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FAYETTE COUNTY LEGISLATIVE BODY

July 24, 2007

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 24th of July, 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; 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.

Absent: Commissioner Joe B. Burnette, Jr

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. Williston alderman Larry Forrester again addressed the Board regarding his request for a copy of the letter from the state of Tennessee which states that a closed circuit television on the first floor complies with ADA requirements in lieu of an elevator in the Courthouse. Mayor Taylor handed out copies of the letter at the meeting.

The next person to address the Board was Lance Huff of 420 Clement Drive, Rossville, Tn. Mr. Huff stated his concerns regarding the Animal Rescue Shelter across the road from his residence, and the noise nuisance it presents.

Next, Dana Pittman addressed the Board regarding the petition she presented to the Board eight years ago with approximately 215 signatures in support of compliance with the Conservation Board Law and submission to the public as to whether or not such Board should be appointed by the commission to preserve parks and recreation in the county. Ms. Pittman requested that the Board consider putting the issue of appointing a Conservation Board on the ballot in the near future.

The first item on the agenda was the approval of the minutes from the June 26th, 2007 meeting. Motion was made by Commissioner Logan, seconded by Commissioner Dowdy, and unanimously approved by the Board.

The meeting continued with a public hearing regarding a speed limit proposal of 25 MPH on Westbury Lane. With no one speaking "for" or "against" the public hearing was closed. Commissioner Gant then moved that the speed limit resolution be passed, and was approved unanimously by the Board on a second by Commissioner Joann Allen 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 24th day of July, 2007, being the fourth Tuesday of said month and the regular monthly meeting date of the July 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-five (25) miles Per hour on Westbury Lane in its entirety, and 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.

The next item on the agenda was the election of Notaries Public. Upon a motion by Commissioner Logan, second by Commissioner Dowdle, the following notaries were approved unanimously by the Board: Sharyn Bellville, William H. Bowling, Connie P. Ferge, Esther S. Gurkin; Linda L. Jones, Cynthia O. Lacy, Elizabeth C. Lewis, Carly Miller, Buffy L. Porch; Carolyn G. Rhea; Doug Simpson; Susan A. Simpson; Michael L. Wainscott.

Financial reports from County Officials and other Department Heads were included in the packet for inspection by the Commissioners.

Chairman Taylor then reported for the Mayor's Office stating that the cities of Gallaway, Piperton, Oakland, and Lagrange would be meeting on Thursday, July 26, 2007 regarding the growth plan and possibly amending the urban growth boundaries of these cities. Chairman Taylor also stated that he and Billy Whitworth of Hickory Withe and Debbie Sullivan of Macon would make up the growth plan committee. He also asked the Board to approve the following Resolution to Participate in the Three-Star Program, which is an updated version of the same resolution that was passed a year ago. It doesn't cost the county any money and can possibly increase the county's eligibility for some grants. Commissioner McCloud moved that the Resolution be adopted, motion was seconded by Commissioner Oglesby. Motion passed with all Commissioners voting "Yes", with the exception of Commissioner Logan who voted "No". Said motion passed as follows:

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Program; and

WHEREAS, participation in the Three-Star Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decisions; and

WHEREAS, certification as a Three-Star community in the Three-Star Program involves a cooperative effort by numerous local entities;

WHEREAS, Rhea Taylor, Fayette County Mayor, is the designated contact for the Three-Star Program,

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session on this 24th day of July, 2007 in Somerville, Tennessee, that Fayette County will participate in the Three-Star Program.

**RESOLUTION TO AFFIRM COMPLIANCE WITH
FEDERAL TITLE VI REGULATIONS**

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally funded programs; and

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and awards financial incentives for communities designated as Three-Star communities; and

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal financial assistance all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session at Somerville, Tennessee, that:

SECTION 1. The legislative body of Fayette County declares that the county is in compliance with the federal Title VI regulations.

SECTION 2. The Department of Economic and Community Development may from time to time monitor the county's compliance with federal Title VI regulations.

SECTION 3. This Resolution shall take effect upon adoption, the public welfare requiring it.

Adopted this 24th day of July, 2007.

