

## FAYETTE COUNTY LEGISLATIVE BODY

November 27, 2007

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session at the Library at Fayette Ware High School in Somerville, Tennessee, on the 27<sup>th</sup> day of November, 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 speak to non-agenda items. With no one coming forth, the floor was closed.

Commissioner Dowdle moved to approve the minutes for October, 2007. Motion was seconded by Commissioner Dowdy and approved unanimously by the Board.

Chairman Taylor then requested that the residential sprinkler issue be moved to the front of the agenda because several people who were present for that item were going to have to leave. Chairman Taylor called the commissioners' attention to a three page resolution he had handed out and stated that the resolution was a "pared down" version of the original resolution, addressing only one and two family dwellings. He further stated that a development committee would be set up to address building codes in the county. Commissioner Cook moved that the matter be tabled for six months until the committee is established. Motion was seconded by Commissioner Dowdy. Commissioner Harris stated that the matter had been discussed many times, and that there were people present who wanted to address the matter. He stated that he would like to see some action taken, or at least the Commission should hear the matter. Commissioner Oglesby then yielded the floor to Mr. Rodney Wilson of Wilson Well Company, who addressed the advantages of the sprinkler system, the additional costs of installing the system, and what it would require to install the system where the water came from a well and was not on the city water supply. Mr. Wilson praised the effectiveness of the system, but admitted there would be considerable costs to homeowners. Mr. Wilson stated that the old style well would not be sufficient to handle a sprinkler system, and that a new well would need to be installed prior to the installation of the sprinkler system. Much discussion followed regarding the system and who could install it. It was pointed out anyone installing these systems would have to be licensed by the state. Chris Burchfield, Fire Marshall for the city of Germantown, addressed the effectiveness of sprinkler systems, stating that most fires begin in the kitchen, living room, and bedroom, in that order, and that all homes with 7500 square feet or above in the city of Germantown are now required to install sprinkler systems.

After much discussion a roll call vote was taken on Commissioner Cook's motion to table the matter for six months with the following results:

Voting "YES" were the following Commissioners: Burnette, Cook, Cox, Dowdy, Karcher, and Kelley(6)

Voting "NO" were the following Commissioners: Ed Allen, Joann Allen, Anderson, Brewer, Dowdle, Gant, German, Harris, Lillard, Logan, McCloud, Oglesby, Wilson(13)

Motion failed.

Chairman Taylor then reviewed the fire sprinkler resolution and touched on the highlights. Commissioner Lillard moved that the resolution be approved, and Commissioner Oglesby seconded it. Commissioner Kelley moved to amend the motion to read that any residence under 2500 square feet be exempted. Upon voice vote this amendment failed.

Commissioner Gant yielded the floor to Germantown Fire Marshall Chris Burchfield, who was questioned again regarding square footage requirements of Germantown. Commissioners Burnette and Anderson continued the discussion. Commissioner Burnette amended the motion to include manufactured homes, but the amendment died for lack of a second. Chairman Taylor then called for a vote on the original motion, stating that this did not affect any residences built in the cities located in the county; this ordinance only pertains to those areas outside the city limits and within the county. A roll call vote was then taken to approve the original motion with the following results:

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

Voting "NO": Commissioners Burnette, Cook, Dowdy, Karcher, and Kelley(5)

Said motion passed as follows:

A RESOLUTION ESTABLISHING THE USE OF AUTOMATIC SPRINKLER SYSTEMS IN THE CONSTRUCTION OF ONE AND TWO-FAMILY DWELLINGS WITHIN FAYETTE COUNTY, TENNESSEE

WHEREAS, Fayette County is concerned with the health, safety, and welfare of its citizens; and

WHEREAS, Fayette County is concerned with the need to provide ample fire protection to its citizens and property; and

WHEREAS, Fayette County is concerned with the need for growth and expansion in the fire services provided by all fire departments within Fayette County; and

WHEREAS, this resolution shall read in its entirety as follows.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee in regular session this 27<sup>th</sup> day of November, 2007; that:

#### 1. New Building Construction

An Approved Automatic Sprinkler System shall be installed in all new One- and Two-Family Dwellings according to NFPA 13D. For the purpose of this Resolution, the term "building" shall mean any structure that contains one or two dwelling units intended to be used, rented, leased, let or hired out to be occupied for habitation purposes.

Exceptions:

- a. Buildings for which a building permit was issued prior to the effective date of this Resolution.
- b. Existing buildings moved to a new site.
- c. Manufactured homes.

## **2. Building Additions**

When a building is altered, renovated or enlarged, an Approved Automatic Sprinkler System must be installed in the altered, renovated or enlarged portion of the building if the resulting structure as a whole will meet any of the criteria listed in Section 1.

Exception: Buildings that do not have pre-existing automatic sprinkler systems.

## **3. Definitions**

- a. "Approved Automatic Sprinkler System" means a system installed in accordance with National Fire Protection Association Standards.
- b. "Building" means any structure that contains one or two dwelling units to be used, rented, leased, let or hired out to be occupied for habitation purposes. For purposes of determining when an Approved Automatic Sprinkler System is required by this Resolution, portions of buildings separated from other portions by a fire wall shall not be considered separate buildings.

## **4. Additional Requirements of Sprinkler Systems**

- a. The water flow switch for the automatic sprinkler system shall be connected to a local horn alarm placed on the outside of the dwelling. Any dwelling located in a platted subdivision shall also have the water flow switch and alarm connected to a strobe light posted on an exterior side of the dwelling that faces the street.
- b. Plans for an Approved Automatic Sprinkler System shall be prepared by a licensed fire sprinkler contractor. The plans shall be subject to a plans review fee of \$25.00 or any other costs incurred by Fayette County for third party review.

## **5. Maintenance of System Required**

All one- and two-family dwellings sprinklered in accordance with NFPA 13D shall be maintained according to the standard.

## **6. System Inspection**

The Fayette County Fire Chief, or his designee, shall provide an initial inspection of the Automatic Sprinkler System for buildings meeting the criteria of this Resolution. This inspection shall not guarantee proper installation of said system, but will insure that the system exists.

Further, all Automatic Sprinkler Systems and appurtenances shall be installed, tested, inspected, and maintained in accordance with National Fire Protection Association(NFPA).

#### **7. Certified Installer Required**

All Automatic Sprinkler Systems must be designed and installed by a Fire Sprinkler Contractor that is:

- a. Licensed by the State of Tennessee; and
- b. Licensed by Fayette County .

Licensing by Fayette County shall include the posting of a bond and/or a certificate of insurance naming Fayette County as the insured.

