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FAYETTE COUNTY LEGISLATIVE BODY

August 28, 2007

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 28th day of August, 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; Joann Allen; Steve Anderson; Charles Brewer; Joe B. Burnette, Jr; Larry Cook; Odis Cox; Lee "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 floor was opened to the public to address items not on the agenda. Speaking first was Lance Huff, 420 Clement Drive, Rossville, Tn. who addressed concerns about Fayette County Animal Rescue (FCAR) being located in a residential area, and the noise nuisance to the families who live around it.

Rick Smith of Mason, Tn. supported Mr. Huff's statement and said that he lives near an individual who rescues animals, and his property value has decreased.

Speaking on behalf of Fayette County Animal Rescue was Lori Turner of 500 Alisha Drive, Rossville Tn.

The first item on the agenda was approval of the July, 2007 minutes. Motion was made by Commissioner Wilson, seconded by Commissioner Dowdy to approve the minutes as presented. Motion passed unanimously.

Chairman Taylor announced the passing of Mrs. Ann Tomlin, wife of Gordon Tomlin, former County Commissioner.

Chairman Taylor then declared a public hearing regarding the resolution to adopt a speed limit in the Canterbury Manor subdivision. With no one speaking "for" or "against" the motion, the public hearing was declared closed.

Commissioner Joann Allen then moved to adopt the speed limit, motion was seconded by Commissioner McCloud, and passed unanimously as follows:

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 28th day of August, 2007, being the fourth Tuesday of said month and the regular monthly meeting date of the August said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amendments thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of twenty(20) miles per hour on Amesbury Cove, Atterbury Cove, Atterbury Lane, Avebury Cove, Cannonbury Cove, Glastonbury Cove, Kingsbury Cove, Millbury Lane, Salisbury Cove, and Westbury Lane in their entirety. In addition, a maximum speed limit of 35 mph on Prestbury Parkway for its entirety, these roads being located in the 7th Civil District of Fayette County, Tennessee; and BE IT FURTHER RESOLVED that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

Another public hearing was declared to hear comments on the establishment of a 35MPH speed limit on Alicia Drive in Elba Estates. With no one speaking "for" or "against" the speed limit, the public hearing was declared closed.

Motion was then made by Commissioner Anderson, seconded by Commissioner Logan to adopt the speed limit resolution. Motion passed unanimously as follows:

BE IT RESOLVED, by the Fayette County, Tennessee, Board of County Commissioners, in regular session assembled on the 28th day of August, 2007, being the fourth Tuesday of said month and the regular monthly meeting date of the Fayette County Board of County Commissioners, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amendment thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Alisha Drive in its entirety (0.83 miles), Casey Drive in its entirety (0.90 miles), Dutch Lane in its entirety (0.12 miles) and McKenzie Lane in its entirety (0.19 miles), all being located in the 9th Civil District of Fayette County, Tennessee; and

BE IT FURTHER RESOLVED, that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The above is a copy of a Resolution filed in my office on the 6th day of August, 2007, by Commissioner Stephen L. Anderson. Said Resolution may be considered at any meeting of the Fayette County Board of County Commissioners at any time within two weeks after the date said Resolution was filed.

Planning Director John Pitner presented a request to rezone 10.39 acres in the Oakland Urban Growth Boundary that adjoins the east and south sides of the existing Security Signals Facility on the south side of Highway 64 and all adjoining property that is owned by Security Signals from Rural 1 to Heavy Industrial. He stated that prior to any construction the company must submit a site plan.

The floor was opened for a public hearing to discuss the rezoning. With no one speaking "for" or "against", the public hearing was declared closed. Commissioner Ed Allen moved that the rezoning be allowed. Motion was seconded by Commissioner Cook and passed unanimously by the Board as follows.

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 Amendment by the Fayette County Regional Planning Commission on August 6, 2007, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendments by the Fayette County Board of Commissioners on August 28, 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 28TH DAY OF AUGUST 2007

SECTION 1. That the following described 10.39 acres of land owned by Security Signals, Inc. (Deed Book 344, Page 540) south of U.S. Highway 64 and identified as a north portion of Parcel 32 00 on Tax Map 88 be rezoned from **R-1 RURAL RESIDENTIAL TO I-H HEAVY INDUSTRIAL**:

Commencing at the Northeast corner of the Jean Gibson property and running North 84° 04' 43" East, 169.25' to a point; thence turning South 82° 44' 11" East, 330.49' to a point; thence turning North 85° 33' 30" East, 1150.27' to a point; thence turning North 88° 46' 12" East, 60.66' to a point; said point being the Point of Beginning (P.O.B.) and a found iron pin; thence turning North 88° 45' 20" East, 209.90' to a point; thence turning South 22° 27' 00" East, 381.23' to a point; thence turning South 61° 42' 55" West, 335.56' to a point; thence turning South 00° 24' 27" East, 528.03' to a point; thence turning South 69° 08' 11" West, 338.34' to a point; thence turning North 58° 35' 46" West, 171.86' to a point; thence turning South 81° 06' 29" West, 456.28' to a point; thence turning North 83° 10' 15" West, 208.03' to a point; thence turning South 69° 19' 53" West, 262.20' to a point; thence turning North 00° 02' 48" East, 306.59' to a point; thence turning North 89° 58' 13" East, 1302.03' to a point; thence turning North 00° 01' 47" West, 896.83' to a point, said point being the Point of Beginning (P.O.B.) and containing 10.39 acres, more or less. All bearings are relative.

Planning Director John Pitner again addressed the Board regarding amending the current zoning laws for Commercial Districts. Mr. Pitner stated that these laws were adopted thirty years ago, and that site planning in Commercial districts needed to be addressed. The floor was opened for a public hearing regarding this matter, and with no one coming forward either "for" or "against". The public hearing was closed. Commissioner Logan moved to adopt the amendment. Motion was seconded by Commissioner Joann Allen, and passed unanimously as follows:

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 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; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendment by the Fayette County Regional Planning Commission on August 6, 2007, the time and place of which was published with at least five (5) days advance notice in a newspaper of general circulation in Fayette County; and

WHEREAS, PURSUANT TO Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held before the Fayette County Board of Commissioners on August 28, 2007, the time and place of which was published with at least fifteen (15) days advance notice in a newspaper of general circulation in Fayette County;

NOW, THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 28TH DAY OF AUGUST, 2007:

SECTION 1. That there be added the following Section 4.4 to Article VII of the Fayette County Zoning Resolution:

"No principal building shall be erected or placed in any commercial district until the Fayette County Regional Planning Commission shall have reviewed and approved a site plan submitted by the lot owner or his agent or assign. Such site plan shall detail lot geometry and elevations along with existing vegetation by type and general location; the use, location, profiles, height, and exterior

appearance of the intended building(s); parking and sidewalks; access and signage; buffering and landscaping; grading and drainage; and all existing and planned utilities including water supply and wastewater disposal, electricity, natural gas, and telephone.

In reviewing the site plan the regional planning commission shall evaluate not only site engineering for proper integration and coordination of site facilities with existing and anticipated neighboring development to promote public health, safety, convenience, order, and efficiency, but also shall consider appropriate and reasonable measures to promote the general prosperity by preventing blight from any cause arising from the development, including materials of construction."

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

Commissioner Dowdle then moved to approve the following as notaries public: Marty Jo Bingham, Karley G. Dowdy, Lue E. Hall, Brandy R. Miller, Janet McCaskill, Madeline R. Pace, Timothy W. Rivers, Enaz Victoria Wanzer, and Glenda A. Ward. Motion was seconded by Commissioner Dowdy and approved unanimously approved by the Board.

Motion was made by Commissioner Burnette, seconded by Commissioner Logan, and approved unanimously to approve the sale of cars by the Sheriff's Department on October 5, 2007.

Motion was made by Commissioner Wilson, seconded by Commissioner Brewer to approve the following requests from cities for help from the Public Works Department. Motion was approved unanimously.

REQUESTS FROM CITIES FOR HELP FROM PUBLIC WORKS

1. Somerville
 - a. Street repaving
 - b. Drainage culvert replacement
 - c. Right of way clearing
2. Williston
 - a. Clipping of road sides
3. Braden
 - a. Street repaving
 - b. Clipping of road sides

Motion was made by Commissioner Burnette to approve the following changes to the Personnel Policy, seconded by Commissioner Logan and approved unanimously by the Board.

FAYETTE COUNTY PERSONNEL POLICY

ADJUSTMENTS

AUGUST 2007

I. New Hires

- "Cost of Living" (COL) adjustments are salary increases to keep salaries inline with inflation. These are not raises for any merited work. New Hires shall be eligible for COL after their probationary period.
- All new hires shall have 5% deducted from their agreed upon salaries during their probationary period.
- The following paragraph shall replace the second paragraph under the **Employment At Will** section (page 3):
 - There will be a six (6) month probation period for all new employees. During this time everyone will be closely supervised in order to become familiar with duties and responsibilities. All New Hires shall have a 5% reduction in their agreed upon salary during their probationary period. After the probationary period has ended, the New Hire shall be eligible for any Cost-Of-Living adjustments adopted during the probationary period, at the discretion of the supervisor or elected official.

