

FAYETTE COUNTY LEGISLATIVE BOARD

February 28, 2006

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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 28<sup>th</sup> day of February, 2006. Present and presiding Chairman Rhea Taylor. Also present Dell T. Graham, County Clerk and the following County Commissioners: Joann C. Allen, Steve Anderson, Joe B. Burnette, Jr., Christopher L. Campbell, Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, Thomas Howell Fowler, Willie German, Jr., Ronnie Graves, Ronnie Harris, Myles Leifer, David H. Lillard, Sr., Sylvester Logan, George McCloud, Claude D. Oglesby, Jr., Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Gordon M. Tomlin.

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. Addressing the Board was Dave Edmonds.

Motion was then made by Commissioner Leifer, seconded by Commissioner Dowdy and unanimously carried by the Board approving the minutes of the January 2006 meeting of this Board.

Kevin Perk, Director of Planning and Development, addressed the **airport overlay protection zoning**. The floor was then opened to the public for comments in favor of or in opposition to the zoning. With no one addressing the Board, the floor was closed to the public. Motion was then made by Commissioner Allen, seconded by Commissioner McCloud and unanimously carried by the Board approving the following:

## RESOLUTION

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION CREATING AN AIRPORT PROTECTION OVERLAY DISTRICT; PLACING SAID AIRPORT PROTECTION OVERLAY DISTRICT ON THE OFFICIAL ZONING MAP; AND TO REZONE THE FAYETTE COUNTY AIRPORT PROPERTY FROM R-1 (RURAL RESIDENTIAL) TO I-L (LIGHT INDUSTRIAL)

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 24th day of 2006, the time and place of which was published with 15 days advance notice; and

WHEREAS, the Fayette County Airport is a significant County investment that should be protected from incompatible land uses and enhanced in its ability to attract economic development:

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

SECTION 1. That the following language be added to ARTICLE XI – OVERLAY DISTRICTS, (additions depicted as underlined):

**Section IV APO AIRPORT PROTECTION OVERLAY DISTRICT**

**A. PURPOSE** The purpose of this district is to establish regulations that will enhance and protect the investment that Fayette County has made in the Fayette County Airport by limiting and restricting certain land uses that are generally deemed incompatible with the operation of a growing airport.

**B. GENERAL REQUIREMENTS**

Within the Airport Protection Overlay District (APO), the following provisions shall apply:

1. Rezoning of the base district to permit the development of residential subdivisions with roads shall not be permitted.
2. Rezoning of the base district to permit commercial and industrial development of a nature that benefits the airport and the surrounding area shall be encouraged.
3. Certain uses have been found to be incompatible with the Fayette County Airport. These uses shall not be permitted in the overlay district, irregardless of the base district zoning:

Cultural, entertainment and recreational facilities

Churches and other assembly type land uses, including schools

Landfills

Radio, TV and other communication towers

Salvage, wrecking or junk yards

Adult oriented businesses

4. All applications for a building permit within the APO zone shall demonstrate compliance with the following building provisions designed to reduce potential noise impact on structures adjacent to the Fayette County Regional Airport:
- A. All mechanical ventilation systems shall provide the minimum air circulation and fresh-air supply requirements as provided in the Uniform Building Code for the proposed occupancy, without the need to open any exterior doors or windows.
  - B. The perimeter of all exterior door and window frames shall be sealed airtight to the exterior wall construction.
  - C. Fireplaces shall be equipped with well-fitted chimney cap devices.
  - D. All ventilation ducts, except range hoods, connecting interior space to outdoors shall be provided with a bend such that no direct line of sight exists from exterior to interior through the vent duct.
  - E. Doors and windows shall be constructed so that they are close-fitting. Weather-stripping seals shall be incorporated to eliminate all edge caps.
  - F. All penetration through exterior walls by pipes, ducts conduits and the like shall be caulked airtight to the exterior construction.
  - G. The Building Official may require that submitted plans and specifications be certified by a Recognized Acoustical Specialist for compliance with this Ordinance.