#### **8. Issuance of Certificate of Occupancy**

A Certificate of Occupancy shall not be issued for any one- or two-family dwelling that meets any of the criteria listed in Section 1 or Section 2 until the issuing agency has on file a letter from the installing contractor certifying the the Automatic Sprinkler System has been designed, installed and tested in accordance with the requirements of NFPA 13 D.

#### **9. Enforcement**

Any person, firm or corporation, being the owner or having control or use of any building or premises, who violates any of the provisions of this Resolution, shall be guilty of a Civil Offense and shall be fined not in excess of \$50.00 for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

When any violation of any provision of this Resolution shall be found to exist, the Fayette County Fire Chief, or his designee, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Resolution in the name of Fayette County, including but not limited to the issuance of a "stop work" order to aid in the enforcement of any of the provisions of this Resolution.

#### **10. Authority and Purpose**

This Resolution is adopted pursuant to all applicable laws of the State of Tennessee.

#### **11. Severability**

If any section, sentence, clause or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

## 12. Effective Date

This Resolution shall take effect on April 1, 2008, the public welfare requiring it.

Commissioner Gant stated that there are manufactured homes in the county that have 2000-3000 square feet and are just as nice as a regular built home. Commissioner Burnette stated that a family was present who had been manufactured home dealers for many years who had called him earlier and stated that they would be out of business with the passage of the above resolution.

Chairman Taylor then opened the floor for a public hearing on the re-zoning of 45 acres in three parcels located east of State Route 196 and a few hundred feet south of Fields Drive, from R-1 to R-3 for Mr. William Howard, Mr. Joseph Wilson, and Ms. Denise Watson, applicants. Mr. John Pitner stated that this rezoning comes with the approval of the Planning Commission. With no one speaking "For" or "Against" the rezoning, the public hearing was closed. Commissioner Logan moved to approve the rezoning, motion was seconded by Commissioner Joann Allen, and approved unanimously by the Board as follows:

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO  
REZONE FROM R-1 RURAL RESIDENTIAL TO R-3 RESTRICTED RESIDENTIAL  
A CERTAIN TRACT OF LAND LOCATED EAST OF  
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 Amendment by the Fayette County Regional Planning Commission on November 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 Amendment by the Fayette County Board of Commissioners on November 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 27<sup>TH</sup> DAY OF NOVEMBER, 2007:

SECTION 1. That the following described 44.74 acres of land owned by William Howard and Joseph Wilson (Instrument Number 06007198 ) and Denise Watson (Deed Book 524, Page 744 and Instrument Number 06007196) east of Route 196 and identified as Parcels 34.02 and 34.14 on Tax Map 63 be rezoned from **R-1 RURAL RESIDENTIAL TO R-3 RESTRICTED RESIDENTIAL:**

A DESCRIPTION OF A 44.744 ACRE TRACT BEING THE DENISE WATSON 12.80 ACRES RECORDED IN BOOK NUMBER 524, PAGE 744 IN THE FAYETTE COUNTY REGISTER'S OFFICE, THE DENISE WATSON 15.977 ACRES RECORDED IN INSTRUMENT NUMBER 06007196 IN SAID REGISTER'S OFFICE, AND THE BILL HOWARD AND JOSEPH WILSON 15.967 ACRES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF HIGHWAY 196 (HIGHWAY  
 WITH THE ROAD POINT BEING THE NORTHWEST CORNER OF THE THERON  
 MORRIS TRACT RECORDED IN BOOK NUMBER 488, PAGE 179 IN THE  
 FAYETTE COUNTY REGISTER'S OFFICE; THENCE ALONG SAID CENTERLINE  
 NORTH THREE DEGREES SIX MINUTES THIRTY-TWO SECONDS WEST A  
 DISTANCE OF 646.22 FEET TO A POINT; THENCE NORTH EIGHTY-SIX  
 DEGREES FIFTY-NINE MINUTES FIFTY-EIGHT SECONDS EAST A DISTANCE  
 OF 1916.36 FEET TO A POINT; THENCE NORTH FORTY-ONE DEGREES  
 ELEVEN MINUTES NINE SECONDS WEST A DISTANCE OF 1595.52 FEET TO A  
 POINT; THENCE NORTH TEN DEGREES THREE MINUTES FORTY-ONE  
 SECONDS WEST A DISTANCE OF 109.70 FEET TO A POINT; THENCE NORTH  
 SIX DEGREES TWENTY-NINE MINUTES TWENTY-FIVE SECONDS WEST A  
 DISTANCE OF 220.90 FEET TO A POINT; THENCE NORTH EIGHTY-SIX  
 DEGREES FIFTY-SEVEN MINUTES FIFTY-EIGHT SECONDS EAST A DISTANCE  
 OF 728.79 FEET TO A POINT; THENCE SOUTH THREE DEGREES TWO  
 MINUTES ONE SECOND EAST A DISTANCE OF 556.09 FEET TO A POINT;  
 THENCE SOUTH TWO DEGREES FIFTY-FIVE MINUTES SIXTEEN SECONDS  
 EAST A DISTANCE OF 533.57 FEET TO A POINT; THENCE SOUTH EIGHTY-  
 SEVEN DEGREES THREE MINUTES FOUR SECONDS WEST A DISTANCE OF  
 2,517.95 FEET TO THE POINT OF BEGINNING CONTAINING 44.74 ACRES  
 MORE OR LESS.

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

The floor was again opened for public hearing on the rezoning of a 31 acre tract of land located just north of Harrell Road, just east of the Shelby County line, currently owned by WRP General Partnership, applicant, from R-1 to R-3. Mr. Pitner stated that this rezoning also comes with the recommendation of the Planning Commission. With no one speaking "For" or "Against" this rezoning, the public hearing was closed. Commissioner Dowdle moved that the rezoning be approved, motion was seconded by Commissioner Brewer and approved unanimously by the Board as follows:

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO  
REZONE FROM R-1 RURAL RESIDENTIAL TO R-3 RESTRICTED RESIDENTIAL  
A CERTAIN TRACT OF LAND LOCATED EAST OF  
HARRELL DRIVE 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 Amendment by the Fayette County Regional Planning Commission on November 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 Amendment by the Fayette County Board of Commissioners on November 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 27<sup>TH</sup> DAY OF NOVEMBER, 2007:

**SECTION 1. That the following described 30.79 acres of land owned by WRP General Partnership (Instrument Number ) east of Harrell Drive identified as Parcel 5 01 on Tax Map 62 be rezoned from R-1 RURAL RESIDENTIAL TO R-3 RESTRICTED RESIDENTIAL:**

