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## FAYETTE COUNTY LEGISLATIVE BODY

APRIL 24, 2007

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 24<sup>th</sup> of April, 2007. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk; James R. Riles, Sheriff; and the following County Commissioners: Ed Allen, Jo Ann Allen, Steve Anderson, Charles Brewer, Larry Cook, Odis Cox, Lec "Sissy" Dowdle, John F. Dowdy, Ron Gant, Willie German, Jr., Ronald Harris, Thomas Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

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

The Chairman opened the floor to the public to address items not on the agenda. Ann Williams of 5015 Bobbitt Road, Moscow, TN regarding the re-zoning of the property on Wade Road at last month's County Legislative Body Meeting.

Approval of the minutes was delayed until the Commissioners could review them, and will be presented for approval in May. Also, February minutes will be presented at the same time with corrections that were requested for final approval.

Chairman Taylor then yielded the floor to John Pitner of Planning and Development who presented a proposed amendment to the zoning laws. Commissioner Logan moved to adopt the proposed amendment. Commissioner Gant seconded the motion and the Board voted unanimously to adopt the following resolution:

**A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION TO DEFINE "FLAG LOT OF RECORD"; TO PROHIBIT THE STACKING OF FLAG LOTS OF RECORD; AND TO PERMIT THE CONSTRUCTION OF COMBINED ACCESS DRIVES IN THE R-1 DISTRICT**

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102 the Fayette County Board of Commissioners has adopted a Zoning Resolution and Zoning Map for Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-105 the Fayette County Board of Commissioners is empowered to amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of the zoning resolution following submission of the amendment to the regional planning commission for its approval, disapproval or suggestions and following a public hearing at least fifteen (15) days notice of the time and place of which is given by one (1) publication in a newspaper of general circulation in the county; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendments by the Fayette County Regional Planning Commission on April 2, 2007, the time and place of which was published with at least fifteen (15) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County;

NOW, THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 24<sup>TH</sup> DAY OF APRIL, 2007:

“Flag Lot of Record- A lot of record having road frontage via a corridor of land less than one hundred twenty-five(125) feet wide as measured parallel to the bearing or chord of the road frontage; and

SECTION 2. That there be added to “Article V-General Provisions” the following Section 13; “No permissible building area of a flag lot of record created after the effective date of this Resolution shall be located behind the rear lot of record line of another flag lot of record having frontage on the same road”; and

SECTION 3. That the second clause of Section 20101 of “Article VII-Provisions for Land Use Districts. “ which reads that “no road shall be constructed by any nongovernmental entity” be revised to read that “no road shall be constructed by any nongovernmental entity except a combined access drive where required by the regional planning commission under Article IV of the Fayette County Subdivision Regulations, which drive shall not result in the creation of more lots of record than could be obtained without the combined access drive”.

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

The next item on the agenda was a resolution to establish a speed limit of 30 mph on Warren Road in Civil District 1, which was proposed by Commissioner Ed Allen at the March meeting, but was tabled. Before any discussion began Commissioner Allen withdrew the resolution.

Chairman Taylor then introduced Haywood County Mayor Franklin Smith who spoke on the proposed mega-site near the interstate. Mayor Smith stated that due to the no-growth factor in Haywood County, that the mega site was intended to create jobs and attract people to the area. Mayor Smith stated that the results of a random survey showed that 87 per cent of the residents of the area in Haywood County support the effort, while 84 per cent of Fayette County residents near the area are in support of it.

Commissioner Dowdy made a motion to approve the following as notaries public; Katie A. Cooper; Sandra Newman Dowdy, Sara Edge, Lavada L. Henley, Crystal Lee, Charlotte Loines, Andrew J. Melton, Miranda Beckworth Moore, Richard Keith Morris, Traveles D. Simmons, Sherri Trosper, Kristie Warren, and Angela Matlock. Motion was seconded by Commissioner Dowdle and approved unanimously by the Board.

The next item on the agenda was the establishment of an ethics committee. Chairman Taylor stated that the following people were willing to serve on the committee, and asked for the Board’s approval; Commissioners Sylvester Logan, Thomas Karcher, Joe B. Burnette, Jr. and Bill Kelley, and Clerk and Master Vip D. Lewis. Motion was made by Commissioner German, seconded by Commissioner Anderson and passed unanimously by the Board.

The first item under Unfinished Business was “Financial Reports”. A written report of the Trustee’s Statement of Cash Receipts, Disbursements and Balances was presented.

Under reports of Departments and Agencies, Chairman Taylor reported for the Mayor’s Office, stating that a copy of the proposed budget for 2007-2008 was on the table for each Commissioner, and that said budget contains salaries for 36 new positions. He stated that this information is just preliminary.

