

FILE COPY

5

FAYETTE COUNTY LEGISLATIVE BODY

October 23, 2007

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of September, 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 for the public to address items not on the agenda. Barbara Porter, former employee of the Fayette County Planning and Development Office spoke to the Board regarding her recent dismissal from the Planning Office. Ms. Porter stated that she had been an employee at that office for nine years and that during those nine years she had never had any entry in her personnel file. The Mayor stated that he had spoken with Mr Pitner, who is head of the Planning and Development Office, and that he remains firm in his decision to terminate Ms. Porter. Commissioner Dowdy spoke on behalf of Ms. Porter, stating that he had known her for many years, and that she was a good person, and a good employee who knew her job well.

Ann Blackmore of Williston then spoke as Interim Executive Director of the Fayette County Commission on Aging. Ms. Blackmore stated that Cathy Williams of the Aging Commission of the Mid-South had told her that \$75,000 had been sent to Fayette County to refurbish the building which houses the Fayette County Commission on Aging, or to build a new one. Ms. Blackmore was inquiring as to the status of these funds. Mayor Taylor stated that the money was given during the last fiscal year and is still being held by the County. He stated that the money could be used as match money for a grant if there's one out there. Mayor Taylor further stated that the money was earmarked for Fayette County seniors, and there are several other organizations in the County. The use of the funds was not limited to just the Fayette County Commission on Aging.

Commissioner Joann Allen then spoke. She stated that at last month's meeting she had made a statement regarding the Oakland Police Department's patrolling of the newly annexed Hickory Withe area which she needed to retract. She said that the Oakland Police Department is patrolling the area and that she had been misinformed.

Mayor Taylor stated that the next item on the agenda was the approval of the minutes for last month. Commissioner Cook and Commissioner Joann Allen pointed out changes needing to be made. Commissioner Dowdy then moved that the minutes be approved with these changes being made. The motion was seconded by Commissioner Cook, and passed unanimously.

Chairman Taylor stated that Captain Arthur Williamson of the Somerville Police Department had passed away, and gave the funeral arrangements. It was also stated that two former County employees, John Denniston and Ernest Elrod had also passed away.

Chairman Taylor stated that a speed limit resolution had been advertised but had not been through committee. Chairman Taylor then read the resolution, and in doing so, an error was discovered in the location of the road, so the matter was tabled until next month.

The next item on the agenda was the approval of the following as notaries public: Mary K. Brewer, Heather Lea Burse, and Michael Watkins. Commissioner Logan moved for approval, motion was seconded by Commissioner Burnette, and was approved unanimously by the Board.

The next item on the agenda was to add two new members to the Library Board. The Mayor stated that the Library Board recommended that Barbara Walls and Dick Seitz be appointed. Motion was made by Commissioner Burnette to approve, with second from Commission Anderson, and unanimous approval by the Board.

Chairman Taylor then reported for the Mayor's office. He stated that a pre-analysis of all addresses and locations for "Census 2010" to assure an accurate count is soon to be underway, and that he will be asking for volunteers. This project will start in January and last three or four months.

Chairman Taylor stated that he has met with Mayor Mullins and that the City of Oakland is in the budget process and that the County has worked out an agreement to put an ambulance in Oakland which will hopefully help response times, and stated that he hoped the County Commission would endorse this move. Several Commissioners mentioned the need for an ambulance in the Moscow, Rossville, and Piperton areas. Chairman Taylor stated that the Highway 64 location would be along the central part of the county. Much discussion followed regarding a fourth ambulance. Chairman Taylor stated that Sam McKnight, Ambulance Service Director, is gathering information regarding using one ambulance for transports, and the price of a used ambulance for the fourth ambulance.

Chairman Taylor reminded the Commissioners of the presentation by the National Fire Association who will do a demonstration of the effectiveness of sprinkler systems on Tuesday, October 30, at 7 pm at the Courthouse.

Chairman Taylor pointed out the minutes of the Fayette County Board of Adjustments and appeals. He stated that some pre-appointments and other information would be brought back to the Board in November.

The School Board quarterly report was then called to the attention of the members of the Board, as was the report on the General fund. Mayor Taylor stated that he hoped both reports would become monthly for additional budget information purposes.

The Mayor also stated that if all goes well the next monthly meeting of the Board should be at the new Justice Complex.

Reports were called for from the Sheriff's Department, Board of Education, Juvenile Court, and Board of Public Works, but none were presented.

The following standing committees did not meet, and therefore, gave no report: the Development Committee, Health and Welfare Committee, Personnel Committee, Criminal Justice/Public Safety Committee, and the Education Committee.

Commissioner Logan stated that he would like to see the Personnel Committee give some consideration to the termination of County Employees, and to set some policy in place to protect the employee, and the county as well. Commissioner Logan asked for a copy of the

County Personnel Handbook. Chairman Taylor stated that he would see that all the Commissioners received a copy of the handbook.

Commissioner Harris then reported for the Budget Committee.