Beginning at a found cotton picker spindle in the centerline of Harrell Road, said point being the northwest corner of said property recorded in Book D628, Page 345 and the southwest corner of the David R. Boyd and David E. Boyd property recorded in Book 401, Page 676; thence north 79 degrees 42 minutes 23 seconds east along the north line of said property recorded in Book D628, Page 345 and the south line of said property recorded in Book 401, Page 676 and the south line of the Harrell Roads Partners, LLC property recorded in Book D801, Page 129, 1873.38 feet to a found 1/2" rebar at the northeast corner of said property recorded in Book D628, Page 345, the southeast corner of said property recorded in Book D801, Page 129 and in the west line of the Hickory Withe Lakes, II, LLC

property recorded in Book 497, Page 830; thence south 02 degrees 13 minutes 50 seconds east along the east line of said property recorded in Book D628, Page 345 and the west line of said property recorded in Book 497, Page 830, 1434.90 feet to a found axle at the southeast corner of said property recorded in Book D628, Page 345, the southwest corner of said property recorded in Book 497, Page 83 and in the north line of the Harrell Road J.V. property recorded in Book D782, Page 706; thence south 88 degrees 02 minutes 12 seconds west along the south line of said property recorded in Book D628, Page 345 and the north line of said property recorded in Book D782, Page 706, 843.54 feet to a found axle at the southern most southwest corner of said property recorded in Book D628, Page 345 and the northwest corner of said property recorded in Book D782, Page 706; thence north 02 degrees 37 minute 13 seconds west along a west line of said property recorded in Book D628, Page 345 and the east line of the Richard Reiss, Jr. and wife Sheryl Reiss property recorded in Book D709, Page 448, 1078.55 feet to a found pinched top pipe at an internal corner of said property recorded in Book D628, Page 345 and the northeast corner of said property recorded in Book D709, Page 448; thence south 85 degrees 35 minutes 35 seconds west along a south line of said property recorded in Book D628, Page 345 and the north line of said property recorded in Book D709, Page 448 and the north line of Lot 13, Snyder Farms Subdivision, Phase 2 recorded in Plat Book 6, Page 103, 952.34 feet to a found cotton picker spindle in the centerline of said Harrell Road, said point being the northern most southwest corner of said property recorded in Book D628, Page 345; thence north 24 degrees 48 minutes 57 seconds west along the centerline of said Harrell Road, 136.29 feet to the POINT OF BEGINNING and containing 1,341,225 square feet or 30.790 acres of land.

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

A public hearing was then held for the hearing of a resolution to amend the Fayette County Zoning Resolution relative to the application to the Fee For Application

To The Board of Zoning Appeals. Mr. Pitner addressed this issue on behalf of the planning commission. With no one speaking against the resolution, the public hearing was closed. Motion was then made by Commissioner McCloud to approve the resolution, motion was seconded by Commissioner German, and approved 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; 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 November 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 November 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 27<sup>TH</sup> DAY OF NOVEMBER, 2007:

SECTION 1. That Section , "Appeals" of Appendix A-Schedule of Fees, "which reads that "applications to the Board of Zoning Appeals shall be levied the following fees, which are nonrefundable following publication of the public hearing notice, " be revised to read that "applications to the Board of Zoning Appeals shall be levied a fee of \$300.00, of which \$200.00 shall be refunded if the application is withdrawn prior to publication of the required public notice provided that when an application for administrative review is favorably decided by the board the entire fee shall be refunded"; and

SECTION 2. That there be deleted entirely "Section 4.1" of "Appendix A-Schedule of Fees," which reads: "Special exceptions, appeals and non-hardship variances-\$500.00", and

SECTION 3. That there be deleted entirely "Section 4.2" of "Appendix A -Schedule of Fees", which reads: "Hardship variances, which are defined in Article III, Section 4.3.1 - \$100.00" and

SECTION 4. That there be deleted entirely "Section 4.3" of "Appendix A-Schedule of Fees" which reads that "the fees in 4.1 and 4.2 shall be adjusted each fiscal year beginning July 1 to reflect a 5% salary and a 2 1/2% overhead cost increase. This adjustment shall be rounded to the nearest \$50."

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

The floor was then opened for a public hearing in the matter of a zoning text amendment to incorporate health department requirements. With no one speaking "for" or "against", the public hearing was closed.

Commissioner Burnette moved to approve the following resolution to require conformity of building locations with TDEC groundwater division specifications and to reduce the maximum buildable area of single family residential lots with individual sewage disposal systems. The motion was seconded by Commissioner McCloud. After much discussion, the motion passed by a simple majority on a voice vote, and reads 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, 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 November 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 before the Fayette County Board of Commissioners on November 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 27<sup>TH</sup> DAY OF NOVEMBER, 2007:

SECTION 1. That there be added to "Article V – General Provisions" the following "Section 14"; "Location of Buildings. No building location shall be established on any lot served or to be served by an individual sewage disposal system except in conformity with the requirements of the Tennessee Department of Environment and Conservation Division of Groundwater Protection or this Resolution, whichever is more restrictive"; and

SECTION 2. That Section 2.1.2.5 "Maximum Buildable Area", of "Article VII – Provisions For Land Use Districts," which reads that "on any lot of record the total ground coverage of all buildings shall not exceed thirty percent (30%) of the total

lot of record area,” be revised to read that ‘on any lot of record the total ground coverage of all buildings shall not exceed twelve (12) percent of the total lot of record area’; and

SECTION 3. That Section 3.2.2.5 “Maximum Buildable Area,” of Article VII – Provisions For Land Use Districts, “ which reads that “on any lot or record the total ground coverage of all buildings shall not exceed thirty percent(30%) of the total lot of record area,” be revised to read that “on any lot of record the total ground coverage of all buildings shall not exceed twelve (12) per cent the total lot of record area’; and

SECTION 4. That Section 3.2.2.5 “Maximum Buildable Area” of “Article VII – Pro- For Land Use Districts,” which reads that “on any lot of record the total ground coverage of all buildings shall not exceed thirty percent(30%) of the total lot of record area,” be revised to read that “on any lot of record the total ground cover- age of all buildings shall not exceed twelve (12) percent of the total lot of record area’, and

SECTION 5. That Section 3.5.2.5 “Maximum Buildable Area,” of “Article VII –Pro- visions For Land Use Districts,” which reads that “on any lot of record area,” be revised to read that “on any lot of record the total ground coverage of all buildings shall not exceed twelve (12)percent of the total lot of record area, provided that the maximum buildable area shall be thirty (30) percent for a lot of record served by public sanitary sewer and public water supply.”

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

Commissioner Logan moved that the following be elected notaries public: Doris S. Arnett, William B. Cowan, Cheryl D. Darden, Mariah Fussell, Ray Glasgow, Laura A. Perry, Marie H. Sullivan, Melissa Tatum, Carey Taylor, Staci L. Neves, Sandra McGowan-Bowers, and Cheryl Talley. Commissioner Brewer seconded the motion, which was approved unanimously by the Board.