Mayor Taylor stated that the TS Designation has an incentive program which would require that twenty five per cent of the Board (at least 5 Commissioners) participate in at least two online classes. This would award the County extra points toward a higher designation.

The Mayor also stated that a new census will be taken in 2010, and the census bureau is actively pursuing people to assist in coordinating addresses. Fayette County is again in the top 100 counties as far as growth, which could affect funding we will be able to obtain. The 2010 census will not affect the elections for that year but will affect subsequent ones.

Chairman Taylor stated that all Commissioners must take the CTAS ethics class by July 1<sup>st</sup> of this year, or take the class online.

Under reports for the Sheriff's Department, Sheriff Riles stated that Fayette County Animal Rescue has requested a letter stating that it was okay for them to have their annual bike race fund raising event. The Sheriff stated he didn't want to be responsible in the event anyone gets hurt. It was suggested that he have the County Attorney, Mr. Rosser, look at the request, and give his opinion.

No report was given for the Board of Education, and Chairman Taylor stated that the Quarterly report for Juvenile Court was included in the packet, as were the minutes for the Board of Public Works.

Commissioner Wilson reported for the Development Committee. He moved that Lake Pointe Road be removed from the official road list to allow the residents of the Subdivision to have a gated community, with the provision that they present proof that all residents of the area have been notified, and contingent upon the developer installing the final asphalt overlay on said road. Motion was seconded by Commissioner Brewer, and approved unanimously by the Board.

Commissioner German reported for the Health and Welfare Committee. He stated that the Committee had discussed new members for the Commission on Aging Board. The committee has no recommendation at this time but stated there would be further discussion at the next meeting.

Commissioner German then moved that Commissioner Cook fill the vacancy on the Solid Waste Board. Commissioner Dowdle seconded the motion, and it was passed unanimously.

Commissioner Burnette reported for the Personnel Committee, stating that the death benefit needed some revision for the future due to problems already encountered, and that the committee was working on a solution. No action was required on this matter at the time.

Commissioner Dowdy reported for the Criminal Justice and Public Safety Committee. He moved that the new lease for the Sheriff's Department's automotive shop be adopted at a rate of \$600.00 per month. Motion was seconded by Commissioner Dowdle and approved unanimously by the Board.

Commissioner Dowdy further stated that Sheriff Riles has requested to be allowed to have an Auction on May 11, 2007, to sell surplus county cars, and drug-seized property, and other surplus county property. Motion was made by Commissioner Wilson seconded by Commissioner Burnette to allow the sale. The Board approved unanimously.

Commissioner Dowdy stated that Sheriff Riles had requested permission to allow him to negotiate a salary with an individual to be head of maintenance at the Justice Complex, and will bring information regarding same as well as a job description to the next meeting of the committee.

Also, Commissioner Dowdy stated that the City of Somerville has notified Mayor Taylor in the form of a letter, that they do not wish to renew the contract for dispatch services with the county and that the Mayor will bring some proposals to the committee next month on how to address this.

After some discussions regarding electric rates at the new Justice Complex, it was determined that more research is necessary and no action could be taken at this time.

Commissioner Dowdle has been asked by the committee to draw up a resolution to honor deputies who have been killed, or wounded on the job and present it at the next committee meeting for approval and recommendation to the Board.

Next, Commissioner Harris reported for the Budget Committee, and moved that the budget be amended to reflect grant money for election equipment, and reflect an adjustment in the travel allowance for the Trustee's office. This motion was seconded by Commissioner Wilson, and approved unanimously by the Board to read 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 24th day of April, 2007, 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 06/07 April, 2007

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
46980 Other State Grants		\$ 2,415.00
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS</b>		<b>\$ 2,415.00</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51100 County Commission</u>		
191 Board & Comm. Members		\$ 542.00
<b>Subtotal-51100</b>		<b>\$ 542.00</b>
<u>51400 County Attorney</u>		
189 Other Salaries and Wages	\$ 542.00	
<b>Subtotal-51400</b>	<b>\$ 542.00</b>	
<u>51500 Election Commission</u>		
169 Part-Time Personnel	\$ 1,600.00	
193 Election Workers		\$ 1,185.00
332 Legal Notices, Recordings and Court Cost	\$ 2,500.00	
337 Maintenance and Repair Services – Office		\$ 1,088.00
348 Postal Charges		\$ 6,500.00
349 Printing, Stationary and Forms		\$ 2,000.00

