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FAYETTE COUNTY LEGISLATIVE BODY

FEBRUARY 27, 2007

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 27th day of February, 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 Chairman opened the floor to the public to address items not on the agenda. Addressing the board was Dixie Rockholt, second grade teacher at Oakland Elementary, and David Barnes, School Board Member, both addressing the overcrowded situation at Oakland Elementary School. Also addressing the Board was Danny Box who addressed the problem with trash along the roadside in the County.

Chairman Taylor called for approval of the minutes from the November, 2006 meeting which were not approved from the last meeting. Commissioner Ed Allen pointed out 2 errors that still needed to be corrected. Commissioner Oglesby then moved that the minutes be approved with these errors being corrected. Motion was seconded by Commissioner Brewer, and was unanimously approved by the Board.

Commissioner McCloud then moved that the January minutes be approved as presented. Upon second by Commissioner Logan, motion was approved unanimously.

Chairman Taylor stated that Mr. William Hayslett, longtime member of the County Commission, had passed away and that Commissioner Myles Wilson has been enlisted to draw up a resolution in his memory. Said resolution will be presented to the Board within the next several months.

Next on the agenda was the request by Mr. Billy Doyle to rezone a 1.7 acre tract at Hwy 196 and Hwy 64 from R-1 to B-3. John Pitner, Director of Planning and Development spoke to the Commission regarding this rezoning. Mr. Pitner stated that the Planning Commission did not approve the request. Mr. Will Gresham then addressed the Board and stated that the property would have to be rezoned eventually because of the location, with most of the property surrounding it already zoned commercially. Attorney Tom Minor then addressed the board on behalf of Mr. Doyle, in favor of the rezoning.

Mr. Bill Taylor addressed the Board against the rezoning. Motion was then made by Commissioner McCloud to disapprove the rezoning, and seconded by Commissioner Joann Allen. Upon roll call vote, the following was entered of record:

Voting "Yes": Commissioners Ed Allen, Joann Allen, Anderson, Gant, Lillard, and McCloud. (6)

Voting "NO" Commissioners; Brewer, Cook, Cox, Dowdle, Dowdy, German, Harris, Karcher, Kelley, Logan, Oglesby, Wilson. (12)

PASSING: Commissioner Burnette

Thereupon said motion failed.

Chairman Taylor asked if there was a motion in favor of the rezoning. Commissioner Wilson then moved to approve the rezoning. Commissioner German seconded the motion and the following roll call vote was had:
 Voting "YES"; Commissioners Brewer, Cook, Cox, Dowdle, Dowdy, German, Harris, Karcher, Kelley, Logan, Oglesby, and Wilson. (12)
 Voting "NO": Commissioners Ed Allen, Joann Allen, Anderson, Gant, Lillard, McCloud (6) "PASSING" Commissioner Burnette
 Thereupon said motion passed.

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO REZONE FROM R-3 RESTRICTIVE RESIDENTIAL TO B-3 COMMUNITY BUSINESS A CERTAIN TRACT OF LAND LOCATED NORTH OF U.S. HIGHWAY 64 IN CIVIL DISTRICT NUMBER 7

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 of 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 on February 5, 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;

NOW THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 27TH DAY OF FEBRUARY, 2007:

SECTION 1. That the following described property be rezoned from R-3 RESTRICTIVE RESIDENTIAL TO B-3 COMMUNITY BUSINESS:

LOT 1;

COMMENCING with the centerline of Hickory With Road and the North right of way line of U.S. Highway No. 64; thence South 74 degrees 17 minutes West along the

aforesaid north line of Highway No. 64 a distance of approximately 735.00 feet to the southeast corner of the J. D. Gillard (Book No. 216, Page 739), 5.2 acres; thence continuing along the aforesaid north line of Highway No. 64, a distance of 340.23 feet to the southeast corner of the Thomas L. Maclin and wife, Helen Maclin 1.9 acres and is to be the point of beginning for this survey; thence north 5 degrees 30 minutes 03 seconds west a distance of 122.75 feet to the point and said point being the northeast corner of Lot No. 1 and southeast corner of Lot No. 2 of the aforesaid subdivision; thence south 84 degrees 29 minutes 57 seconds west and along a dividing line between Lots 1 and 2, a distance of 292.29 feet to a point in the east line of a 50 foot right of way dedication as shown on Plat of Survey:

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

Next on the agenda was a request for rezoning 227 acres off Wade Rd by LT, Inc. from R-1 to RPED. Mr. Pitner, again spoke for the planning commission and stated that one of the owners of the business requesting the rezoning had asked that the matter be postponed until the March meeting of the County Commission. Commissioner McCloud then moved that the rezoning be tabled until the March meeting, and upon second by Commissioner German, the Board voted 18 to 1 in favor of the postponement.

