

FAYETTE COUNTY LEGISLATIVE BODY

September 27, 2005

3
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BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the courthouse in Somerville, Tennessee, on the 27th day of September 2005. Present and presiding, Chairman Rhea Taylor. Also present, Dell T. Graham, County Clerk and the following County Commissioners: Joann C. Allen, Steve A. Anderson, Joe B. Burnette, Jr., Christopher L. Campbell, Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, 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.

Absent: Commissioner Thomas Howell Fowler.

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.

Motion was made by Commissioner Wilson, seconded by Commissioner Dowdy and unanimously carried by the Board approving the minutes of the regular August 2005 meeting of this Board and the Special Session held September 06, 2005, as presented.

Kevin Perk, Director of Planning, reviewed the **rezoning** request of the **Bank of Fayette County** regarding 3.7 acres located in CD 13 at Hwys 57 and 18 for construction and use as a full time bank. The floor was opened to the public for comments in favor of or in opposition to the rezoning request. With no one coming forward, the floor was closed to the public. Motion was then made by Commissioner Campbell, seconded by Commissioner German and carried by the Board, adopting the following rezoning resolution. Commissioner Burnette chose to "pass" on the vote. Said rezoning being as follows:

RESOLUTION

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO REZONE LAND FROM R-1 (RURAL RESIDENTIAL) TO B-3 (COMMUNITY BUSINESS) LOCATED OFF OF HIGHWAY 18 AND HIGHWAY 57

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 Map 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 September 2005, 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 described property be rezoned from R-1 (RURAL RESIDENTIAL) to B-3 (COMMUNITY BUSINESS):

MAP 173, PARCEL 15.07

Beginning at an iron post as found in the north margin of State Highway 57, being the southwestern corner of the Jim Nunnally property (252/81), runs thence with the north margin of said Highway 57 north 77 degrees west 23 feet to an iron post as found, being the southeast corner of the Sasser Oil Company (361/616); thence with the east boundary line of same east boundary line of same north 04 degrees 30 minutes east 209.13 feet to an iron post as found, being the northeast corner of said Sasser property; thence with the north boundary line of said Sasser property north 87 degrees 19 minutes west 201.32 feet to an iron post as found in the east margin of Highway 18, being the northwest corner of said Sasser property; thence with the east margin of said Highway 18 north 16 degrees 22 minutes 32 seconds east 200.73 feet, north 17 degrees 35 minutes 27 seconds east 197.1 feet and north 20 degrees 03 minutes and 09 seconds east 193.63 feet to an iron pin as found, being the exterior corner of said Nunnally property; thence with a west boundary line of said Nunnally property south 25 degrees 30 minutes east 745 feet to an iron post as found, being the interior corner of said Nunnally property; thence with a north boundary line of same north 88 degrees 50 minutes west 278.5 feet to an iron post as found, being the exterior corner of said Nunnally property; thence with a west boundary line of said Nunnally property south 08 degrees 30 minutes west 120 feet to the point of beginning, containing 3.745 acres more or less.

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

Motion was made by Commissioner Leifer, seconded by Commissioner Dowdy and unanimously carried by the Board electing the following as **Notaries Public**: Teresa L. Austin, Kimberly D. Bryant, Jill L. Perkins, Patricia W. Rich, Gary S. Robertson and Linda Minay Taylor.

Chairman Taylor then presented the **Rules and Procedures** for the Fayette County Board of Commissioners.

Commissioner Burnette questioned the last section of Rule 11A. Motion was then made by Commissioner Dowdle, seconded by Commissioner Dowdy and unanimously carried by the Board to amend Rule 11A by omitting "and the Chairman Pro Tempore shall supervise any County Legislative Body staff or consultants hired by the County Legislative Body".