Chairman Taylor reported for the Mayor’s Office and gave an update on the Justice Complex. He stated that the January Meeting should be held at the new complex, and invited the Commissioners to take a tour. Circuit Court Clerk Connie Doyle stated that the phone system is all she is waiting on to move in. Commissioner Joann Allen asked about the raises for the sheriff’s department and was told they would be on the December pay checks and would be retroactive. The County Commissioners checks would also go out in December.

The Sheriff’s Department, Board of Education, Juvenile Court, and the Board of Public Works had no reports.

Commissioner Wilson reported for the Development Committee, stating the Committee had met on November 19, 2007, and had approved the following names for the Building Code Adoption Committee; Phil Bryce (home builder), John Dowdy, (County Commissioner) Sylvester Logan, (Builder, and County Commissioner), Ray Glover,(Building Code Appeals Board, Chairman) and Keith Morris, (Realtor). Commissioner Wilson moved that the names be approved by the County Commission, and upon second by Commissioner Dowdle, was approved unanimously by the Board. Chairman Taylor stated that the group will report back to the Board by March of next year regarding adopting some new building codes.

Commissioner Wilson stated that a Flood Insurance Resolution was discussed but no action was taken .

Commissioner Wilson stated that the City of Oakland is requesting that the county help fund a pumper for it's city fire service out of the Adequate Facilities Tax Fund. After much discussion as to the amount of funds in the Adequate Facilities Tax Fund, Commissioner Dowdle asked if anyone had checked on the availability of grant funds for this project, and was told none were available for the city of Oakland. Commissioner Cook moved that the pumper be funded out of the Adequate Facilities Tax Fund and the motion was seconded by Commissioner Gant. Commissioner Burnette stated that Moscow has been requesting an ambulance for a number of years and that they are still waiting for it. After further discussion, Commissioner Burnette moved that the matter be tabled as requested by the development committee until January, Motion was seconded by Commissioner Dowdle and passed on a majority voice vote.

Commissioner Wilson then presented a request by a landowner to the Public Works Board to remove the dead end portion of Fortune Road from the county road list. . This would affect no other property owner and came with the recommendation of the Public Works Board. Motion was made by Commissioner Lillard seconded by Commissioner Kelley, and passed by a majority on a voice vote.

Commissioner Wilson then presented a request for new subdivision roads to be accepted as county roads. Commissioner Joann Allen moved that the following roads be accepted as county roads; Emma Clair Road(0.28mi), and Evelyn Road (0.15mi) in Lou Monta Subdivision, Phase 1A; Ashton Cross Drive (0.47mi.,extension), Aston Manor Drive (0.13 mi.)Branston Drive (0.13mi) Clarendon Cove (0.13 mi), and Dalton Cove (0.05mi.) in Aston Park, Phase III, Ainsley Manor Drive (0.65mi), Aston Court (0.11mi) Corfield Drive (0.80), Danes Meadow Cove (0.20 Mi.), Lessington Cove (0.09mi.), Lonsdale Cove (0.29 mi.), and Maldon Cove (0.18 mi). This motion was seconded by CommissionerMcCloud, and approved unanimously by the Board.

Commissioner German then reported for the Health and Welfare Committee. He stated that a solid waste pick-up plan was presented by Solid Waste Director Charles Traylor outlining a mandatory county wide residential trash pick up. Motion was then made by Commissioner Joann Allen, seconded by Commissioner McCloud to approve the following resolution adopting regulations governing the collection and storage of garbage, litter, refuse and rubbish. Motion passed unanimously by the Board.

WHEREAS, the purpose of this resolution is to provide regulatory standards for the prevention of littering and the collection, storage and disposal of garbage, litter, refuse and rubbish, within the confines of Fayette County; and

WHEREAS, Tennessee Code Annotated, Section 39-14-504, authorizes counties to impose regulations upon littering and the collection and storage of garbage, litter, refuse, and rubbish and,

WHEREAS, THE CITIZENS OF Fayette County are desirous of improving the environment and reducing the risks to human and animal health posed by littering and the unregulated collection of garbage, litter, refuse and rubbish on private property within the county; and

WHEREAS, the regulations set out herein are intended to address this need.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, meeting in regular session on the 27<sup>th</sup> day of November, 2007, in Somerville, Tennessee, that the following regulations be adopted:

Regulations on Littering and the Collection and Storage of  
Garbage, Litter Refuse, and Rubbish

**SECTION I – Definitions**

As used in the Regulations, the following terms have the following meanings;

- a) “Garbage” means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- b) “Litter” includes garbage, refuse, rubbish and all other waste material;
- c) “Owner” means the owner of record of the real property as established in the records of the register of deeds and assessor of property;
- d) “Refuse” includes all putrescible and non-putrescible solid waste, and dead animal carcasses and their parts; and
- e) “Rubbish” includes non-putrescible solid waste consisting of other combustible and non-combustible waste

**SECTION II – Littering**

The following acts and omissions are prohibited within the confines of Fayette County:

- a) It is prohibited for any person to knowingly place, drop or throw litter on any public or private property without permission and not immediately remove it.
- b) It is prohibited for any person to negligently place or throw glass, litter or any Dangerous substances into or adjacent to water to which the public has access for swimming or wading;
- c) It is prohibited for any person to negligently place or throw glass, litter, or any Dangerous substances or on or within fifty feet (50’) of a public highway.

**SECTION III – Property Standards Related to Garbage, Litter, Rubbish or Refuse**

The following standards apply in regards to the presence of garbage, litter, rubbish, or refuse on real property within Fayette County:

- a) No owner of any real property within the confines of Fayette County shall Permit or allow garbage, litter, rubbish, or refuse to accumulate upon the parcel of property such that one or more of the following conditions results ; the accumulation contributes to the infestation of the property by insects, rodents or other vermin; the accumulation creates an attractive nuisance or other danger to children; the garbage, litter, rubbish or refuse spreads to adjacent properties by natural action of wind or water; the accumulation produces offensive odors that affect reasonable enjoyment of adjacent properties; the accumulation creates a risk to the health and safety of occupants of the property or other residents of the county; or the accumulation depresses the value of adjacent properties.
- b) The owner of real property where garbage, litter, rubbish or refuse accumulates or has accumulated in violation of the Regulations shall take appropriate measures to cause such materials to be collected and properly disposed of.
- c) Collection of garbage, litter, rubbish or refuse in accordance with these Reg-

ulations shall be accomplished in a manner and at a time so that it does not further endanger the inhabitants of the county. Collection of such material shall be accomplished so that it does not spill over, blow over, or in any way transfer to neighboring property without appropriate and lawful measures being taken to recollect it. Proper collection of garbage, litter, rubbish or refuse in accordance with these Regulations shall include the transfer of the material to an appropriate and lawful site, whether transfer does not cause the material to scatter onto roads or highways, disperse onto other properties or otherwise endanger the health and welfare of the inhabitants of the county.