Chairman Taylor stated that several people were present to address this rezoning and called for a motion to suspend the rules to allow these people to speak either for or against the rezoning of this property. Commissioner German moved to suspend the rules for a brief session, and upon second by Commissioner Anderson, the motion passed unanimously. Dana Pittman, Ann Williams, and Shannon Cotter addressed the Board with their concerns.

The next item was for rezoning approximately 137.9 acres located on the west side of State Highway 196 north of Braden Road and South of Grimes Road and approximately two and one half miles east of the Fayette/Shelby County Line. Mr. Pitner stated that the Planning Commission recommended this rezoning. The floor was opened to the Public to hear comments for and against the rezoning, but no one spoke. Commissioner Dowdle moved to approve the rezoning. Commissioner Cook seconded the motion, which passed with 18 votes, and Commissioner Burnett abstaining.

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO REZONE FROM R-1 RURAL RESIDENTIAL TO R-3 RESTRICTIVE RESIDENTIAL A CERTAIN TRACT OF LAND LOCATED WEST OF STATE ROUTE 196 IN CIVIL DISTRICT NUMBER 7.

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 February 5, 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 February 27, 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 27TH DAY OF FEBRUARY, 2007;

SECTION 1. That the following described property be rezoned from R-1 RURAL RESIDENTIAL TO R-3 RESTRICTIVE RESIDENTIAL;

Beginning at a point in the west line of Tennessee Highway No. 196 (Hickory Withe Road), said point being in the north line of the Renaissance Development Company, III property recorded in Book D756, Page 168; thence leaving said west line of Tennessee Highway No. 196, the following calls; North 86 degrees 54 minutes 39 seconds West, 1166.12 feet to a point; thence South 03 degrees 07 minutes 20 seconds West, 1385.54 Feet to a point; thence South 03 degrees 43 minutes 09 seconds West, 576.54 feet to a point; thence South 63 degrees 45 minutes 46 seconds west, 128.20 feet to a point; thence South 49 degrees 48 minutes 29 seconds West, 80.39 feet to a point; thence South 63 degrees 19 minutes 06 seconds west. 64.31 feet to a point; thence South 67 degrees 38 minutes 54 seconds West, 77.78 feet to a point; thence South 60 degrees 12 minutes 11 seconds West, 80.87 feet to a point; thence South 52 degrees 47 minutes 49 seconds West, 544.00 feet to a point; thence South 45 degrees 18 minutes 41 seconds West, 241.85 feet to a point; thence North 85 degrees 49 minutes 07 seconds West, 821.81 feet to a point; thence North 03 degrees 48 minutes 19 seconds East, 2736.36 feet to a point; thence South 86 degrees 58 minutes 30 seconds East, 685.46 feet to a point; thence North 05 degrees 19 minutes 02 seconds east, 113.55 feet to a point; thence South 86 degrees 43 minutes 52 seconds East, 368.88 feet to a point; thence North 01 degrees 47 minutes 16 seconds East, 563.32 feet to a point in the south line of Grimes Road; thence North 52 degrees 04 minutes 30 seconds East, 65.00 feet to a point; thence leaving said south line of Grimes Road the following calls: South 01 degrees 47 minutes 16 seconds West,

743.30 feet to a point; thence South 85 degrees 27 minutes 10 seconds East, 281.54 feet to a point; thence South 86 degrees 04 minutes 04 seconds East, 38.87 feet to a point; thence South 84 degrees 17 minutes 05 seconds East, 449.35 feet to a point; thence North 83 degrees 24 minutes 18 seconds East, 128.79 feet to a point; thence North 12 degrees 11 minutes 15 seconds West, 267.12 feet to a point; thence North 31 degrees 35 minutes 22 seconds East, 544.00 feet to a point; thence North 59 degrees 01 minutes 29 seconds West, 181.58 feet to a point; thence North 48 degrees 28 minutes 31 seconds East, 347.75 feet to a point in the west line of said Tennessee Highway No. 196; thence along the west line of said Tennessee Highway No. 196 the following calls; thence South 44 degrees 23 Minutes 51 seconds East, 100.00 feet to a point; thence South 44 degrees 14 minutes 03 Seconds East, 99.88 feet to a point; thence South 43 degrees 54 minutes 02 seconds East, 544.56 feet to the POINT OF BEGINNING and containing 6,007.195 sq. ft. or 137.9 acres of land..