2. Roll-over of Vacation Days to Sick Days

- There is a maximum of 15 days that can be carried over from one year to the next. This causes the use of vacation unnecessarily and has a disruptive effect in the workplace as employees try to take advantage of their days.
- Sick Days carry no cash value. Vacation Days have a cash value and are either used at the end of the employee's service or are compensated monetarily for it.
- The following sentence shall be added to the **Vacation Leave** section (page 12):
 - Any Vacation Days in excess of 15 at the end of a calendar year shall automatically be credited to the Sick Days the employee has accumulated.

3. "No Smoking" Policy

- Senate Bill 1325/House Bill 1851 was passed during this last session of the General Assembly in Nashville. This bill outlaws smoking in public places, including governmental buildings.
- This bill institutes fines for violations of this statute against the violator and against the employer.
- A new section shall be added to the Employee Policy called **No Smoking Policy**, which shall follow the **Alcohol and Drugs** section (page 16). It shall read as follows:
 - There shall be No Smoking in any enclosed building over which Fayette County Government has control. Each Supervisor/Elected Official shall adhere to this policy and shall make every effort to enforce this regulation over the general public and their employees.
 - Any employee who violates this provision shall receive an initial reprimand from their supervisor/elected official, which shall be placed in their personnel file in the County Mayor's Office. A second violation shall result in the forfeiture of one day's pay, and a report placed in their personnel file. A third violation shall result in termination from employment.
 - All supervisors and elected officials are required to enforce this provision. Any elected official found violating this policy either personally or by allowing the general public or their employees to violate this policy waives any protection from the county and accepts personal responsibility of the fines the state law imposes.

4. Notice of Employee Resignation

- An employee who wishes to leave employment needs to give advance notice to the supervisor/elected official so that arrangement can be made for hiring another individual.
- The following sentence shall be placed at the end of the first paragraph of the **Employment At Will** section (page 3):
 - Any employee who voluntarily resigns from employment must give 10 working days notification to their supervisor/elected official, which may be waived by that supervisor/elected official.

5. Definition of Sick and Vacation Days

- Due to the varied nature of emergency services, the length of a day may not be equal to the shift an employee works. To correct problems associated with vacation and sick days, a day needs to be equal to a shift of work.
- The following shall be added to the **Fair Labor Standards Act** section (page 3):
 - A day shall be defined as one continuous shift of work, not to exceed 24 hours.

Commissioner Harris then reported for the Budget Committee. He moved to approve a retroactive Cost of Living raise for an employee in the Property Assessor's Office, who missed the raise at the first of the fiscal year 2006-2007 due to her hire date. Motion was seconded by Commissioner Dowdle and approved unanimously by the Board.

Commissioner Harris moved to approve a Line of Credit Loan for airport improvements in the amount of One Million dollars which will be paid off upon receipt of funds from grants that have already been applied for. The motion was seconded by Commissioner Oglesby and approved unanimously by the Board.

Motion was made by Commissioner Harris, seconded by Commissioner Allen to approve a 24 hour pay schedule for the ambulance service which will include the new vacation/sick leave policy and payment for 8 hours of pay for each holiday, at a cost of approximately \$70,000, and with a start date of November 1, 2007. Motion was approved unanimously by the Board.

Legislation passed the General Assembly that allows the West Tennessee River Basin Authority to work in the streams and ditches of northern Fayette County. This would cause the cost to the County to rise from \$1,735 to \$14,865. Motion was made by Commissioner Harris, seconded by Commissioner German to approve funding. Motion passed unanimously.

Motion was also made by Commissioner Harris to contribute \$1000 to the LaGrange Fire Department toward the purchase of a fire truck from the Williston Fire Department. Motion was seconded by Commissioner Dowdy and approved unanimously.

Commissioner Harris moved to increase the salary of the Janitor from \$21,500 to 25,000 and the Assistant EMA Director to \$25,000 (\$1500 increase). Motion was seconded by Commissioner Dowdle and approved unanimously.