SECTION 2. BE IT FURTHER RESOLVED that the following described property be zoned APO – AIRPORT PROTECTION OVERLAY

Beginning at a point, said point being the intersection of the northern and western property lines of parcel 14.01 as depicted on Fayette County Tax Map number 98 as updated April 2005; thence in a southerly direction directly following the western property lines of parcels 14.01 and 14 to a point, said point lying on the property line of parcel 16 as depicted on Fayette County Tax Map number 89 as updated April 2005; thence in a easterly, and southerly direction to a point, said point lying in the northern property line of parcel 24.04 as depicted on Fayette County Tax Map number 109 as updated April 2005; thence in a westerly and southerly direction directly following the boundaries of said parcel to a point lying the northern right-of-way of State Highway 193; thence south, crossing State Highway 193 to the southern right-of-way and directly following said right-of-way to a point, said point being the intersection of said right-of-way with the western right-of-way/easement line of Allen Road; thence in a southerly direction directly following said right-of-way/easement to a point, said point being the intersection with the southern property line of parcel 24.06 as depicted on Fayette County Tax Map number 109 as updated April 2005; thence in a westerly direction directly following the southern property lines of parcels 24.06, 20 and 9 and traversing parcel 9.01 on the same bearing to a point on the western property line of parcel 9.01 as depicted on Fayette County Tax Map number 109 as updated April 2005; thence northerly directly following the western property line of said parcel to a point on the southern right-of-way of State Road 193; thence northerly, crossing State Road 193 to a point, said point being the intersection of the northern right-of-way of State Road 193 and the western property line of parcel 3 as depicted on Fayette County Tax Map number 109 as updated April 2005; thence in a northerly direction and an easterly direction directly following the property lines of said parcel to a point, said point being the intersection of the northern property line of said parcel 3 with the western property line of parcel 16 as depicted on Fayette County Tax Map number 98 as updated April 2005; thence

in an northerly, easterly and southerly direction directly following the property lines of said parcel 16 to a point on the northern property line of parcel 12 as depicted on Fayette County Tax Map number 98 as updated April 2005; thence in an easterly direction directly following said northern property line to the point of beginning.

SECTION 3. BE IT FURTHER RESOLVED that the following described property be rezoned from R-1 (Rural Residential) to I-L (Light Industrial):

The entirety of parcel 16.01 as depicted on Fayette County Tax Map number 98 as updated April 2005.

SECTION 4. BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.

Motion was then made by Commissioner Dowdle, seconded by Commissioner Wilson and unanimously carried by the Board electing the following as **Notaries Public**: Leah J. Cassandras, Tammy I. Crump, John David Douglas, Dianne Y. German, Kimberlee D. Kee, Lenita T. McCraw, Linda McMerans, Lolly A. Pierson, Dana P. Gossett, Lee S. Saunders, Laina M. Skelton and Wanda Mae Watkins.

Motion was made by Commissioner Burnette, seconded by Commissioner Dowdy and unanimously carried by the Board appointing **Payson Matthews as Delinquent Tax Attorney.**

Mayor Taylor reported for his office.

Reports from the Sheriff's Department, Board of Education, Juvenile Court and Board of Public Works were called for, but none presented. Commissioner Doll addressed the Adult Education Program with questions on funds for Hardeman County.

Commissioner Yancey reported for the **Development Committee.** Motion was made by Commissioner Yancey, seconded by Commissioner Dowdle and unanimously carried by the Board approving the proposal of **TDOT for two bridges and their approaches on State Hwy 76 north of Moscow.**

Motion was then made by Commissioner Yancey, seconded by Commissioner Allen and unanimously carried by the Board approving **Alisha Drive and Casey Drive** in Elba Estates Subdivision as county roads.

Commissioner Lillard reported for the **General Services Committee**.

Commissioner Lillard with Lenita McCraw reviewed voting equipment. Motion was made by Commissioner Lillard, seconded by Commissioner Leifer and unanimously carried by the Board approving the following Resolution:

**RESOLUTION TO ADVOCATE FOR THE INCLUSION OF PHYSICAL EVIDENCE OF VOTING ON NEW VOTING MACHINES**

WHEREAS, the residents of Fayette County will be voting on required new voting machines starting in August, 2006; and

WHEREAS, the voting machines which Fayette County must purchase have to be approved by the State Election Commission; and

WHEREAS, the list of approved voting machines includes DRE (Direct Recorded Elections with no hard copy) and DRE with Precinct Based Optical Scan capabilities (hard copy for scanning); and

WHEREAS, there have been media reports of inaccuracies in the count of some voting machines using the DRE system; and

WHEREAS, the lack of physical evidence of a ballot cast lends suspicion to the authenticity of an election; and

WHEREAS, Precinct Based Optical Scan hard copy ballots are the most secure type of voting system available; and

WHEREAS, currently 50% of the States have laws requiring that voting equipment produce a vote verified paper ballot. The State of Tennessee is considering similar legislation at a future date; and

WHEREAS, DRE Systems with Precinct Based Optical Scan meet this requirement at no additional cost in the future; and

WHEREAS, the DRE (Microvote) System, which has been selected by the Fayette County Election Commission, would have to be updated in the future by adding additional equipment at a cost to the County of approximately \$40,000 to \$50,000; and

WHEREAS, the Fayette County Election Commission has responsibility for the selection of the equipment used to conduct elections and the Fayette County Board of Commissioners has responsibility for approving the funds for the purchase of said election equipment,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, in regular session this 28<sup>th</sup> day of February, 2006, that the Fayette County Board of Commissioners respectfully requests that Fayette County Election Commission work with the Board of Commissioners in scheduling demonstration and discussion sessions with the representatives for each of the two different types of equipment available.