**RESOLUTION TO ADOPT THE STRATEGIC
ECONOMIC DEVELOPMENT PLAN**

WHEREAS, the Three-Star Program was developed to meet the needs and challenges of the evolving economic environment in urban and rural communities and to partner with communities to create opportunities for sustained economic growth; and

WHEREAS, communities seeking certification as a Three-Star community must meet certain criteria, including the adoption of a five-year strategic economic development plan; and

WHEREAS, in achieving the mission of the Three-Star Program, the Department of Economic and Community Development commits to assist communities in developing and implementing a strategic economic plan;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session at Somerville, Tennessee, that:

SECTION 1. The legislative body of Fayette County declares that the county has adopted a five-year strategic economic development plan to be updated annually.

SECTION 2. The strategic economic development plan includes the county's economic goals in promoting economic growth, a plan to accomplish those goals and a projected timeline in achieving those goals.

SECTION 3. The strategic economic development plan addresses the county's goals pertaining to existing industry, manufacturing recruitment, workforce development, retail/service, tourism, agriculture, infrastructure assessment and educational assessment.

Adopted this 24th day of July, 2007.

A fire survey report was presented which will be used as a reference when considering capital improvements to fire departments. Chairman Taylor requested that the Railroad Committee, consisting of Commissioners Lillard, Cook, and Cox, meet briefly after the County Commission meeting to set a date to meet with the County Attorney to determine how to go about disposing of the land turned over to the County by the railroad. He also announced that a resolution regarding the trash ordinance should be completed by the next meeting.

No report was given for the Sheriff's Department or Juvenile Court. Commissioner Wilson reported for the School Board, stating that a special called meeting was held prior to the Legislative Body Meeting, and that the Board will meet again on Thursday, July 26, 2007, to hopefully bring some conclusion to the next year's budget.

No report was given by the Board of Public Works, and Jim Smith stated that the minutes of this month's meeting would be presented to the Board at the next meeting.

Commissioner Wilson then reported for the Development Committee. The Committee recommended that the following regulations for the Airport be adopted by the Board, and upon a motion by Commissioner Wilson, second by Commissioner Brewer, the following was unanimously adopted:

RULES AND REGULATIONS

Fayette County Airport of Somerville, Tennessee, hereby adopts and approves the following rules and regulations for the operation of the Fayette County Airport.

SECTION 1

1. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

"Airport" shall mean the Fayette County Airport, including all property contingent to the airport and belonging to Fayette County.

"Airport Manager" shall mean the officer or representative of the Owner having immediate charge of the airport.

"FAA" shall mean the Federal Aviation Administration

"Owner" shall mean Fayette County Airport.

"Person" shall mean an individual, partnership, firm, association or corporation.

"Tenant" shall mean any Person renting space from the Owner

"User" shall mean any Person making use of the Airport.

SECTION 2

- 2.1 The Airport Manager (or his designee) shall at all times have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the Airport and its operations. In any contingencies not specifically covered by these rules and regulations, the Airport Manager shall be authorized to make such reasonable rules, orders and decisions as may be necessary and proper. Additionally, these regulations may be amended from time to time as deemed necessary by the Owner. The current rules and regulations shall be made available on reasonable request to the Airport Manager

SECTION 3

- 3.1 The Owner has the right to and does hereby regulate all commercial enterprises using the Airport as a basis of operation whether such operation is aeronautical or nonaeronautical in nature. No commercial operation of any kind or type shall be conducted on the Airport unless specifically authorized by the Owner.
- 3.2 A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of cost of maintaining and operating such aircraft. Such operation is not considered to be commercial in nature when so operated. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. In all cases the Owner will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements set forth for commercial fixed base operators.
- 3.3 The use of the Airport or any of its facilities in any manner shall create an obligation on the part of the User thereof to obey all the regulations herein provided and adopted by the Owner.

The privilege of using the Airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the User thereof, and he shall release and hold harmless and indemnify the Owner, The Manager and airport employees from any liability or loss resulting from such use, as well as claims of third persons using the Airport. All those using the airport assume full responsibility for loss or damage, including but not limited to loss of life resulting from accidents or incidents arising from said use of the airport.