435	Office Supplies	\$ 2,000.00	
499	Other Supplies and Materials	\$ 2,000.00	
709	Data Processing Equipment	\$ 5,088.00	
	<b>Subtotal-51500</b>	<b>\$ 13,188.00</b>	<b>\$10,773.00</b>
52400	<u>Trustee</u>		
355	Travel	\$ 2,500.00	
	<b>Subtotal-52400</b>	<b>\$ 2,500.00</b>	
54410	<u>Civil Defense</u>		
351	Rentals		\$ 600.00
599	Other Charges	\$ 600.00	
	<b>Subtotal-54410</b>	<b>\$ 600.00</b>	<b>\$ 600.00</b>
	<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS</b>	<b>\$ 16,830.00</b>	<b>\$ 11,915.00</b>

Prior Estimated Expenditures	\$10,293,708.63
Total Estimated Expenditures This Amendment	\$10,296,208.63
Projected Fund Balance before Amendment	\$ 4,019,876.37
Change in Fund Balance This Amendment	\$ 2,500.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2007	\$ 4,017,376.37

Commissioner Harris further moved that the base salaries of three Solid Waste Convenience Workers be increased by 10 per cent to become effective June 1, 2007. The motion was seconded by Commissioner Dowdle. Roll Call vote was called for and the following was entered of record:  
Voting "YES": Commissioners Jo Ann Allen; Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Logan, Oglesby, and Wilson.(15)  
Voting "NO": Commissioners Ed Allen, Anderson, Lillard, and McCloud (4)  
Thereupon motion passed.

**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 24th day of April, 2007, 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 06/07  
April, 2007**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<b>55754 Landfill Operation &amp; Maintenance</b>		
144 Heavy Equipment Operators	\$ 805.12	
201 Social Security	49.92	
204 State Retirement	72.94	
212 Employer Medicare	11.67	
513 Worker's Compensation Insurance	<u>12.08</u>	
<b>Subtotal-55754</b>	<b>\$ 951.73</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 951.73</b>	

Prior Estimated Expenditures	\$ 670,950.59
Total Estimated Expenditures This Amendment	\$ 671,902.32
Projected Fund Balance before Amendment	\$ 297,771.41
Change in Fund Balance This Amendment	\$ 951.73
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2007	\$ 296,819.68

Commissioner Harris moved to adopt an amendment for payment of bonds that were finalized in October for the Justice Complex. Motion was seconded by Commissioner Burnette and passed unanimously by the Board.

**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 24th day of April, 2007, 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 Debt Service #151 Budget Amendment be amended in the following words and figures, to-wit:

**GENERAL DEBT SERVICE FUND  
BUDGET AMENDMENT  
F/Y 06/07  
April, 2007**

<u>Adjustment to Fund Balance:</u>	INCREASE	DECREASE
39000 Undesignated Fund Balance		<u>\$275,287.38</u>
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE:</b>		<b>\$275,287.38</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
82210 General Government		
601 Principal on Bonds	\$210,000.00	
603 Interest on Bonds	<u>\$ 65,287.38.</u>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$275,287.38</b>	
Prior Estimated Expenditures		\$1,776,986.00
Total Estimated Expenditures This Amendment		\$2,052,273.38
Projected Fund Balance before Amendment		\$4,757,111.00
Change in Fund Balance This Amendment		\$ 275,287.38
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2007		\$4,481,823.62

\* \$275,287.38 – Principal and Interest paid 3/30/2007 on Criminal Justice Center bonds

Commissioner Harris moved that the following amendments be allowed for the Board of Education. Motion was seconded by Commissioner Oglesby and passed unanimously.

**FAYETTE COUNTY BOARD OF EDUCATION  
GENERAL PURPOSE FUND  
FUND 141  
APRIL, 2007**

		INCREASE	DECREASE
<b>71000</b>	<b>INSTRUCTION</b>		
71200	SPECIAL EDUCATION PROGRAM		
71200 311	Contracts With Other School Systems		\$125,061.49
71200 312	Contracts With Private Agencies	\$125,061.49	
71200 336	Maintenance & Repair Services - Eq.		\$3,000.00
	<b>TOTAL:</b>	<b>\$125,061.49</b>	<b>\$128,061.49</b>
71600	ADULT EDUCATION		
71600 790 RBOG	Other Equipment		\$4,000.00
	<b>TOTAL:</b>	<b>\$0.00</b>	<b>\$4,000.00</b>
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 307	Communications	\$3,000.00	
	<b>TOTAL:</b>	<b>\$3,000.00</b>	<b>\$0.00</b>

72260 ADULT EDUCATION			
72260 599 RBOG	Other Charges	\$4,000.00	
72260 189 WICC	Other Salary and Wages	\$7,289.00	
72260 201 WICC	Social Security	\$460.00	
72260 204 WICC	State Retirement	\$668.00	
72260 212 WICC	Medicare	\$114.00	
	TOTAL:	\$12,531.00	\$0.00
	GRAND TOTAL:	\$140,592.49	\$132,061.49