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 request by the Planning Commission for a resolution to amend the Fayette County Zoning Resolution to delete the prohibition of Cellular Phone Towers exceeding a height of one hundred fifty (150) feet within or nearer than 1,000 feet to an R-2 or R-3 residential district and to clarify required property line setbacks for cellular phone towers. Chairman Taylor opened the floor to the Public for comments for or against. Speaking for the resolution was Mr. Harris Clark, owner of the property where a tower is to be set, and Mr. Craig Royal, with Tower Ventures, who sets the towers. Speaking against was Mr. Lawrence Sisk, who owns property in the vicinity. At this time the public hearing was closed.

Commissioner Kelley moved that the resolution be amended, and upon second by Commissioner Brewer, the motion passed 18-1 with Commissioner Joann Allen voting "NO". Therefore the resolution was amended to read as follows:

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION TO DELETE THE PROHIBITION OF CELLULAR PHONE TOWERS EXCEEDING A HEIGHT OF ONE HUNDRED FIFTY (150) FEET WITHIN OR NEARER THAN 1,000 FEET TO AN R-2 OR R-3 RESIDENTIAL DISTRICT AND TO CLARIFY REQUIRED PROPERTY LINE SETBACKS FOR CELLULAR PHONE TOWERS

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 February 5, 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 February 27, 2007, the time and place Of which was published with at least fifteen (15) days advance notice in a news-Paper of general circulation in Fayette County.

NOW, THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 27TH DAY OF FEBRUARY, 2007:

SECTION 1. That there be deleted in it's entirety the second sentence of Article V, Section 12.6, of the Fayette County Zoning Resolution, which reads:

"However, in no case shall a tower within one thousand (1,000) feet of, or within, an R-2 or R-3 zoning district exceed a height of one hundred and fifty (150) feet; and

SECTION 2. That the first sentence of the first paragraph of Article V, Section 12.7, which in relevant part reads:

"in any residential zoning district, the Tower shall be set back a minimum of 500 feet from any property line...."

Be amended to read:

"in any residential zoning district, the Tower base shall be set back a minimum of 500 feet from any property line...."

SECTION 3. 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 the approval of the following notaries: Cathy D. Banks, Jaclyn L. Blackburn; Sherry Bratcher; Debbie Prosser Edwards; Nancy T. Hamby; Kathi Crawford, Patricia N. Lessel; Dinah Moore; Stephanie R. Simmons; Brenda S. Springer; Melissa Kia Stafford; Micki Stanton; Patricia A. Tate; Kathy W. White; and Rachel T. Wilkerson. Motion was made to approve by Commissioner Wilson and seconded by Commissioner Dowdy. Motion passed unanimously.

Under the Mayor's Report, Chairman stated that budget packets would go out to Department Heads between March 10 and March 15, and budget requests for the coming year would have to be turned back in by April 2. He also stated that the City of Gallaway

has requested that the Growth Plan Coordinating Committee be reconvened. There has also been an account set up at the Bank of Fayette County by Colonel Will Rhea Winfrey for donations for the bust of former Lt. Gov. John S. Wilder which is to be placed at the University of Memphis.

No reports were given for the Sheriff's Department, the Board of Education, Juvenile Court or Board of Public Works.

Commissioner Wilson reported for the Development Committee, stating that a budget amendment was requested that included an increase of 5% to employees whose salaries have not been already adjusted this year. Chairman Taylor asked that this be voted on along with other budget items.

The Development Committee also proposed that Allen Birmingham, a cabinet maker at the Industrial Park be allowed to purchase up to 11 acres of land for expansion of his business, this property being the last large parcel at the Industrial Site, and the adopted price per acre would be \$6,000. Included in the deal would be the option for the county to buy back the property for the price paid if nothing is built on it in two years. Motion was made by Commissioner Wilson, seconded by Commissioner Dowdle to allow the sale of property. Motion passed unanimously.