- d) If, during or after collection of garbage, litter, rubbish or refuse in accordance With these Regulations, it becomes necessary to store the material while it awaits transfer or further collection, the garbage, litter, rubbish or refuse shall be stored in a lawful manner consistent with the nature of the material so that storage does not further endanger the health of welfare of the inhabitants of the county. Garbage and litter shall be stored in closed containers of sturdy and durable nature so that leakage and spillage is avoided. Solid rubbish that is too large to be practically stored in a container shall be stored securely in such a manner so that it does not spread or pose a danger to persons or animals. Any garbage or refuse requiring storage shall be stored in a manner so that it does not attract or cause an infestation of insects, rats or other rodents, or other animals.

#### **SECTION IV – Enforcement Personnel and Hearing Board**

- a) These regulations shall be enforced by the Fayette County Building Commissioner (or his or her designee) who shall also be known as the Fayette County Codes Enforcement Officer (hereinafter referred to as “Enforcement Officer”.)
- b) The Fayette County Health and Safety Standards Board (hereinafter referred to as “Hearing Board”) shall consist of five (5) members to be appointed by the County Mayor subject to confirmation by the County Legislative Body. All members of the Hearing Board shall be appointed for four year terms; however, the initial appointments shall be made on the following terms in an effort to achieve subsequent staggered four-year terms;
- |                    |                         |
|--------------------|-------------------------|
| Board Member One   | Initial One Year Term   |
| Board Member Two   | Initial Two Year Term   |
| Board Member Three | Initial Three Year Term |
| Board Member Four  | Initial Four Year Term  |
| Board Member Five  | Initial Five Year Term  |
- c) Any compensation or authorization for reimbursement of expenses for the Members of the Hearing Board shall be established by the County Legislative Body. Any vacancy which occurs on the Hearing Board shall be filled by the County Mayor subject to confirmation by the County Legislative Body for the remainder of the term of the vacant position.

#### **SECTION V- Investigations and Inspections**

Whenever the Enforcement Officer witnesses a violation of Section II, or receives a written complaint alleging a violation of Section II, the Enforcement Officer shall investigate and, if the alleged violator can be identified, shall issue a notice of violation to

such person in accordance with Section VI below. Whenever the Enforcement Officer receives a written complaint that a parcel of property is in violation of the property standards of Section III or whenever the Enforcement Officer can visibly observe a violation from a public road or public property, the Enforcement Officer shall, after making a preliminary investigation which discloses a basis for such violation, issue and cause to be served upon the owner of record of such properties a notice, in accordance with the provisions of Section VI, stating the violations and requesting the condition to be remedied immediately.

#### SECTION VI- Notice of Violations

If the Enforcement Officer determines that a violation of the Regulations exists, the Officer shall provide notice to the alleged violator or owner of the property upon which the condition creating the violation is located to remedy the condition immediately. The notice shall be by personal service on the alleged violator or on the owner or by mailing by United States mail (certified, return receipt requested) to the alleged violator or owner of record at the last known address. The notice shall include, but not be limited to, the following items:

- a) A brief statement identifying these Regulations and a description of the violations alleged;
- b) The person, office, address, and telephone number of the department or person giving notice
- c)
  - 1) in case of a violation of Section II, the notice should include a statement of the civil monetary penalty assessed for the violation in accordance with T. C. A. 5-1-121;
  - 2) in the case of a violation of Section III, the notice should include brief instructions regarding what actions a property owner must take to remedy a violation of Section III, including a deadline by which the actions must be accomplished; a cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and a statement summarizing the provision of Section VIII, below, that allow the county to remedy the violation and bill the property owner; and
- d) The notice shall indicate how an aggrieved person may contest of appeal the notice of violation and provide that such appeal must be made within thirty (30) days of serving or mailing the notice.

#### SECTION VIII – Remedy of Violations by the County

- a) If, within thirty (30) days following the personal service of the notice of Violation or following the mailing of the notice of violation, a violation of Section III of these Regulations is not remedied or the property owner has not requested a review of the alleged violation to be remedied by one of the following methods:
  - 1) By contracting with a private party for the job in accordance with any Purchasing laws in effect in the county, or
  - 2) By reaching agreement with the chief administrative officer of the County highway department for that department to remedy the condition. If this option is used, the highway fund shall be reimbursed

- for the cost of the job from the general fund.
- b) The cost of all remedies affected by the Enforcement Officer or his or her designee or employee shall be defrayed from general fund appropriations for this purpose, but the general fund shall be reimbursed by the property owner in accordance with these Regulations. If the county highway department performs the work, the highway fund shall be reimbursed for all expenses related to such effort from the county general fund. The county has the option of only cleaning the property to the extent that the immediate hazardous or noxious condition is alleviated. Any action which would cost more than 75% of the value of the property being cleaned must be agreed to by the County Mayor. Under no circumstance is the county accepting responsibility for the clean up of any property due to a violation of this act or for any violation of any other laws that become evident during the clean up because of a violation of this act.
  - c) If the county remedies a condition causing a violation, the Enforcement Officer shall send a statement by certified mail (return receipt requested), to the property owner itemizing the cost of remedying the condition causing the violation. If such owner fails to reimburse the county general fund for the cost of the remedy within sixty (60) days of receiving the statement of cost, such statement shall constitute a lien upon the land. Such statements shall constitute a lien upon such real property as of the date notice is filed in accordance with T. C. A. 39-14-504. The lien provided herein shall be entered in the records of the Register of Deeds of this county. Such lien shall be satisfied to the extent of the value of the consideration received at the time of ownership and if the lien is not fully satisfied at the time of transfer, it shall remain a lien on the property until it is fully satisfied.
  - d) As an alternate means of recovering the cost of remedying the violation, upon request by the Enforcement Officer and approval of the County Mayor, the County Attorney may bring suit in General Sessions Court to obtain a judgment in favor of the county for the costs of remedying the violation. Once such a judgement is obtained, the county may pursue collection of the judgement by any method authorized by the Tennessee Rules of Civil Procedure. Upon satisfaction of the judgement, the county attorney shall take all necessary actions to remove any lien placed upon the property in accordance with subsection (c).