Commissioner Lillard yielded the floor to Steve Landwehr of Fleming Associates who addressed the need for new schools in Fayette County.

Commissioner Doll then reported for the **Budget Committee**. Motion was made by Commissioner Doll, seconded by Commissioner Fowler and unanimously carried by Roll Call Vote by members present approving the following Resolution amending the **Solid Waste Budget** as recommended 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 28th day of February, 2006, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

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

**SOLID WASTE/SANITATION FUND  
BUDGET AMENDMENT  
F/Y 05/06  
February, 2006**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
<u>44170 Miscellaneous Refunds</u>		<u>\$ 8,000.00</u>
Subtotal-44170		\$ 8,000.00
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>55754 Landfill Operation &amp; Maintenance</u>		
168 Temporary Personnel	\$ 7,430.00	
201 Social Security	<u>570.00</u>	
Subtotal-55754	\$ 8,000.00	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 8,000.00</b>	
Prior Estimated Expenditures		\$ 730,238.00
Total Estimated Expenditures This Amendment		\$ 730,238.00
Projected Fund Balance before Amendment		\$ 211,440.00
Change in Fund Balance This Amendment		\$ 00.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2006		\$ 211,440.00

Motion was made by Commissioner Doll, seconded by Commissioner McCloud and unanimously carried by Roll Call Vote by members present amending the **General Fund Budget** as recommended 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 28th day of February, 2006, 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 05/06  
February, 2006**

	INCREASE	DECREASE
<b><u>Adjustment to Revenue Accounts:</u></b>		
<u>47990 Direct Federal Revenue</u>		<u>\$220,669.00</u>
<b>Subtotal-47990</b>		<b>\$220,669.00</b>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT</b>		<b>\$220,669.00</b>
<b><u>Adjustment to Expenditure Accounts:</u></b>		
<u>53300 General Sessions Court</u>		
169 Part Time Personnel	\$ 4,000.00	
<b>Subtotal-53300</b>	<b>\$ 4,000.00</b>	
<u>53400 Chancery Court</u>		
194 Jury and Witness Fees	\$ 3,000.00	
<b>Subtotal-53400</b>	<b>\$ 3,000.00</b>	
<u>54210 Jail</u>		
708 Communication Equipment	\$ 18,530.00	
<b>Subtotal-54210</b>	<b>\$ 18,530.00</b>	

<u>54310 Fire Prevention and Control</u>	
339 Matching Share	<u>\$208,850.00</u>
Subtotal-54310	\$208,850.00

**TOTAL INCREASE/DECREASE  
TO EXPENDITURE ACCOUNTS** **\$234,380.00**

Prior Estimated Expenditures	\$9,516,122.00
Total Estimated Expenditures This Amendment	\$9,529,833.00
Projected Fund Balance before Amendment	\$4,075,904.00
Change in Fund Balance This Amendment	\$ 13,711.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2006	\$4,062,193.00

Motion was made by Commissioner Doll, seconded by  
Commissioner Fowler and unanimously carried by Roll Call Vote by  
members present approving the following amendment to the Board of  
Education Budget/Drug Free Schools Fund 142:

**FAYETTE COUNTY BOARD OF EDUCATION  
FEDERAL PROJECTS FUND  
FUND 142  
SUBFUND 685 - DRUG FREE SCHOOLS  
FEBRUARY, 2006**

		INCREASE	DECREASE
<u>72000</u>	<u>SUPPORT SERVICES</u>		
<u>72130</u>	<u>OTHER STUDENT SUPPORT</u>		
72130 499 FA	Other Supplies and Materials		\$4,865.63
72130 524 FA	Inservice Staff Development	\$4,865.63	
72130 499 RA	Other Supplies and Materials		\$1,981.14
72130 524 RA	Inservice Staff Development	\$1,981.14	
	TOTAL:	\$6,846.77	\$6,846.77

Total Increase/Decrease: \$0.00

Motion was made by Commissioner Dowdle and seconded by Commissioner Harris to approve an amendment to the **Board of Education General Purpose Fund 141 Budget**. Upon Roll Call Vote the following voted "YES": Commissioners Dowdle, Dowdy, Harris, Oglesby, Wilson and Yancey. (6)

Voting "NO": Commissioners Allen, Anderson, Campbell, Doll, Fowler, German, Graves, Leifer, Lillard, Logan and McCloud. (11)

Absent: Commissioners Burnette and Tomlin.