Next on the agenda, the Development Committee recommended that the Adequate Facilities Tax residential rate be increased from 20 to 60 cents per heated square foot of space with 20 cents going to schools, 20 cents going to roads and 20 cents going to the general fund, and from 15 to 60 cents per square foot of construction for commercial/industrial, with an effective date of April 1. Motion was made by Commissioner Wilson, and seconded by Commissioner Brewer. After much discussion, An amendment to the motion was made by Commissioner German to allow the commercial rate to remain at 15 cents. Motion was seconded by Commissioner Dowdy. On roll call vote the following was had and entered of record:

Voting "YES": Commissioners Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Karcher, and Kelley. (10)

Voting "NO" Commissioners Ed Allen, Joann Allen, Anderson, Harris, Lillard, McCloud, Oglesby, Wilson (8)

"PASS": Commissioner Logan.

Thereupon, said motion passed.

Commissioner German then made a motion to amend the effective date of the Adequate Facilities tax to June 1 from April 1. Motion was seconded by Commissioner Dowdle.

Voting "Yes": Commissioners Ed Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, McCloud, Oglesby, and Wilson.(16)

Voting "NO" Commissioners Joann Allen and Lillard. (2)

"PASSING" Commissioner Logan

Motion passed.

Commissioner Harris then moved to amend the Adequate Facilities Tax to increase the industrial/commercial rate from 15 cents to 25 cents per square foot of construction. Commission Ed Allen seconded the motion and the following roll call vote was entered of record:

Voting "YES": Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cox, Dowdle, Dowdy, Gant, Harris, Lillard Logan, McCloud, Oglesby, and Wilson.(15)

Voting "NO":Commissioners Cook, German, Karcher, and Kelley. (4)

Said motion passed.

Commissioner Burnette then moved that the Adequate Facilities Tax be changed to a 20 cent increase this year, for residential construction, effective June 1, 2007, and a 20 cent increase be scheduled per year for four years to bring the the tax to one dollar after all of the scheduled increases. This motion was seconded by Commissioner Dowdle.

Voting "YES": Commissioners Brewer, Burnette, Cook, Dowdle, Gant, German, and Karcher. (7)

Voting "NO" Commissioners Ed Allen, Joann Allen, Anderson, Cox, Harris, Lillard, McCloud, Oglesby, and Wilson. (9)

"PASSING": Commissioners Dowdy, Kelley, and Logan (3).

There upon said motion failed.

Commissioner Joann Allen then moved that the action taken on the Adequate Facilities Tax be amended to read that of the residential increase from 20 cents to 60 cents, one half of the increase be appropriated to schools and one half be appropriated to roads, and that of the 10 cent increase from 15 cents to 25 cents allow one half (5 cents) to roads and one half (5 cents) to schools. Motion was seconded by Commissioner Ed Allen, and the following roll call vote was entered:

Voting "YES": Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Cox, Dowdle, Dowdy, German, Harris, Lillard, Logan, McCloud, Oglesby, and Wilson (14)

Voting "NO" : Commissioners Burnette, Cook, Gant, Karcher, and Kelley.

**RESOLUTION TO INCREASE FAYETTE COUNTY'S ADEQUATE FACILITIES
TAX
February 27, 2007**

WHEREAS, Fayette County has been authorized by the Tennessee General Assembly in the Private Acts of 2001, Chapter 69, to assess an Adequate Facilities Tax on new development for the cost of new and expanded public facilities, which are reasonably related to new development; and

WHEREAS, the term "Public facility", within the act, means a physical improvement undertaken by the county or any city, including, but not limited to the following: roads and bridges; parks and recreational facilities; jails and law enforcement facilities; schools; libraries; government buildings; fire stations; sanitary landfills; water, wastewater and drainage projects; airport facilities and other governmental capital improvements benefiting the citizens of the county and/or city; and

WHEREAS, Fayette County has the right to increase the rate per square foot of construction up to \$1.00; and

WHEREAS, Fayette County is experiencing rapid growth, which is estimated by the US Census be 19.8% since 2000; and

WHEREAS, Fayette County has overcrowding in parts of its school system and the traffic on our roads has increased proportionally to the increase in population; and

WHEREAS, Fayette County is having to address the need for increased services with regard to fire, law enforcement, and emergency medical;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that in order to address the aforementioned problems that the county adopts the following changes to the Adequate Facilities Tax

1. The Adequate Facilities Tax for residential construction shall be sixty (60) cents per heated square foot of construction.
2. The Adequate Facilities Tax for commercial/industrial construction shall be twenty-five (25) cents per square foot of construction.
3. This rate change shall take effect on June 1, 2007.
4. Of the per square foot residential increase, twenty (20) cents shall be dedicated to school construction projects, and twenty (20) cents shall be dedicated to road improvement projects.
5. Of the per square foot commercial/industrial increase, five (5) cents shall go to schools construction projects and five (5) cents shall go to road improvement projects.