Commissioner Leifer asked for an amendment to Rule 15B. After discussion, motion was made by Commissioner Leifer, seconded by Commissioner Dowdle and unanimously carried by the Board to amend Rule 15B to read with an addition to the first sentence "Standing committee chairmen will set their agenda as forwarded by another committee and notify the Chairman of the major matters to be reported to the County Legislative Body at the next meeting".

Motion was then made by Commissioner Leifer, seconded by Commissioner Dowdle and unanimously carried by the Board approving the Rules and Procedures as amended.

FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS

RULES

Rule 1: Convening the County Legislative Body

The county legislative Body shall conduct its regular meetings at the Fayette County Courthouse on the fourth Tuesday of each month at 7:00 p.m. Should any regular meeting fall on a legal holiday, or if an emergency shall arise, the County Legislative Body shall meet on such other date as shall be selected by the Chairman.

Rule 2: Quorum

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where vacancy or vacancies exist in the County Legislative Body the same shall not be included in determining the membership of such County Legislative Body.

Rule 3: Order of Business

1. Call to order by the Presiding Officer
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Comments on non-agenda items (10 minute maximum)
6. Reading and approval of minutes of previous meeting
7. Resolutions of memorial, sympathy and commendations
8. Public hearings
9. Elections, Appointment and Confirmations
10. Unfinished Business
 - a. Financial reports
 - b. Reports of Departments and Agencies
 - c. Report of Standing Committees and action thereon
 - d. Report of Special Committees and action thereon
 - e. Other unfinished business

- 11. New Business
- 12. Announcements and statements by members, officials and the public
- 13. Adjournment

Rule 4: General

Rule 4A: Who May Address the County Legislative Body

It is a Commissioner's right to address the Chairman and the County Legislative Body at any appropriate time after proper recognition by the Chairman, which recognition will not be arbitrarily denied. Elected and appointed county official with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body may address the County Legislative Body at any appropriate time after proper recognition by the Chair, which recognition will not be arbitrarily denied. Citizens and their representatives are encouraged to speak for or against any matter under consideration or during the Announcements and Statements portion of a meeting. Statements of citizens shall be limited to three (3) minutes per speaker and fifteen (15) minutes total for those speaking in opposition to an item under consideration. These specified time limits may be extended by majority vote of the County Legislative Body.

Rule 4B: Gaining the Floor

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall raise their hands and address the Chairman at the same time, the Chairman shall name the members who shall speak first followed by the other Member.

Rule 4C: Speaking

When any members wishes to speak in debate, discussion, or deliver any address on any matter whatsoever to the County Legislative Body, they shall respectfully address the Chairman and shall, after being recognized by the Chairman proceed with the remarks, confining such remarks strictly to the question under debate and avoiding all personalities.

Rule 4D: Consent to Yield

While a person is speaking, the speaker shall not be interrupted, except for as question. If the speaker declines to yield, the speaker shall not be interrupted, but shall yield to question at the end of the presentation.

Rule 4E: Points of Order

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him to order, which case the member so-called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

Rule 4F: Appeal on Ruling

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decided the appeal.

Rule 4G: Refusal to be in Order

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

Rule 4H: Introduction of a Resolution (Motion)

Any proposed resolution may be introduced by any member of the County Legislative Body.

Rule 4I: Committee Referrals

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee without delay.

Rule 5 Motions and Resolutions

Rule 5A: Introduction and Debate

Motions may be made only by Commissioners. No motion shall be debated until the same is seconded and stated by the Chairman.

Rule 5B: Motions in Writing

When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk and read by the Chairman prior to any debate or vote.

Rule 5C: Requiring Roll Call

Any motion, except a motion involving the appropriation of funds, may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote. All motions concerning appropriation of funds shall require a roll call vote.

Rule 5D: Vote Required to Pass a Motion

In order to pass any motion there must be a vote of a majority of the members constituting the County Legislative Body and, not merely a majority of the quorum present.

Rule 5E: Member May Change Vote

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if anyone who has voted wishes to change his vote. Then the result shall be announced by the Clerk.