#### SECTION IX - Judicial Actions and Appeals

- a) If a timely request for a hearing is made by the violator or property owner as provided in these Regulations, shall constitute a waiver of the right to a hearing within the time limit allowed by these Regulations shall constitute a waiver of the right to a hearing. Immediately following the hearing, the Hearing Board officer may modify or dismiss the notice of violation or may confirm the notice. Any enforcement action by the county is stayed pending the hearing and any penalties are likewise stayed.
- b) The civil penalty provision for violations of Section II of the regulations shall be enforced through the General Sessions Court of Fayette County pursuant to

T.C.A. 5-1-123. The county attorney is hereby authorized to bring such actions on behalf of the county to enforce these provisions.

- c) Pursuant to T.C.A. 39-14-504(b) (2), any property owner aggrieved by the amount of a lien filed pursuant to Section VIII, above, may also petition the Chancery Court of the county in which the property is located to determine the appropriate amount of the lien. A decision of that court may be appealed according to the Tennessee Rules of Appellate Procedure.
- c) Any person aggrieved by an act of the a Hearing Board under the provision of this regulation may seek judicial review of same under Tennessee Code Annotated, Title 27, Chapter 8, Part 1.

#### SECTION X – Exemptions

- a) No provision of these Regulations shall be construed as applying to any business being operated pursuant to Tennessee Code Annotated, Title 68, Chapter 211 or 212 or Title 69, Chapter 3.
- b) If part of the rubbish or refuse constitutes an abandoned or junk motor vehicle, the county shall only undertake to remove such motor vehicles in accordance with the provision of T.C.A. 55-16-101, *et seq.*, and in accordance with the limitations of T.C.A. 55-5-122. If removal by the county of abandoned or junk motor vehicles that are in violation of these regulations that is caused solely by the presence of junk motor vehicles on private property shall only be enforced by civil penalties.

BE IT FURTHER RESOLVED, that, after passage, the county clerk shall cause this resolution or the caption and complete summary of this resolution to be published in a newspaper of general circulation in this county,

BE IT FURTHER RESOLVED, that, this resolution shall become effective thirty (30) days after such publication, the public welfare requiring it.

Commissioner German stated that Mayor Taylor had brought a contract from Rural Metro to provide service into Fayette County with no cost. The ambulance would be stationed in Oakland, and would also provide service for Methodist Hospital – Fayette. Chairman Taylor stated that in Shelby County Rural Metro is the primary transport for Methodist Hospital, and that Methodist Fayette would like to use their services also. He further stated that in order for Rural Metro to operate in Fayette County the County Commission would have to give the Fayette County Sheriff's Department permission to dispatch calls to them. After much discussion, Commissioner Anderson made a motion that the Mayor be authorized and requested to solicit bids for (a) studying the current ambulance service and ways to improve it, both financially and operationally, and (b) for private contractors to provide service within Fayette County. Commissioner Lillard seconded the motion. Commissioner German then questioned what the city of Oakland would do as far as the contract with Rural Metro in the meantime. The Mayor again stated that the Board needed to give the Sheriff authorization to dispatch calls to Rural Metro. Commissioner Anderson then added an amendment to his original motion to authorize the Sheriff to dispatch 911 calls to Rural Metro. Commissioner Lillard seconded the amendment also. Commissioner Anderson asked if the county attorney has reviewed the contract with Rural Metro. Chairman Taylor stated that the county attorney has the document but has not completely reviewed it yet. Commissioner Anderson then withdrew his motion citing the fact that the county attorney has not completed reviewing

the contract, and the fact that no bids were taken for ambulance service from other private contractors. Commissioner Lillard then withdrew his second. Commissioner Anderson then stated that he would like to return to his original motion to (a) review the current ambulance service and study ways to improve it, both financially and operationally, and (b) for private contractors to provide service within Fayette County. Commissioner Lillard then seconded the new motion. Oakland Mayor Mullins stated that he had entered an agreement with Rural Metro for the second time, after the County had not acted on the matter before. He also stated that Oakland would have an ambulance service, if the County refused to dispatch to it, the liability would be the County's. County Attorney, Richard Rosser, then addressed some of the problems with the contract, stating that as the contract is written it would put too much liability on the county. Chairman Taylor then called for a ten minute recess.

After a brief recess, Chairman Taylor called the meeting to order again. He stated that not dispatching calls to Rural Metro would create liability issues. Commissioner Anderson then moved that the Mayor be authorized and requested to solicit bids for (a) studying the current ambulance service and ways to improve it, financially and operationally, and (b) for private contractors to provide ambulance service within Fayette County; and (c) for Rural Metro to run mutual aid subject to document approval by the County Attorney. Motion was seconded by Commissioner Dowdle. Commissioner Cook then asked if we were putting Fayette County Ambulance Service out of business.

The following roll call vote was then taken:

Voting "YES" were Commissioners Ed Allen, Joann Allen, Anderson, Cox, Dowdle, German, Harris, Lillard, Logan, McCloud, and Oglesby (11)

Voting "NO" were Commissioners Brewer, Burnette, Cook, Gant, Karcher, and Wilson (6)

"Passing": Commissioners Dowdy and Kelley.

Motion passed.

Commissioner Burnette then reported for the Personnel Committee, stating that the Committee discussed whether there were any requirements for supervisors or county officials to evaluate their employees. The handbook stated that this practice is being done, and it should be. Commissioner Burnette also asked that the Mayor report on talks with Planning Director John Pitner regarding the dismissal of his former administrative assistant, Barbara Porter. Chairman Taylor stated that he was talking with Mr. Pitner, but the decision would ultimately be his, and that Ms. Porter had applied for unemployment but was denied. She has appealed the decision. Commissioner Logan then asked if Ms. Porter was eligible for longevity pay. Chairman Taylor stated that to receive longevity pay, an employee must be employed November 30 of that year. Commissioner Anderson asked about the appeals process and Chairman Taylor stated that he was looking for another county who had a working process to model one after. He has also asked CTAS for some examples that would work for Fayette County. Ms Porter then asked about the rules of longevity pay, stating that there was nothing in the employee's handbook regarding it. Chairman Taylor stated that the longevity pay policy is in the County Commission minutes.

Commissioner Dowdy then reported for the Criminal Justice/Public Safety Committee. Commissioner Dowdy stated that, in addition to the Fire Sprinkler Ordinance approved earlier, that Mayor Taylor presented information on how fire tax

districts may work. The unincorporated portions of the county would fund the county fire department, and would make agreements with the cities for additional coverage. The Mayor presented an option of three districts. This matter will be discussed further at the January meeting. The Mayor presented two grants the county has been awarded for courtroom security. The first grant is for a bullet-proof bench and metal detection equipment for Chancery Court and will require a match of \$1938.89. The second is for recording software for General Sessions/Circuit Court and will require a match of \$888.80. These grants were approved by the Committee and forwarded to Budget, along with a motion to approve a Highway Safety grant for the purchase of radar detectors and for over-time pay for the Sheriff's Department.