Commissioner Wilson stated that there was no recommendation on the railroad property disposal but a committee was appointed to do a study.

Commissioner Burnette reported for the Personnel Committee and stated that it was the recommendation of the Committee to adopt an Ethics Policy. Commissioner Burnette moved to adopt, Commissioner Logan seconded the motion and it was passed unanimously by the Board to adopt the following Resolution:

RESOLUTION TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF FAYETTE COUNTY GOVERNMENT

WHEREAS, section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1(1st Ex. Sess.), (the "Ethics Reform Act") requires county

Legislative bodies to adopt certain ethical standards by resolution on or before June 30, 2007; and

WHEREAS, the County Technical Assistance Service (CTAS) is directed to prepare and Disseminate a model of ethical standards which may be adopted by counties in compliance with the Ethics Reform Act; and

WHEREAS, Fayette County desires to adopt the CTAS model of ethical standards as the Code of Ethics for Fayette County;

NOW THEREFORE, BE IT RESOLVED by the Fayette County Legislative body meeting in regular session at Somerville, Tennessee, on this 27th day of February, 2007, that:

SECTION 1. The model of ethical standards developed by CTAS and attached to this resolution is hereby adopted as the Code of Ethics for Fayette County.

SECTION 2. Upon approval of this resolution, the County Clerk is directed to:

- (a) Mail a copy of this resolution to the State Ethics Commission: and
- (b) Mail a copy of this resolution and the attached Code of Ethics to each county office governed thereby, including all boards, committees, commissions authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in this county; and
- (c) Post a copy of the Code of Ethics on each public bulletin board in the county courthouse.

SECTION 3. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

Commissioner Dowdy reported for the Criminal Justice/Public Safety Committee, and moved that Swanson Services Corporation be allowed to put kiosks in the jail common areas for sale of personal items to the prison population. Motion was seconded by Commissioner Brewer. Motion passed with 18 voting for and 1 against.

Next Commissioner Oglesby reported for the Education Committee. He stated that 20 acres had been designated to be donated for a new school at Oakland, and asked if the Board wanted to accept it. After much discussion Commissioner Anderson moved that for now we use the existing facilities and hold off on construction, and that the Board of Education be encouraged to conduct an independent study for adequate utilization of space now available, as well as the need for future construction. Motion was seconded by Commissioner Burnette and passed unanimously by the Board.

Commissioner Ed Allen made a motion to move the Sixth grade from Oakland Elementary to West Junior High, and the ninth grade from West Junior High to Fayette Ware. Motion was seconded by Commissioner McCloud, but was later withdrawn by Commissioner Allen.

Reporting for the Budget Committee was Commissioner Harris. He moved that approval be given for the Mayor to apply for grants from Homeland Security and The Tennessee Election Commission. Commissioner Dowdle seconded the motion and it was approved unanimously by the Board.

He then moved that the following budget amendments be allowed to allocate funds for the January salary adjustments, to cover the salary adjustment for the new employee in the Property Assessor's Office, and the 5% increase in the Public Works Employees salaries. Motion was seconded by Commissioner Dowdle and approved 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 27th day of February, 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 February, 2007

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
<u>41520 Building Permits</u>		\$13,275.00
<u>43120 Patient Charges</u>		3,945.45
<u>43310 Airport Fees</u>		1,650.00
<u>44170 Miscellaneous Refunds</u>		10,990.00
<u>46980 Other State Grants</u>		239,185.00
<u>47235 Homeland Security</u>		<u>284,746.26</u>
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS		\$553,791.71
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51500 Election Commission</u>		
709 Data Processing Equipment	<u>\$250,175.00</u>	
Subtotal-51500	\$250,175.00	