Rule 5F: Reconsideration of a Motion

When a question has been put to a vote, it shall be in order for any member of the prevailing side for reconsideration at anytime during that session of the County Legislative Body. The vote to reconsider requires a majority vote.

Rule 6 Elections and Appointments

Rule 6A: Elections with Nomination from the Floor

When the Chairman is to receive nomination from the floor, a member may nominate only one other person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed.

Rule 6B: Appointive Office

The persons nominated will be introduced before the County Legislative Body if practical and a discussion of each appointee shall follow.

Rule 6C: Election or Confirmation

All ballots shall be cast by voice vote as each member's name is called by the Clerk. A majority of the full County Legislative Body is required for election or confirmation except as otherwise provided by state or private act.

Rule 6D: Second Ballot

If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected by the required majority.

Rule 7 Committees**Rule 7A: County Legislative Body Committees**

The members of all committees of the County Legislative Body, including standing committees, may be nominated from the floor by the members and the County Mayor, and shall be approved by a majority vote of the County Legislative Body. Any commission member may call for a vote on individual approval of committee members. Each and every member shall have the opportunity to serve on one committee. In the event a member is not able to serve, the position shall be filled in the manner the positions were originally filled. Upon appointment of the membership of a committee by the County Legislative Body, the committee shall elect its chairman, vice chairman and secretary from its membership. The secretary shall take minutes and tape record proceedings of the committee meeting.

Rule 8 Appropriation Request

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the County Mayor for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be available to all members of the County Legislative Body.

Rule 8A: Appropriations Except by Bond Issue

Any and all appropriation except bond issues, to be assessed or approved must be filed in triplicate, the original with the County Mayor and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body

Rule 8B: Appropriations by Bond Issue

Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with County Mayor and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the term of the bond issue.

Rule 8C: Committee Recommendations

The committee to which the request has been referred shall assume one of the following positions: (1) adoption recommended, with or without conditions; (2) rejection recommend; or (3) submitted to the County Legislative Body without recommendation.

Rule 8D: Budget Committee Advice

The Budget Committee shall advise the county Legislative Body as to fund availability before a vote is taken.

Rule 9 Amending or Suspending the Rules

Any rule or rules may be suspended or amended at any time by the county Legislative Body by a two-thirds majority of the members.

Rule 10 Robert's Rules of Order

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

Rule 11 Presiding Officer

Rule 11A: Election

Annually, at its first session in September, the County Legislative Body shall elect a Chairman and a Chairman Pro Tempore. The Chairman may be a member of the County Legislative Body or the County Mayor. If the County Mayor is elected, and accepts the position, then the County Mayor shall have no veto.

Rule 11B: Voting by the Chairman

If the County Mayor serves as Chairman, he may vote only in the case of a tie vote by the County Legislative Body. If a County Legislative Body member serves as Chairman, he or she may vote on all issues coming before the County Legislative Body but may not vote again to break a tie vote.

Rule 11C: Call to Order

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman the Chairman Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

Rule 11D: Question of Order

The Presiding Officer shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

Rule 11E: Members Speaking

Before a member is allowed to speak twice on the same subject, the Presiding Officer shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

Rule 11F: Motions

Once a motion has been made and duly seconded, the motion shall be reduced to writing by the proponent or the Clerk and read by the Presiding Officer so that debate on the motion may begin.

Rule 11G: Putting the Question

The Presiding Officer shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

Rule 11H: Agenda to Commissioners

A copy of the agenda, attachments, and notice calling each County Legislative Body meeting shall be delivered to each member on Thursday prior to the following Tuesday night.

Rule 12 County Clerk

Rule 12A: Minutes of the County Legislative Body

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member.
2. One copy upon request to each county office, department and/or commission head.
3. One copy upon request to all public, school and university libraries in the county.
4. One copy upon request to all licensed and operating commercial radio and television station in the county.
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public.
6. One or more pages shall be made available to the general public at reasonable cost.