The Education Committee did not meet this month.

Commissioner Harris then reported for the Budget Committee. The first item Commissioner Harris brought before the Board for approval was a request for a budget amendment to transfer \$1750.00 in funds from one salary account to another to allow for the promotion of a deputy I Clerk in that office to administrative assistant.

Commissioner Harris stated that this transfer of funds was being brought to the Board with no recommendation from the Budget Committee. At this point Mrs. Connie Doyle addressed the Board regarding the matter. After much discussion, Commissioner Joann Allen moved that the budget amendment be approved and the position be called an administrative assistant. Upon second by Commissioner Wilson, the following roll call vote was entered:

Voting "YES": Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdy, Gant, German, Karcher, Logan, McCloud, and Wilson.(14)

Voting "NO": Commissioners Harris, Lillard, and Oglesby(3)

"Passing": Commissioners Dowdle and Kelley (2)

Thereupon said amendment was approved 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 27th day of November, 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 07/08 November, 2007

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>53100 Circuit Court</u>		
106 Deputy (ies)	<u>\$ 1,750.00</u>	
<b>Subtotal-53100</b>	<b>\$ 1,750.00</b>	
 <u>53320 General Sessions Court Clerk</u>		
103 Assistant		<u>\$ 1,750.00</u>
<b>Subtotal-53300</b>		<b>\$ 1,750.00</b>
 <b>TOTAL</b>	 <b>\$ 1,750.00</b>	 <b>\$ 1,750.00</b>

Commissioner Harris then moved that the following County General Fund Budget amendment to the airport budget and the General Sessions Judge budget be allowed. Commissioner Dowdle seconded the motion and it was approved unanimously 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 27th day of November, 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 07/08  
November, 2007**

<u>Adjustment to Revenue Accounts:</u>	<b>INCREASE</b>	<b>DECREASE</b>
44135 Sale of Gasoline		\$ 11,000.00
46120 Airport Maintenance Program		422,635.48
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS</b>		<b>\$433,635.48</b>
<u>Adjustment to Expenditure Accounts:</u>	<b>INCREASE</b>	<b>DECREASE</b>
<u>53310 General Sessions Judge</u>		
106 Deputy (ies)	\$ 26,500.00	
189 Other Salaries and Wages	_____	<u>\$ 23,742.00</u>
<b>Subtotal-53310</b>	<b>\$ 26,500.00</b>	<b>\$ 23,742.00</b>
<u>58220 Airport</u>		
335 Maint. & Repair-Buildings	\$ 3,757.96	
399 Other Contracted Services	418,877.52	
425 Gasoline	_____	<u>11,000.00</u>
<b>Subtotal-58220</b>	<b>\$433,635.48</b>	

Commissioner Harris moved that the following County General Fund Budget be allowed to the Capital Projects Fund 171, for a road at the solid waste facility. Motion was seconded by Commissioner Oglesby, and approved unanimously by the Board 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 27th day of November, 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 07/08  
November, 2007**

<b><u>Adjustment to Revenue Accounts:</u></b>	<b>INCREASE</b>	<b>DECREASE</b>
<u>99100-590 Transfers Out</u>		\$ 118,000.00
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE:</b>		<b>\$ 118,000.00</b>

**CAPITAL PROJECTS FUND  
FUND 171  
F/Y 07/08  
November, 2007**

<b><u>Adjustment to Fund Balance:</u></b>	<b>INCREASE</b>	<b>DECREASE</b>
<u>49800 Transfers In</u>	\$ 118,000.00	
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE</b>	<b>\$ 118,000.00</b>	

Commissioner Harris then moved that the following General Capital Projects Fund Budget Amendment in the amount of 2.3 million, taking money from bond proceeds and putting it in the construction of the Justice Complex. Motion was seconded by Commissioner Logan 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 27th day of November, 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 Capital Projects Fund #171 Budget Amendment be amended in the following words and figures, to-wit:

**GENERAL CAPITAL PROJECTS FUND  
BUDGET AMENDMENT  
F/Y 06/07  
November, 2007**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
39000 <u>Undesignated Fund Balance</u>		<u>\$ 2,320,929.49</u>
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE:</b>		<b>\$ 2,320,929.49</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
91120 <u>Administration of Justice Projects</u>		
304 Architects	\$ 9,600.00	
331 Legal Services	3,000.00	
706 Building Construction	2,190,329.49	
724 Site Development	<u>118,000.00</u>	
<b>Subtotal-91120</b>	<b>\$ 2,320,929.49</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 2,320,929.49</b>	

Commissioner Harris moved that the following Solid Waste/Sanitation Fund Budget Amendment be approved for the building of a fence at the solid waste facility. Motion was seconded by Commissioner German 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 November, 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 07/08  
November, 2007**

<u>Adjustment to Expenditure Accounts:</u>	<b>INCREASE</b>	<b>DECREASE</b>
<u>55372 Convenience Centers</u>		
314 Contracts with Public Carriers		<u>\$ 20,000.00</u>
<b>Subtotal-55374</b>		<b>\$ 20,000.00</b>
<u>55754 Landfill Operation &amp; Maintenance</u>		
144 Equip. Operators-Heavy		\$ 15,000.00
168 Temporary Personnel	\$15,000.00	
724 Site Development	<u>20,000.00</u>	<u>                    </u>
<b>Subtotal-55754</b>	<b>\$ 35,000.00</b>	<b>\$ 15,000.00</b>
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 35,000.00</b>	<b>\$ 35,000.00</b>
Prior Estimated Expenditures		\$ 818,457.00
Total Estimated Expenditures This Amendment		\$ 818,457.00
Projected Fund Balance before Amendment		\$ 678,223.00
Change in Fund Balance This Amendment		\$ 000.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2008		\$ 818,457.00

Prior Estimated Expenditures	\$12,704,601.00
Total Estimated Expenditures This Amendment	\$12,707,359.00
Projected Fund Balance before Amendment	\$ 4,296,088.00
Change in Fund Balance This Amendment	\$ 2,758.00
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2008	\$ 4,293,330.00

Commissioner Harris moved that the following Adequate Facilities/Development Fund Budget Amendment be approved to move funds into the Highway/Public Works Fund 131 to fund the purchase of asphalt. Under guidelines discussed regarding the expenditure of Adequate Facilities funds, the disbursed agency will report back to the Board regarding the use of those funds. Motion was seconded by Commissioner McCloud and approved unanimously by the Board.