51710	Development		
307	Communication	\$ 380.00	
332	Legal Notices		\$ 380.00
	Subtotal-51710	\$ 380.00	\$ 380.00
<u>52100</u>	<u>Accounting & Budgeting</u>		
103	Assistant	\$ 20,500.00	
105	Supervisor/Director	805.00	
122	Purchasing Personnel	846.00	
162	Clerical Personnel	<u>498.00</u>	
	Subtotal-52100	\$ 22,649.00	
<u>52300</u>	<u>Property Assessor</u>		
332	Legal Notices		\$ 100.00
338	Maintenance & Repair-Vehicles	\$ 400.00	
351	Rentals		<u>300.00</u>
	Subtotal-52300	\$ 400.00	\$ 400.00
<u>54210</u>	<u>Jail</u>		
121	Data Processing Personnel	\$ 568.50	
161	Secretary	<u>975.50</u>	
	Subtotal-54210	\$ 1,554.00	
<u>54410</u>	<u>Civil Defense</u>		
499	Other Supplies & Materials	<u>\$284,746.26</u>	
	Subtotal-54410	\$284,746.26	
<u>55130</u>	<u>Ambulance</u>		
164	Attendants	\$17,004.00	
169	Part Time Personnel	2,100.00	
187	Overtime Pay	<u>3,720.00</u>	
	Subtotal-55130	\$22,824.00	
<u>58220</u>	<u>Airport</u>		
335	Maintenance & Repair	<u>\$ 1,650.00</u>	
	Subtotal-58220	\$ 1,650.00	

58600 Employee Benefits		
201 Social Security	\$ 2,915.05	
204 State Retirement	4,259.74	
212 Employer Medicare	681.75	
513 Workmen's Compensation Insurance	<u>705.26</u>	
Subtotal-58600	\$ 8,561.80	
58900 Miscellaneous		
509 Refunds	<u>\$ 17,220.45</u>	
Subtotal-58900	\$ 17,220.45	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS	\$610,160.51	\$ 780.00

Prior Estimated Expenditures	\$10,238,119.83
Total Estimated Expenditures This Amendment	\$10,293,708.63
Projected Fund Balance before Amendment	\$ 4,075,465.17
Change in Fund Balance This Amendment	\$ 55,588.80
Estimated Ending Fund Balance as of June 30 th , 2007	\$ 4,019,876.37

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

FAYETTE COUNTY BOARD OF EDUCATION
FEDERAL PROJECTS FUND
FUND 142
SUBFUND 101 - TITLE I
FEBRUARY, 2007

		INCREASE	DECREASE
INSTRUCTION			
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers		\$55,038.88
71100 163	Educational Assistants	\$49,000.00	
71100 189	Other Salaries and Wages	\$1,665.00	
71100 198	Substitute Teachers	\$1,200.00	
71100 201	Social Security	\$1,300.00	
71100 204	State Retirement	\$1,000.00	
71100 207	Health Insurance	\$573.88	
71100 212	Medicare	\$300.00	
	TOTAL:	\$55,038.88	\$55,038.88

Total Increase/Decrease: \$.00

ufficient funds were budgeted for substitutes and educational assistants and benefits.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 431 - 21st CENTURY GRANT
 FEBRUARY, 2007

		INCREASE	DECREASE
INSTRUCTION			
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers		\$4,000.00
71100 429	Instructional Supplies and Materials	\$4,000.00	
	TOTAL:	\$4,000.00	\$4,000.00

Total Increase/Decrease: \$.00

Insufficient funds were budgeted for supplies, this amendment will cover cost of needed supp.

10 204 EJH	State Retirement	\$510.00	
10 212 EJH	Medicare	\$76.00	
10 412 EJH	Diesel	\$7,000.00	
10 513 EJH	Workers Compensation	\$393.00	
10 146 FW	Bus Driver	\$6,000.00	
10 201 FW	Social Security	\$486.00	
10 204 FW	State Retirement	\$681.00	
10 212 FW	Medicare	\$90.00	
10 412 FW	Diesel	\$7,500.00	
10 513 FW	Workers Compensation	\$397.00	
	TOTAL:	\$41,712.00	\$0.00
	GRAND TOTAL:	\$200,000.00	\$0.00