Rule 12B: Roll Call

On all appropriations, the Clerk shall call the roll for "aye" and "No" votes. Names will be called in alphabetical order.

Rule 12C: Change of Vote

It shall be the duty of the Clerk at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Clerk.

Rule 12D: Audio Tape of Meetings

The Clerk shall cause all County Legislative Body meeting and County Legislative Body committee meetings to be tape recorded and shall maintain such tape recordings indefinitely. Members and the public may listen to such tape recordings during the Clerk's normal office hours and copies thereof will be made available at reasonable cost.

Rule 13 The Sheriff

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the order of the presiding officer of the court.

Rule 14 County Attorney

The County Attorney shall attend meeting of the County Legislative Body to advise on matters of Law. He shall also attend committee meetings when called upon by the Chairman of a Standing or special committee or a written request signed by a majority of that committee.

Rule 15 Committees General

Rule 15A: Officers Election

Upon appointment of a committee by the County Legislative Body, the members of the committee shall convene and elect a chairman, vice chairman, and a secretary from its membership and formulate rules for its operation not covered under general regulations pertaining to all committees. If a committee has not carried on the aforementioned requirements within twenty-one days, the Chairman shall call the committee into session before the next regular meeting date of the County Legislative Body and serve as temporary chairman until the committee elects a chairman and proceeds with its require business.

Rule 15B: Committee Chairman and Agenda

Standing committee chairmen will set their agenda as forwarded by another committee and notify the Chairman of the major matters to be reported to the County Legislative Body at the next meeting. This should be done in time for the item to be included on the agenda. Committee agendas will be provided to all commissioners at least 3 days prior to committee meetings. Committee members will be provided supporting documents for their agenda in addition to the agenda notice.

Rule 15C: Committee Meeting Open to Member of County Legislative Body and Public

All committee meetings shall be open to the public and rules shall be adopted by each committee allowing members of the public a right to address the committee at its meetings. Members of the County Legislative Body who are not members of the committee shall have full right to attend and participate in the discussion and debate on all matters coming before the committee but they shall have no vote on the committee and shall not be paid for their attendance at such committee meeting.

Rule 15D: Authority of Committees

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally describe in the title of the committee and as more specifically defined in the subject areas listed under the title. Committees have the authority to take the time the committee deems necessary to address a matter. A majority vote of the commission will be required to request an issue out of committee for the next month's consideration. Should any question arise as to jurisdiction of any committee it shall be referred to the County Legislative Body Chairman for determination, subject to an appeal to the County Legislative Body by any County Legislative Body member at the next regular meeting.

Rule 15E: Reporting Procedure

The procedure for reporting the finding of a committee to the County Legislative Body shall be as follows:

1. The committee chairman or a members he so designates shall make the report
2. Upon completion of a report the speaker shall yield for questions.
3. There shall be a vote on the proposition when a motion is made, reduced to writing, seconded, discussion is concluded and there is a call for the question by the County Legislative Body.

Rule 15F: Duties of Committee and Subcommittee Officers

The chairman's prime responsibility is to call meetings of the committee, to serve a presiding officer, and to serve as spokesman of the committee in any action or reporting to the County Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and responsibility of the chairman in his absence. Should the chairman, for any reason, vacate his position, the vice-chairman will automatically become chairman. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same. The chairman of each committee may vote on all issues coming before the body, just as any other member.

Rule 15G: Committee Meeting Minutes

The minutes of all committee meetings shall contain, the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, the time of adjournment, and a tape recording of the entire meeting. All recommendations, whether positive or minus, shall be recorded in the minutes that go to the Commissioners in their packer, with no censoring allowed.