Motion was made by Commissioner Burnette, seconded by Commissioner Anderson to give the schools \$750,000 plus \$140,000 for a 3 per cent Cost of Living raise as proposed in the new budget. Motion was approved by roll call vote as follows:

Voting "YES": Commissioners Ed Allen, Joann Allen, Anderson, Burnette, Cook, Cox, Gant, German, Harris, Karcher, Lillard, Oglesby(12)

Voting "NO": Commissioners Brewer, Dowdle, Dowdy, Kelley, Logan, McCloud, and Wilson (7)

Commissioner Dowdle moved that the School Board Personnel be given a 5 per cent Cost of Living raise instead of the proposed 3 per cent. After a great deal of discussion regarding the cost of such a raise (\$380,000 more) the Commissioner withdrew her motion.

Commissioner Anderson requested that all votes on motions regarding the budget be roll call so that the public would know how each commissioner voted.

Commissioner Harris moved to approve the Debt service as presented with joint committee approval. Motion was seconded by Commissioner Oglesby. The following roll call vote resulted:

Voting "YES" Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, McCloud, and Oglesby.(17)

Voting "NO" Commissioners Logan and Wilson (2) Motion passed.

Commissioner Harris moved to approve the changes to the Solid Waste Fund 116. Motion was seconded by Commissioner McCloud, with vote as follows:

Voting "YES" Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Cox,

Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, McCloud, Oglesby, Wilson, (18)

Voting "NO" Commissioner Logan.(1) Motion Passed.

Motion was made to accept the Public Works Budget as presented to the joint committees with the addition of \$350,000 additional monies to be taken from the Adequate Facilities Tax fund, and allowing them to use \$250,000 of their fund balance to go toward paving of roads was made by Commissioner Harris, seconded by Commissioner McCloud, and passed unanimously upon roll call vote.

Several volunteer firefighters addressed the Board regarding the need for full time firefighters, as presented to the joint committees by Fire Chief Jerry Ray. Commissioner Gant proposed a motion that would add 10 cents to the property tax rate to fund 7 full-time fire-fighters for the period of January 1, 2008 through June 30, 2008. This motion was seconded by Commissioner Joann Allen. The motion was amended by Commissioner McCloud, seconded by Commissioner Wilson, to add 26 cents to the property tax to be distributed as follows: 6 cents to the schools, 11 cents to the fire and ambulance services, and 9 cents to debt service. The following roll call vote resulted: Voting "YES": Commissioners Ed Allen, Joann Allen, Brewer, Cook, Gant, Kelley, McCloud, Wilson(8)

Voting "NO" : Commissioners Anderson, Burnette, Cox, Dowdle, Dowdy, German, Harris, Karcher, Lillard, Logan, Oglesby(11)
THEREUPON MOTION FAILED.

The original motion to add 10 cents to the property tax rate to fund fire service and to add a 4th ambulance, which was made by Commissioner Gant and seconded by Commissioner Joann Allen was then brought back to the table. After some discussion the motion was amended by Commissioner Wilson to add 6 cents more to the 10 cents proposed increase for a total of a 16 cent increase and that the additional 6 cents be earmarked for the schools. This motion was seconded by Commissioner Brewer, with a roll call vote as follows:

Voting "YES" : Commissioners Ed Allen, Joann Allen, Brewer, Cook, Dowdy, Kelley, Logan, McCloud, Wilson (9)

Voting "NO" : Commissioners Anderson, Burnette, Cox, Dowdle, Gant, German, Harris Karcher, Lillard, Oglesby(10)

Motion failed.

The original motion to add 10 cents to the property tax rate was then voted on. The motion had been made by Commissioner Gant, seconded by Commissioner Joann Allen. The additional 10 cents is to be used to fund the Fire and Ambulance service.

Roll call vote as follows:

Voting "YES" : Commissioners Ed Allen, Joann Allen, Brewer, Cook, Dowdy, Gant, German, Kelley, McCloud, Wilson (10)

Voting "NO" : Anderson, Burnette, Cox, Dowdle, Harris, Karcher, Lillard, Logan, Oglesby(9)

Motion passed.

Commissioner McCloud moved to accept the General Fund as proposed on the 2007-2008 Budget draft with the amendments approved above. Second by Commissioner Gant, and roll call vote as follows:

Voting "YES": Commissioners Ed Allen, Joann Allen, Brewer, Cook, Dowdy, Gant, German, Kelley, McCloud, Wilson (10)

Voting "NO" Commissioners Anderson, Burnette, Cox, Dowdle, Harris, Karcher, Lillard, Logan, Oglesby (9)

Motion Passed.

The meeting was then recessed until 6 PM on September 11, 2007.