Said motion failed.

Motion was then made by Commissioner Leifer, seconded by Commissioner Dowdle to amend the **Board of Education General Purpose Fund #141 Budget** by allowing \$900.00 for computer equipment under item 73000. Upon Roll Call Vote, the following voted "YES": Commissioners Campbell, Dowdle, Dowdy, German, Graves, Harris, Leifer, McCloud, Oglesby, Wilson and Yancey. (11)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Lillard, Logan. (6)

Absent: Commissioners Burnette and Tomlin.

Said motion carried. Same being as follows:

**FAYETTE COUNTY BOARD OF EDUCATION  
GENERAL PURPOSE FUND  
FUND 141  
FEBRUARY, 2006**

		INCREASE	DECREASE
3000	<b>OPERATIONS OF NON INSTRUCTION SERVICES</b>		
3300	<b>COMMUNITY SERVICES</b>		
3300 790	Other Equipment	\$900.00	
	<b>TOTAL:</b>	<b>\$900.00</b>	<b>\$0.00</b>

Motion was then made by Commissioner Doll, seconded by Commissioner McCloud and unanimously carried by Roll Call Vote by members present approving an amendment to the **General Capital Projects Fund Budget**. Same being as follows:

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 2006, 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 05/06  
February, 2006**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<b>91120 Administration of Justice Projects</b>		
309 Contracts with Government Agencies	\$ 50,000.00	
452 Utilities	1,000.00	
724 Site Development	<u>450,000.00</u>	
<b>Subtotal-91120</b>	<b>\$501,000.00</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$501,000.00</b>	

Motion was made by Commissioner Doll, seconded by Commissioner Wilson and unanimously carried by Roll Call Vote by members present appointing SAMCO, Inc. as Financial Advisor.

Commissioner Doll then reviewed a Resolution Establishing the Adequate Facilities Special Revenue Fund. After discussion, motion was made by Commissioner Anderson, seconded by Commissioner Doll and unanimously carried by the Board that this matter be referred back to Budget for a report at the next meeting of this Commission addressing the questions raised in the February 23<sup>rd</sup>, 2006 letter from CTAS and the question of whether we must wait for the Attorney General's opinion before approving the road paving work with the Adequate Facilities Tax previously approved by this Commission.

Motion was then made by Commissioner Doll, seconded by Commissioner McCloud and unanimously carried by Roll Call Vote by members present approving the following **Resolution giving property tax relief to the low income elderly in Fayette County.**

**RESOLUTION PROVIDING ASSISTANCE TO LOW-INCOME ELDERLY IN FAYETTE COUNTY**

**WHEREAS, THE Fayette County Board of Commissioners has endorsed the intent to provide assistance to low-income elderly in Fayette County; and**

**WHEREAS, a need for assistance has been identified by the Fayette County Commission of aid low-income elderly residents of our county; and**

**WHEREAS, the General assembly of the State of Tennessee has passed Tennessee Code Annotated, Section 5-9-112, enabling Fayette County to provide assistance to our low-income elderly; and**

**WHEREAS, Tennessee Code Annotated, Section 67-5-702, defines elderly low-income homeowners for purposes of State reimbursement;**

**NOW, THEREFORE, BE IT RESOLVED, that the Statutory specifications designated in Tennessee Code Annotated, Section 67-5-702, be used to establish guidelines for eligibility and participation in applying for assistance authorized under the provisions of Tennessee Code Annotated Section 5-9-702; and**

**Be It Further Resolved, that \$25,000 be appropriated from County General Funds within the 2006-2007 budget to be used to match reimbursement by the State of Tennessee under the direction of the Trustee of Fayette County.**

Adopted this 28 day of February, 2006.

Mayor Taylor then called for an Attorney/Client meeting.

With the meeting back in session, motion was made by Commissioner Anderson, seconded and unanimously carried by the members present that **Jim Pentecost** be hired to represent Fayette County with County Attorney Rosser participating in the trial.

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

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RHEA TAYLOR, Chairman

ATTEST:

\_\_\_\_\_  
Dell T. Graham, County Clerk