Rule 15H: Vacancies on Committees

If for any reason one or more members of any respective committee vacate their position, the Chairman, subject to the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

Rule 15I: Special Committees

The County Legislative Body may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work is completed and in no case shall it exist longer than one year unless extend by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

Rule 15J: Reporting Referrals

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

Rule 15 K: Failure to Meet

If for any reason the chairman of a committee fails to call a meeting, the County Legislative Body Chairman, or two members of a three member committee, or three members of a larger committee may do so.

Rule 15L: Quarterly Reports

The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

Rule 15M: Technical assistance

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

Rule 16 Standing Committees

The Chairman shall be an ex-officio member of all committees and sub-committees. In this capacity, the Chairman shall offer assistance and advice as needed.

The standing committees of the County Legislative Body are as follows:

General Services: All matters pertaining to the criminal and civil justice system; emergency preparedness; fire prevention and control; health care, comprehensive health planning, local health services, mental health and emergency medical services; social services and welfare programs, recreation; elementary, secondary and adult education; vocational and technical education; library services; Giving advice and a recommendation on budget amendments to the Budget Committee (Up to seven members)

County Development: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulations, zoning, building codes; road improvements, highway safety, airport development; solid waste management; soil, water, and wildlife conservation; energy conservation; agriculture, flood prevention and control; county personnel and policies; airport and airport operations; property and intergovernmental relations. Giving advice and a recommendation on budget amendments to the Budget Committee (Up to seven Members)

Budget: Taxation; finance; investments; all matters pertaining to the financial resources of the county including reports and audit findings; county budget. Recommendations on budget amendments to the full commission. (Seven members, five at large and the chairmen of the other two committees.)

Rule 17 Conflicts With Law

In the event that any portion of these rules is determined to be in conflict with applicable law, then that portion in conflict shall be null and of no effect and the remainder of the rules shall remain in full force and effect.

The matter now before the Board was the **election** of a **Chairman** for the County Legislative Body for which Commissioner Harris, Chairman Pro Tem, presided.

Motion was made by Commissioner Tomlin, seconded by Commissioner Dowdle, nominating Rhea Taylor for election as Chairman.

With no other nominations being offered, motion was made by Commissioner Oglesby and unanimously carried by the Board, for the nominations to cease and that Rhea Taylor be elected by acclamation. Thereupon, **Rhea Taylor** was elected to serve as **Chairman of the County Legislative Body**.

Chairman Taylor then presided over the meeting.

Now before the Board was the matter of setting the **salary** of the **Chairman**. Motion was made by Commissioner Dowdle, seconded by Commissioner Leifer and unanimously carried by the Board setting the salary of the Chairman the same as set for the prior year, which was no salary.

Now before the Board was the election of a **Chairman Pro Tempore**. Motion was made by Commissioner Burnette, seconded by Commissioner Dowdle, nominating Ronnie Harris. Motion was then made by Commissioner Tomlin, seconded by Commissioner Oglesby, and unanimously carried by the Board that the nominations cease and that Mr. Harris be elected by acclamation. Thereupon, **Ronnie Harris** was elected to serve as **Chairman Pro Tempore** of the **County Legislative Body**.

Motion was now made by Commissioner German, seconded by Commissioner Logan and unanimously carried by the Board setting the **salary** of the **Chairman Pro Tempore** as the same as set for the prior year, which is no salary.

Motion was made by Commissioner Leifer, seconded by Commissioner Burnette and unanimously carried by the Board establishing the following **Standing Committees**:

BUDGET COMMITTEE: Commissioners Bob Doll, Thomas Howell Fowler, Gordon M. Tomlin, Claude D. Oglesby, Jr., Ronnie Harris, David H. Lillard, Sr., Allen Yancey, Jr.

GENERAL SERVICES: Commissioners David H. Lillard, Sr., Myles Leifer, Christopher L. Campbell, Joann C. Allen, Ronnie Graves, Willie German, Jr., John F. Dowdy.

DEVELOPMENT: Commissioners Allen Yancey, Jr., Sylvester Logan, George McCloud, Steve Anderson, Myles Wilson, Joe B. Burnette, Jr., Lee "Sissy" Dowdle.

