:	\$13,075.00	\$2,500.00

71600	ADULT EDUCATION PROGRAM		
71600 105 AEFF	Supervisor/Director		\$264.00
71600 116 AEFF	Teachers		\$4,018.00
71600 201 AEFF	Social Security		\$375.00
71600 204 AEFF	State Retirement		\$831.00
71600 207 AEFF	Health Insurance	\$190.00	
71600 212 AEFF	Medicare		\$502.00
71600 429 AEFF	Instructional Supplies and Materials	\$3,000.00	
71600 524 AEFF	InService/Staff Development		\$500.00
71600 790 AEFF	Other Equipment	\$3,300.00	
	TOTAL:	\$6,490.00	\$6,490.00
72000	SUPPORT SERVICES		
72110	ATTENDANCE SERVICES		
72110 105	Supervisor/Director	\$109.00	
72110 201	Social Security		\$116.00
72110 204	State Retirement	\$7.00	
	TOTAL:	\$116.00	\$116.00
72120	HEALTH SERVICES		
72120 131	Medical Personnel		\$4,000.00
72120 201	Social Security		\$160.00
72120 204	State Retirement		\$1,120.00
72120 207	Health Insurance		\$2,021.00
	TOTAL:	\$0.00	\$7,301.00
72130	OTHER SUPPORT SERVICES		
72130 123	Guidance Personnel	\$10.00	
72130 207	Health Insurance		\$1,700.00
	TOTAL:	\$10.00	\$1,700.00
72220	SPECIAL EDUCATION PROGRAM		
72220 189	Other Salaries and Wages	\$109.00	
72220 204	State Retirement	\$7.00	
72220 207	Health Insurance		\$109.00
	TOTAL:	\$116.00	\$109.00
72230	VOCATIONAL EDUCATION PROGRAM		
72230 105	Supervisor/Director	\$209.00	
72230 204	State Retirement	\$12.00	
72230 189 ISY	Other Salaries and Wages	\$900.00	
72230 201 ISY	Social Security	\$58.00	
72230 204 ISY	State Retirement	\$71.00	
72230 212 ISY	Medicare		\$102.00
72230 299 ISY	Other Fringe Benefits	\$46.00	

0 307 ISY	Communications	\$200.00	
0 355 ISY	Travel		\$360.00
0 499 ISY	Other Supplies and Materials		\$2,940.00
0 599 ISY	Other Charges		\$9,236.00
	TOTAL:	\$1,496.00	\$12,638.00

BOARD OF EDUCATION

) 210	Unemployment Compensation	\$21,000.00	
) 331	Legal Fees	\$5,000.00	
) 510	Trustee Commission	\$5,000.00	
) 513	Workers' Compensation	\$4,200.00	
	TOTAL:	\$35,200.00	\$0.00

OFFICE OF PRINCIPAL

104	Principals	\$3,720.00	
139	Assistant Principals	\$2,001.00	
204	State Retirement		\$1,640.00
207	Health Insurance		\$640.00
	TOTAL:	\$5,721.00	\$2,280.00

OPERATION OF PLANT

204	State Retirement		\$3,229.00
207	Health Insurance	\$3,229.00	
	TOTAL:	\$3,229.00	\$3,229.00

TRANSPORTATION

204	State Retirement		\$6,200.00
207	Health Insurance	\$502.00	
	TOTAL:	\$502.00	\$6,200.00

CENTRAL AND OTHER SERVICES

189 SSA	Other Salary and Wages		\$250.00
201 SSA	Social Security		\$16.00
204 SSA	State Retirement		\$19.42
212 SSA	Medicare	\$10.00	
399 SSA	Other Contracted Services		\$79.53
199 SSA	Other Supplies and Materials	\$355.95	
190 SSA	Other Equipment		\$1.00
	TOTAL:	\$365.95	\$365.95

GRAND TOTAL:

\$171,655.95 \$117,630.95

Total Increase: \$54,025.00

Reserve: 39000 Undesignated Fund Balance \$54,025.00

Revenue: Prior Total Available Funds \$21,791,824.61  
 Total Increase This Amendment \$0.00  
 Total Available Funds This Amendment \$21,791,824.61

Expenditure: Prior Total Estimated Expenditures \$21,308,561.71  
 Total Increase This Amendment \$54,025.00  
 Total Estimated Expenditures This Amend. \$21,362,586.71

Motion was made by Commissioner Doll, seconded by Commissioner McCloud and unanimously carried by the Board by Roll Call Vote approving the following Resolution amending the School Board Budget – Capital Projects fund #189/Capital Projects School Fund #177:

**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 26th day of April, 2005, 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 Other Capital Projects Fund #189 Budget be amended in the following words and figures, to-wit:

**OTHER CAPITAL PROJECTS FUND #189  
 BUDGET AMENDMENT  
 F/Y 04/05  
 April, 2005**

<u>Adjustment to Revenue Accounts:</u>	<b>INCREASE</b>	<b>DECREASE</b>
99100 Transfers Out		<u>\$800,000.00</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS</b>		<b>\$ 800,000.00</b>

**EDUCATION  
 CAPITAL PROJECTS SCHOOL FUND #177**

<b>Adjustment to Revenue Account:</b>	<b>INCREASE</b>	<b>DECREASE</b>
49800 Transfers In	<u>\$800,000.00</u>	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT</b>	<b>\$800,000.00</b>	

FAYETTE COUNTY BOARD OF EDUCATION  
 CAPITAL PROJECTS SCHOOL FUND  
 FUND 177  
 APRIL, 2005

		INCREASE	DECREASE
000	<b>CAPITAL PROJECTS</b>		
300	<b>EDUCATION CAPITAL PROJECTS</b>		
300 706	Building Construction	\$800,000.00	
	<b>TOTAL:</b>	\$800,000.00	\$0.00

Total Increase: \$800,000.00

venue: 49800 Transfers In \$800,000.00

venue: Prior Total Available Funds \$7,618.16  
 Total Increase This Amendment \$800,000.00  
 Total Available Funds This Amendment \$807,618.16

penditure: Prior Total Estimated Expenditures \$0.00  
 Total Increase This Amendment \$800,000.00  
 Total Estimated Expenditures This Amend. \$800,000.00

Commissioner Doll reviewed the County Attorney compensation as addressed by the Budget Committee. Motion was then made by commissioner Doll, seconded by Commissioner Harris to include all **payments** to the County **Attorney** on a W-2 form, these payments to be the same fee as Commissioners are paid for meetings attended, the same fee now received for retained type service and \$129.96 per hour for extra or special services, with the County Commission having the right to retain another lawyer to provide the extra special services.

Discussion followed.

Motion was then made by Commissioner Anderson, seconded by Commissioner Oglesby to **amend** the motion by increasing the hourly pay rate for extra or special works from \$129.96 to \$140.00; and that he be allowed to enroll in county health care at his expense and that the Mayor be authorized to retain an attorney to help negotiate the contract along these terms of this motion.

Discussion continued.

Vote was then taken on the amending motion. Voting "YES":  
Commissioners Anderson, Burnette, Dowdle, Dowdy, Harris, Leifer, Oglesby,  
Tomlin, Wilson and Yancey. (10)

Voting

NO": Commissioners Allen, Doll, Fowler, German, Graves, Lillard, Logan and  
McCloud. (8)

Passing: Commissioner Campbell.

Said motion carried.

Now voting on the original motion; voting "YES": Commissioners  
Anderson, Burnette, Campbell, Dowdle, Dowdy, Fowler, German, Harris, Leifer,  
McCloud, Oglesby, Tomlin, Wilson and Yancey. (14)

Voting "NO": Commissioners Allen, Doll, Graves, Lillard, Logan. (5)

Said motion carried.

Commissioner Doll reviewed a set fee for **Barge, Waggoner** on the  
Justice Complex at \$806.617.00 which is 6.84% of the estimated cost. Motion  
was made by Commissioner Doll, seconded by Commissioner Fopwler and  
unanimously carried by Roll Call Vote approving same.

Chairman Taylor then asked that, on the advise of the County Attorney,  
that he be authorized to seek extra expertise assistance on the **adequate facilities**  
tax. Motion was made by Commissioner Anderson, seconded by Commissioner  
Leifer and unanimously carried by the Board approving the request.

County Attorney Rosser then addressed the Board concerning location of  
**road signs**. Motion was made by Commissioner Burnette, seconded by  
Commissioner Oglesby and unanimously carried by the Board to change  
paragaraphs 9 and 10 of the proposal of the Department of Transportation of the  
State of Tennessee to the County of Fayette wherein Fayette County would not be  
responsible for upkeep of signs and traffic lights on State right-of-way with our  
County Attorney to review the proposal after this change is made. Same was  
unanimously carried by the Board.

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

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Rhea Taylor - Chairman

ATTEST:

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Dell T. Graham, County Clerk