The privilege of using the Airport shall be upon the further condition that any person, persons, corporations, partnerships or others desiring to use the same, shall furnish a policy of indemnity against personal injury and property damage in a reasonable sum as the Owner shall require.

- 3.4 Any person violating any of the Airport rules and regulations may be punished as provided by law or ordinance or at the discretion of the Owner and may be deprived of the use of the Airport facilities for such period of time as may be necessary to be effective.

- 3.5 No person shall solicit funds for any purpose and no signs or advertisements may be posted at the Airport without permission of the Owner.
- 3.6 Ordinary non-hazardous garbage shall be placed in receptacles provided for such purpose. Any other waste material (including any item too large to be placed in a receptacle) shall be removed from the premises immediately by the user in a manner that conforms to all applicable laws and at User's expense. All oil will be disposed of in Owner-approved containers or removed from the airport by the tenant/user. No person shall destroy, remove or disturb in any way buildings, signs, equipment, markers, markings, lighting or any other property on or belonging to the Airport.

SECTION 4

MOTOR VEHICLE REGULATIONS

- 4.1 Unless authorized by the Airport Manager, no highway or automotive vehicle shall be operated on the Airport except on roadways or parking areas that are specifically designated for such vehicles. Such vehicles shall be parked while on the Airport in the manner prescribed by the Airport Manager and as indicated by posted signs.
- 4.2 No surface vehicles shall be permitted on the runways, taxiways, aprons or ramps without the express permission of the Airport Manager unless the operation of such vehicle is in accordance with a prior agreement with the Owner to accomplish a necessary Airport purpose, service or inspection.
- 4.3 Privately owned surface vehicles shall be driven between the loading gate or fence and an aircraft parked for the process of loading or unloading only. Such vehicles may enter the fenced area only with prior consent of the Airport Manager or his agent. After said loading or unloading of the aircraft, privately owned vehicles must be moved outside the Airport Operations Area unless parked in an area specifically permitted by the Airport Manager.
- 4.4 NO person shall operate any vehicle in a careless or negligent manner or in disregard for the safety of others, or in excess of posted speed limits. In the absence of posted speed limits the maximum speed at which motor vehicles may be operated on the Airport shall be fifteen (15) miles per hour. All aircraft have right-of-way over all surface vehicles.
- 4.5 Any accident involving injury or property damage shall be reported to the Airport Manager as soon as possible.

SECTION 5

AIRCRAFT OPERATIONS REGULATIONS

- 5.1 The Federal Aviation Regulations (FAR's) in effect as of this date as well as all additions thereto, are made a part of these Airport rules and regulations as fully set forth herein.

- 5.2 Except for normal taxi operations, aircraft engines shall be started and run only in the places designated for such purpose. At no time shall engines be run up when hangars, shops, airplanes, or any other buildings or persons are in the path of the propeller stream and/or jet exhaust.
- 5.3 No aircraft shall be parked or stored at the Airport except in the areas designated for such use.
- 5.4 No person whose aircraft is kept at a location off the Airport site, and which aircraft must be towed or conveyed to the Airport by trailer or otherwise, shall be permitted to use the Airport without the prior consent of the Airport Manager, who may assess a fee to such person for use of the Airport facilities.
- 5.5 The performance of aircraft and engine repair and maintenance is considered to be an aeronautical service regulated by the Owner except where such services or repairs are performed by the aircraft owner or his employees. The Owner reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the Owner may prohibit the performance of such services in tie-down areas and prescribe rules for the use of such owner type aircraft maintenance areas.
- 5.6 At the discretion of the Airport Manager, the operator, owner or pilot of any aircraft parked in an unauthorized area on the Airport shall move the aircraft to a designated parking area on the Airport. If the operator refuses to comply with the directions, the Owner, through the Airport Manager, may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving.
- 5.7 In the event of an accident, the Owner, through the Airport Manager, may, in compliance with the FAA and other governmental regulations, move damaged aircraft from the landing areas, ramps, aprons or other areas at the expense of the owner and without liability for damage resulting from such moving.
- 5.8 The pilot of an aircraft involved in an accident on the Airport causing personal injury or property damage, shall report to the Airport Manager as soon as possible. In the event that he is unable to do so, the owner of the aircraft or his agent shall make such report.
- 5.9 Costs arising from or as a result of airport property damage or destruction by an accident or otherwise, shall be paid for by party(s) responsible.
- 5.10 The Airport Manager shall have the authority to impound any aircraft or equipment on the airport property for non-payment of any charges due.
- 5.11 No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area.
- 5.12 Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons or property.