Chairman Taylor then called for an attorney/client meeting.

Meeting back in session.

Chairman Taylor reported for the Mayor's Office.

Report was called for from the Sheriff's Office, but none presented.

Commissioner Wilson reported for the Board of Education, reviewing the need for the budget as proposed. Much discussion followed.

Reports were called for from the Juvenile Court and Board of Public Works, but none presented.

Commissioner Yancey reported for the **Development Committee**. Motion was made by Commissioner Yancey, seconded by Commissioner Burnette and unanimously carried by the Board approving the following as **roads**: Regent Drive, Ridgecrest Drive, St. George Drive.

No report from the **General Services Committee**.

Commissioner Doll reported for the **Budget Committee**. Motion was made by Commissioner Doll, seconded by Commissioner Logan, and unanimously carried by the Board approving the following Resolution regarding a **state road grant** for the **City of Somerville**.

**RESOLUTION REQUESTING THE CITY OF SOMERVILLE TO ACCEPT A
GRANT FROM THE STATE INDUSTRIAL ROAD ACCESS PROGRAM**

WHEREAS, Fayette County wants the State of Tennessee, through its Industrial Access Road program, to grant funds to construct a road into property next to the Fayette County landfill; and

WHEREAS, the State of Tennessee has awarded a grant to the Town of Somerville to build a road into property by the Fayette County Landfill; and

WHEREAS, Fayette County owns the property on which the road would be built; and

WHEREAS, the Town of Somerville request that the following resolution be adopted; and

NOW THEREFORE BE IT RESOLVED, Fayette County, Tennessee asks that the Town of Somerville accept the offered State Industrial Road Access grant; and Fayette County, Tennessee agrees to undertake and perform all duties and acts required of the Town of Somerville under Tennessee Department of Transportation Contract No. 050117, Project Identification No. 106594; further agrees to indemnify and hold harmless the Town of Somerville from any obligation or liability arising which is related to said contract; and that this resolution shall replace in its entirety the resolution adopted on July 26, 2005 by the Fayette County Commission, entitled "Resolution Requesting the City of Somerville To Request A Grant From the State Industrial Road Access Program."

Adopted this day, September 27, 2005, by the Fayette County Commission.

Commissioner Doll then reviewed the **County Attorney Contract** and moved for the acceptance of same. Motion was seconded by Commissioner Oglesby and unanimously carried by the Board approving the contract as presented.

Regarding the 2005/06 Budget: Motion was made by Commissioner Dowdle that a **3% cost of living increase** be set for the **Board of Education** from property tax fees. No seconded to the motion was received.

Motion was then made by Commissioner Dowdle, seconded by Commissioner Oglesby to **suspend the rules**. Said motion failed.

No action was taken on the 2005/06 Budget.

Chairman Taylor then reported on the Justice Complex.

Motion was made by Commissioner Leifer, seconded by Commissioner Oglesby, and unanimously carried by the Board to approve the **Meeks** issued.

Motion was then made by Commissioner Anderson, seconded by Commissioner Burnette that the Mayor, Sheriff and County Attorney be authorized to investigate and research **jail annexation contract** situation and, in their judgment, either – wait for the bid winner to obtain a contractor’s license, or have the County act as its own general contractor and, if necessary, re-bid the project. Said motion carried unanimously.

Motion was then made by Commissioner Anderson and duly seconded, to authorize the County Mayor and County Attorney to settle the **Beer Board** case to the best interest of the County. Said motion carried unanimously.

Motion was made by Commissioner Anderson and duly seconded, for the County Mayor, Sheriff and County Attorney be authorized to settle the **Meeks** matter at a cost to the county up to the amount of the county’s insurance deductible. Said motion carried unanimously.

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

RHEA TAYLOR - Chairman

ATTEST:

Dell T. Graham, County Clerk