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 November, 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 Adequate Facilities Fund #125 Budget Amendment be amended in the following words and figures, to-wit:

**ADEQUATE FACILITIES/DEVELOPMENT FUND  
BUDGET AMENDMENT  
F/Y 07/08  
November, 2007**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
<u>99100-590 Transfers Out</u>		\$ 350,000.00
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE:</b>		<b>\$ 350,000.00</b>

**HIGHWAY/PUBLIC WORKS FUND  
FUND 131  
F/Y 07/08  
November, 2007**

<u>Adjustment to Fund Balance:</u>	INCREASE	DECREASE
<u>49800 Transfers In</u>	\$ 350,000.00	
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE</b>	<b>\$ 350,000.00</b>	

Commissioner Harris that the before mentioned Court Security Grant for a bullet proof bench and metal detector equipment for Chancery Court with a required match of \$1938.39 be approved. Motion was seconded by Commissioner Brewer and passed unanimously by the Board.

Commissioner Harris also recommended that a second grant for recording software for General Sessions/Circuit Court requiring a match of \$888.80 be approved. Motion was seconded by Commissioner Burnette and passed unanimously by the Board.

Commissioner Harris further moved that a grant for the sheriffs department for the purchase of radar detectors and overtime pay be approved. Motion was seconded by Commissioner Logan and approved unanimously by the Board 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 27th day of November, 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 07/08  
November, 2007**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>54110 Sheriff's Department</u>		
187 Overtime	\$17,298.72	
435 Office Supplies	2,079.00	
499 Other Supplies & Materials	<u>26,649.95</u>	
<b>Subtotal-54110</b>	<b>\$46,027.67</b>	
 <u>58600 Employee Benefits</u>		
201 Social Security	\$ 1,072.52	
204 State Retirement	1,567.26	
212 Employer Medicare	250.83	
513 Worker's Compensation	<u>223.15</u>	
<b>Subtotal-58600</b>	<b>\$ 3,113.76</b>	
 <b>TOTAL</b>	 <b>\$49,141.43</b>	

Commissioner Harris moved that a Property Tax Freeze Implementation Committee be established to work on the property tax freeze ordinance and that Mayor Taylor be allowed to appoint that committee. Motion was seconded by Commissioner Cook, and approved unanimously. The Mayor stated that Commissioners Dowdle, Gant, and Joann Allen had volunteered for the committee. The Resolution is as follows:

**TO ESTABLISH A PROPERTY TAX FREEZE IMPLEMENTATION COMMITTEE**

**WHEREAS**, the Tennessee General Assembly has enacted 2007 Public Chapter 581 (Senate Bill 0002/ House Bill 1033) to authorize counties to adopt a property tax freeze program to assist senior low-income residents with payment of their property taxes, which act will take effect on July 1, 2007; and

**WHEREAS**, the State Board of Equalization, through its Division of Property Assessments, is required to develop and adopt rules and regulations for the administration of the program, which may include uniform definitions, application forms and requirements, income verification procedures, and other necessary or desirable rules, regulations, policies and procedures not in conflict with the act; and

**WHEREAS**, the county legislative body of Fayette County desires to form a Property Tax Freeze Implementation Committee to begin the preliminary work necessary for adoption of the tax freeze program in Fayette County, and to advise the county legislative body with regard to the implementation and administration of such a program;

**NOW THEREFORE, BE IT RESOLVED** by the Fayette County legislative body meeting in November session at Somerville, Tennessee, on this 27<sup>th</sup> day of November, 2007, that:

**SECTION 1.** A Property Tax Freeze Implementation Committee is hereby established. The Committee will consist of the county mayor, the county trustee, the assessor of property, the finance director (or director of accounts and budgets, as applicable), and the following members of the county legislative body:

1. Commissioner Sissy Dowdle

**SECTION 2.** The Committee will begin work as soon as possible after enactment of this resolution to analyze and determine the following:

- A. The financial impact on county revenues for the ten-year period following adoption of the property tax freeze program in the county;
- B. Recommended methodology for implementation and administration of the program in the county;
- C. Administrative costs for implementation and administration of the program, including but not limited to the cost of necessary revisions or additions to computer software programs for tax billing systems, tax appraisal systems, and tax freeze application systems; the number and cost of new employees that may be required in county offices in order to implement and administer the program; and any new office space that may be required; and
- D. Such other information and data as the Committee deems relevant.

**SECTION 3.** When the State Board of Equalization has issued its rules and regulations governing the administration of the program, the Committee shall develop a final proposal to adopt and implement the property tax freeze program and present the proposal to the full county legislative body for its consideration.

**SECTION 4.** In performing its duties under this resolution, the Committee shall request the assistance of the University of Tennessee's County Technical Assistance Service.

**SECTION 5.** This resolution shall take effect upon its passage and approval, the public welfare requiring it.

ADOPTED this 27<sup>th</sup> day of November, 2007.

Chairman Taylor stated that he would entertain a motion to approve a grant for the Health Department, with no matching funds, stating that it is a "no smoking" grant.

Commissioner Harris moved to approve, Commissioner Logan seconded it and it was approved unanimously by the Board.

Chairman Taylor also requested permission to establish internet connection at the airport. Commissioner Dowdle moved that the Mayor be allowed to sign a contract for the connection, motion was seconded by Commissioner Brewer and approved unanimously by the Board.

Commissioner Logan moved that the December meeting of the Fayette County Legislative Body be cancelled. The motion was seconded by Commissioner Cook and approved unanimously by the Board as follows:

**WHEREAS**, *Tennessee Code Annotated*, §§ 5-5-104, permits counties, upon a majority vote of their respective county legislative bodies, to enact a resolution stipulating the time, day and place of their county legislative body's regular meeting; and,

**WHEREAS**, Fayette County is required to have at least four meetings per year, and has fulfilled the requirement;

**WHEREAS**, the December Fayette County Commission meeting would occur during the busy holiday season surrounding Christmas and New Year's;

**WHEREAS**, there being no urgent business of the Fayette County Commission, or business that cannot be resolved by a special called meeting of the Fayette County Commission;

**NOW, THEREFORE, BE IT RESOLVED** by the county legislative body of Fayette County that the December 25, 2007 meeting of the Fayette County Commission is cancelled.

Adopted this 27<sup>th</sup> day of November, 2007.

Following a closed session with the County Attorney, the Commission was called back into public session by Chairman Taylor. Commissioner Anderson then made the following motion:

“I move that the County, through the County Attorney or other attorney designated by our insurance carrier, provide a legal defense for the following former and current County Officials: Barbara Walls, Vip Lewis, and Barbra Parker, in connection with the Fletcher Estate litigation.

The motion was duly seconded by Commissioner Wilson and approved by unanimous voice vote.

Thereupon, meeting was adjourned.

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Rhea V. Taylor, County Mayor

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Sue W. Culver, County Clerk