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- 5.13 All take-offs and landings shall be confined to the runways and all movements of aircraft shall be confined to the hard surface areas unless otherwise approved or directed by the Airport Manager or his designee.
- 5.14 No person or persons except certificated airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by Airport attendants shall be permitted to enter the Airport Operations Area. However, this does not convey the privilege of unrestricted use of the Airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections and routine duties.
- 5.15 Minors who are not certificated airmen are prohibited from entering any Airport area unless accompanied by an adult who is directly responsible for their supervision.

Owner may charge an Airport use and/or ramp fee to persons operating transient aircraft.

SECTION 6

RULES FOR AIRCRAFT FUELING OPERATIONS

- 6.1 No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in an enclosed hangar or area.
- 6.2 During all fuel operations, the aircraft shall be grounded by an approved method.
- 6.3 Smoking or lighting of an open flame shall be prohibited within fifty (50) feet any fueling operation.
- 6.4 Fueling operations utilizing fuel trucks shall be conducted at least fifty (50) feet from any hangar or building.
- 6.5 Before first use, all non-airport provided fuel dispensing equipment shall be inspected and approved by the Airport Manager and shall be of a modern design and kept in a safe and non-leaking condition and in conformity with all applicable Federal, State and local fire codes, laws and regulations.
- 6.6 Any Airport User who self-fuels his or her aircraft with privately owned fuel or fueling devices may do so only after in compliance with § 6.5 above and with the following conditions:
- (a) Such user must obtain and provide evidence to the Airport Manager of the existence of commercial general liability insurance, covering personal injury, property damage, death and contractual liability in limits not less than \$2,000,000.00 inclusive. Such insurance must be issued by insurance companies licensed to do business in the State of Tennessee and such policies must name Owner as an additional insured. Users must provide a certificate of such insurance coverage to the Airport Manager promptly on request. Failure to do so shall enable Airport Manager to prohibit such User from self-fueling.
- (b) Any self-fueling airport user shall, upon request of Airport Manager, provide to Airport Manager any and all relevant "Supplementary Type Certificates" ("STC's") issued for a particular aircraft and certifying the aircraft for the type of fuel being used.

- (c) Owner, through the Airport Manager, may charge flowage fees and/or airport user fees to those Airport Users who fuel

their own aircraft as shall be determined by Owner from time to time. Such fees may be determined and charged by Owner from time to time and there may be a charge per gallon of fuel so dispensed, or an amount equal to the then standard parking fee plus a percentage thereof, or otherwise, as Owner may determine from time to time. Upon the request of Airport Manager with evidence, certified as accurate by such user, of the quantity of fuel so dispensed for the prior month by the tenth (10th) day of the month following such fuel dispensing.

- (d) Self-fueling Airport Users must indemnify and hold harmless Owner, its employees and agents for any and all liability, loss, cost, damages, fines or expenses, including reasonable attorneys' fees, court costs and filing fees, resulting from self-fueling activities, including, but not limited to, personal injury or death, property damage, and contamination of Airport Property resulting from any self-fueling activities or any improper storage of fuel.
- (e) Self-fueling Airport Users may not store fuel on the Airport, except as specified by the Airport Manager. In no instance shall fuel be stored in any hangar. Mobile fueling equipment, except that operated by the Airport Owner by Owner's employees, is prohibited from the Premises.

SECTION 7

FIRE REGULATIONS

- 7.1 Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty (50) feet of any aircraft and within fifty (50) feet of hangars, fuel trucks, or fuel loading stations and tank farms.
- 7.2 No person shall start an open fire any place on the Airport without permission of the Airport Manager.
- 7.3 No person shall store material or equipment, use flammable liquids or gases, including fuel, or allow their premises to be in such condition as to violate, in any manner, the fire code in force in the area of the Airport.
- 7.4 Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment and they shall be kept in good

condition as recommended by the Fire Chief and inspected at least every twelve (12) months by qualified personnel.