Total Increase: \$8,531.00

Revenues: 47210 WICC Job Training Partnership Act \$8,531.00

Revenue:	Prior Total Available Funds	\$24,159,181.31
	Total Increase This Amendment	<u>\$8,531.00</u>
	Total Available Funds This Amendment	\$24,167,712.31

Expenditure:	Prior Total Estimated Expenditures	\$23,669,332.90
	Total Increase This Amendment	<u>\$8,531.00</u>
	Total Estimated Expenditures This Amend.	\$23,677,863.90

Special education funds being moved from maintenance and repair services to cover shortage in communications account for phone services.  
Funds in contracts with other school systems moved to contracts for private agencies due to contracted services for speech.

Adult Education RBOG money to be spent in Other Charges instead of Equipment, not needed for equipment.

WICC is addition funding for new position of Resource Center Specialist at Career

FAYETTE COUNTY BOARD OF EDUCATION  
CENTRAL CAFETERIA FUND  
FUND 143  
APRIL, 2007

		INCREASE	DECREASE
73000	OPERATION OF NON-INSTRUCTION SERVICES		
73100	FOOD SERVICE		
73100 105	Supervisor/Director	\$1,409.00	
73100 119	Accountant/Bookkeeper		\$2,288.00
73100 165	Cafeteria Personnel	\$26,436.00	
73100 186	Longevity Pay		\$1,850.00
73100 189	Other Salaries and Wages	\$1,000.00	
73100 201	Social Security	\$1,531.00	
73100 204	State Retirement	\$2,238.00	
73100 207	Health Insurance	\$2,500.00	
73100 210	Unemployment Compensation Insurance	\$5,000.00	
73100 212	Medicare	\$500.00	
73100 307	Communications	\$500.00	
73100 336	Maintenance and Repair Services - Eq.	\$2,765.00	
73100 422	Food Supplies	\$50,000.00	
73100 499	Other Supplies and Materials		\$4,000.00
73100 513	Workers' Compensation Insurance		\$2,257.00
73100 710	Food Service Equipment	\$684.00	
	TOTAL:	\$94,563.00	\$10,395.00
99000	OTHER USES		
99100	TRANSFERS		
99100 590	Transfers to Other Funds	\$35,000.00	
	TOTAL:	\$35,000.00	\$0.00
	GRAND TOTAL:	\$129,563.00	\$10,395.00

Total Increase: \$119,168.00

Revenue:	43521 Lunch Payments - Children	(\$1,000.00)
	43522 Lunch Payments - Adults	(\$3,000.00)
	43523 Income From Breakfast	(\$2,000.00)
	43990 Other Charges	\$65,000.00
	44110 Interest Earned	\$9,463.00
	46520 School Food Service	(\$611.00)
	47111 Section 4 Lunch	(\$10,000.00)
	47113 Breakfast	\$30,000.00
	47114 USDA	\$3,000.00
	Total:	\$90,852.00

Reserve:	34230 Reserved for Food Service	\$28,316.00
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Revenue:	Prior Total Available Funds	\$2,755,225.77
	Total Increase This Amendment	\$90,852.00
	Total Available Funds This Amendment	\$2,846,077.77

Expenditure:	Prior Total Estimated Expenditures	\$2,188,940.00
	Total Increase This Amendment	\$119,168.00
	Total Estimated Expenditures This Amend.	\$2,308,108.00

Commissioner Harris moved to approve the revised three-year capital outlay notes that were requested by the State Comptroller to allow us to issue bonds for the Justice Complex, through the banks, which will allow us also to lengthen payment if necessary. Motion was seconded by Commissioner Brewer and passed unanimously.

Motion was then made by Commissioner Burnette, seconded by Commissioner Dowdy and passed unanimously by the Board to accept the Budget Calendar as presented by the Mayor.

A motion regarding new state provided computers for the County Clerk's Office was routed back to the Budget Committee for further discussion regarding yearly maintenance fees.

Commissioner Harris moved that the Solid Waste fees be increased to 32 dollars per ton effective July 1, 2007. Motion was seconded by Commissioner Burnette and passed unanimously by the Board.

Commissioner Harris moved that the Mayor be allowed to negotiate an up to one year bridge loan until the \$600,000.00 loan from Rural Development comes through so that he can proceed with the Airport project already approved by the Board. This motion was seconded by Commissioner Dowdy and passed unanimously by the Board.

With no further business before the Board, meeting was adjourned.

/s/ Rhea V. Taylor

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Rhea V. Taylor, County Mayor

/s/ Sue W. Culver

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Sue W. Culver, County Clerk