Total Increase: \$200,000.00

Revenue:	47590 Other Federal Funding to States	\$200,000.00
Revenue:	Prior Total Available Funds	\$4,140,136.53
	Total Increase This Amendment	\$200,000.00
	Total Available Funds This Amendment	\$4,340,136.53
Expenditures:	Prior Total Estimated Expenditures	\$4,140,136.53
	Total Increase This Amendment	\$200,000.00
	Total Estimated Expenditures This Amendment	\$4,340,136.53

New Grant Funds for Central, East Junior, and Fayette-Ware to be used to improve AYP for those schools.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 122 - TITLE I SCHOOL IMPROVEMENT
 FEBRUARY, 2007

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 599	Other Charges	\$6,500.00	
	TOTAL:	\$6,500.00	\$0.00

Total Increase: \$6,500.00

Revenue: 47590 Other Federal Funding to States \$6,500.00

Revenue: Prior Total Available Funds \$4,340,136.53
 Total Increase This Amendment \$6,500.00
 Total Available Funds This Amendment \$4,346,636.53

Expenditures: Prior Total Estimated Expenditures \$4,340,136.53
 Total Increase This Amendment \$6,500.00
 Total Estimated Expenditures This Amendment \$4,346,636.53

New grant funds from Tennessee Department of Education to pay for Equity and Culture Audit performed in January

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 171 - TITLE I COMPREHENSIVE SCHOOL REFORM
 FEBRUARY, 2007

		INCREASE	DECREASE
1000	INSTRUCTION		
1100	REGULAR INSTRUCTION PROGRAM		
1100 116 CT	Teachers	\$21,000.00	
1100 163 CT	Teacher Assistants	\$2,000.00	
1100 189 CT	Other Salaries and Wages	\$2,625.00	
1100 201 CT	Social Security	\$1,309.66	
1100 204 CT	State Retirement	\$1,159.00	
1100 212 CT	Medicare	\$309.00	
1100 429 CT	Instructional Supplies and Materials	\$1,482.00	
1100 513 CT	Workers Compensation	\$303.00	
1100 722 CT	Regular Instruction Equipment	\$23,200.00	
1100 116 EJJ	Teachers	\$21,000.00	
1100 163 EJJ	Teacher Assistants	\$2,000.00	
1100 189 EJJ	Other Salaries and Wages	\$2,625.00	
1100 201 EJJ	Social Security	\$1,309.67	
1100 204 EJJ	State Retirement	\$1,159.00	
1100 212 EJJ	Medicare	\$309.00	
1100 429 EJJ	Instructional Supplies and Materials	\$1,482.00	
1100 513 EJJ	Workers Compensation	\$303.00	
1100 722 EJJ	Regular Instruction Equipment	\$23,200.00	
1100 116 FW	Teachers	\$18,125.00	
1100 163 FW	Teacher Assistants	\$2,000.00	
1100 189 FW	Other Salaries and Wages	\$2,625.00	
1100 201 FW	Social Security	\$1,709.67	
1100 204 FW	State Retirement	\$1,300.00	
1100 212 FW	Medicare	\$368.00	
1100 429 FW	Instructional Supplies and Materials	\$1,482.00	
1100 513 FW	Workers Compensation	\$303.00	
1100 722 FW	Regular Instruction Equipment	\$23,600.00	
	TOTAL:	\$158,288.00	\$0.00
000	SUPPORT SERVICES		
710	TRANSPORTATION		
710 146 CT	Bus Driver	\$5,000.00	
710 201 CT	Social Security	\$300.00	
710 204 CT	State Retirement	\$510.00	
710 212 CT	Medicare	\$76.00	
710 412 CT	Diesel	\$7,000.00	
710 513 CT	Workers Compensation	\$393.00	
710 146 EJJ	Bus Driver	\$5,000.00	
710 201 EJJ	Social Security	\$300.00	

Commissioner Harris stated that Fayette Academy had requested to be allowed to participate in the Three Star Energy Grant Program, but to do so the County Commission must adopt a grant agreement. Commissioner Harris moved that the Board adopt that agreement. Motion was seconded by Commissioner Burnette and approved unanimously by the Board.

Motion was also made by Commissioner Harris that Planning and Development be budgeted the funds for Comcast Broadband service. The contract would be for 3 years at \$95.00 per month. With second from Commissioner McCloud, the Board approved the funds unanimously.

With no other business before the Board said meeting was adjourned.

Rhea V. Taylor, County Mayor

Sue W. Culver, County Clerk