- 7.5 Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles and unsightly objects. If after warning by the Airport Manager the area is not cleaned, cleaning will be done by the Airport Manager and billed to the tenant or person.

Adopted, this 20th day of June, 2007.

Fayette County Airport Advisory Board

By: Gorden Burgess
Chairman, Airport Advisory Board

Commissioner German reported for Health and Welfare, stating that the Committee met on July 10, 2007, with all members and Mayor Taylor present. The discussions pertained to three items, the Recreation Grant, the road to solid Waste, and Ambulance Pay, all of which will be covered under the Budget Committee report.

The Personnel Committee did not meet.

Commissioner Dowdy then reported for the Criminal Justice/Public Safety Committee, and moved that the following Resolution to Support a TWRA Shooting Range in Fayette County be adopted. Motion was made by Commissioner Anderson, seconded by commissioner Gant and passed unanimously as follows:

Resolution to Support a TWRA Shooting Range in Fayette County

WHEREAS, Fayette County Fire Arms Association, an affiliated chapter of the Tennessee Fire Arms Association, is seeking support for a Tennessee Wildlife and Recreation Administration (TWRA) shooting range in Fayette County; and

WHEREAS, Fayette County is interested in promoting recreation and outdoor sports for tourism and economic development; and

WHEREAS, West Tennessee does not presently have such a facility as other parts of the state do; and

NOW, THEREFORE BE IT RESOLVED by the Fayette County Commission that the TWRA be asked to place a shooting range in Fayette County and that Fayette County supports the efforts of the Fayette County Fire Arms Association in its efforts to acquire this shooting range.

Commissioner Dowdy stated that the Budgets under review by the Development Committee were passed to the Budget Committee.

Commissioner Oglesby then reported for the Education Committee, which met July 10, 2007. Commissioner Oglesby stated that the committee had recommended to the School Board that they refigure their budget with \$750,000 more in income than last year, and try to balance it with those figures.

Commissioner Harris then reported for the Budget Committee, stating that amounts were recommended for non-profit organizations, but no final decision was reached. Also there was some discussion regarding prices for a fence and a road to be constructed to isolate Solid Waste from the road to the Justice Complex. Public works was asked by the Mayor to figure the costs for such road.

Commissioner Harris stated that the Sheriff had presented a Prisoner Phone contract from Conversant Technologies, Inc. to replace the current contract with another company. Commissioner Harris moved that the Sheriff be allowed to change the contract to the one from Conversant Technologies, Motion was seconded by Commissioner Wilson, and passed unanimously.

Commissioner Harris moved to approve a grant awarded by the Tennessee Bureau of Corrections to replace the fingerprint machines in the Sheriff's Office. This grant will require a \$5000 match. Motion was seconded by Commissioner Dowdle and passed unanimously by the Board.

Ambulance pay was discussed, but no decisions were made.

Commissioner Harris moved that the Board allow Mayor Taylor to submit the preliminary application for a recreation grant, which requires no funds now, but may require some in the future. However, the deadline for the preapplication is August 17, 2007. Motion was seconded by Commissioner Oglesby, and passed with the following Commissioners voting "YES" Ed Allen, Anderson, Brewer, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, McCloud, Oglesby, and Wilson. (17)
Voting "NO" Commissioner Joann Allen.

Commissioner Dowdle moved that the Mayor be allowed to accept a bid from Don Johnson to put a new metal gable roof on the Planning and Development Office Building at a cost of \$55,000. This would include the roof at a cost of \$45,000 and then some painting to the interior of the building. Motion was seconded by Commissioner Brewer. After much discussion, Commissioner Logan then amended the motion to allow

the Budget Committee to act on a reasonable bid to use wood trusses instead of metal, which would be more economical. Motion was seconded by Commissioner Oglesby, and approved unanimously by the Board.

With no further business before the Board, Commissioner Harris moved that the meeting be adjourned. Motion was seconded by Commissioner Oglesby, and passed unanimously.

RHEA V. TAYLOR, COUNTY MAYOR

Sue W. Culver, County Clerk