The first item from the Budget Committee was the salary of Mike French, the Judge's Assistant. There was a letter written by Judge Whitaker to the Budget Committee April 11, 2007, requesting at least a twenty per cent increase in Mr. French's salary, which was misplaced and never discussed by the Committee. Mr. Harris stated that Mr. French is making \$23,050, which is less than the Janitor makes. He added that Mr. French has a college degree and a background in Criminal Justice.

Commissioner Joann Allen moved that Mr. French's salary remain the same. Motion was seconded by Commissioner Logan. A roll call vote was taken as follows:

Voting "YES" Commissioners Joann Allen, Brewer, Cox, Kelley, Lillard, Logan, and McCloud(7)

Voting "NO": Commissioners Anderson Burnette, Cook, Dowdle, Gant, German, Harris, Karcher, Oglesby, and Wilson(10)

"PASSING": Commissioners Ed Allen and John Dowdy

Thereupon said motion failed.

Commissioner Oglesby moved that Mr. French's salary be increased to that of Deputy I, which is \$26,500. The motion was seconded by Commissioner German. The following roll call vote was then taken:

Voting "YES": Ed Allen, Anderson, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, McCloud, Oglesby, Wilson (15)

Voting "NO": Commissioner Joann Allen, Brewer, Lillard, and Logan (4)

Motion passed.

The next item Commissioner Harris brought before the Board was a proposal to accept a group work camp contract for a church based organization of young people to come into the county and help work on under-privileged citizens' homes. The cost to have this organization come is \$19,000; and they will be here during the summer of 2009.

Motion to allow the Mayor to sign the contract and obligate the County was made by Commissioner Harris, seconded by Commissioner Wilson. The motion passed by a majority voice vote.

Commissioner Harris stated that Circuit Court Clerk, Connie Doyle, had presented a reorganization chart for her office at the September meeting. Commissioner Harris also stated that a new position had been approved for that office but it was a Deputy II position, not an Administrative Assistant position. Mrs. Doyle addressed the Board stating that she wanted to divide the funds approved for the new position in her office, which are as yet unused, between the two employees she wanted to move up to bring them up to a salary exceeding that of a Deputy II, but less than that of an Administrative Assistant.

Commissioner Wilson moved that Mrs. Doyle be allowed to use the unexpended funds appropriated in the Budget for an additional employee to raise the salaries of two Deputy II employees to \$28,500. The motion was seconded by Commissioner Anderson.

Chairman Taylor stated that by approving this motion that next year's budget would have to allocate \$30,000 for each position whether or not the employees were to be paid the full amount. He also stated that this item would require a budget amendment, and therefore would have to be finalized at next month's meeting. A roll call vote was then had with the following results:

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

Voting "NO": Commissioner Lillard

"PASSING" due to a conflict of interest was Commissioner Kelley.

Commissioner Harris then presented a request by the City of Rossville to allow them to acquire a property in the City of Rossville (formerly the Ross Metals Property) that has been cleaned of toxic waste and owes county and city back taxes. The City of Rossville would like to use this land for a park, and would like the County to work out an agreement to defer the payment of back taxes. The County Attorney, Richard Rosser, advised against getting involved in a situation like this where the county can be held liable for the expense of the toxic waste clean-up. He suggested that the City of Rossville be allowed to foreclose on the property for the back taxes owed the City. Motion was made by Commissioner Logan to table the matter until Mr. Rosser has sufficient time to check to see if the County can legally defer the tax payments, or if there is another way for the County to help. The motion was seconded by Commissioner Dowdy, and approved unanimously by the Board.

The next item on the agenda was to enter an agreement with the City of Somerville to move the water meter across the road at the new Criminal Justice Complex, so the County could be responsible for maintaining it. Motion was made to do so by Commissioner Harris, seconded by Commissioner Dowdle and passed unanimously by the Board as follows:

The Town of Somerville will agree to accept the water line constructed from Highway 76 South to the point of termination at the meter assembly for the Fayette County Criminal Justice Center (FCCJC), and designated for service to the FCCJC with the following agreed conditions:

1. The County will provide an accurate set of "As-Constructed" drawings for the Water line and meter assembly.
2. The County will provide copies of the Daily Inspector's Reports for the installation of the water line.
3. The County will provide all results related to bacteriological, pressure and leakage tests conducted on the water line.
4. Somerville has significant concerns over the construction of vertical line segments, fitting installation, ditch/low area crossings and line depths on the line segment between the driveway to the transfer station and the meter vault at the FCCJC site. Therefore, the County will agree to pay all costs associated with maintenance of this line segment or for the repair and restoration following any line (or line appurtenance) failure in this segment. The Town of Somerville agrees to provide the County with detailed costs for any maintenance activity undertaken or any expense incurred related to the water line.

Commissioner Harris stated that the "T" Hangars at the airport will be ready soon, and that the Mayor requests that \$240 per month be set as the rental rate and that a contract following the guidelines approved by the County Commission be approved and adopted after the County Attorney has reviewed it. Motion was made by Commissioner Harris, seconded by Commissioner Wilson, and approved unanimously by the Board.

Motion was made by Commissioner Harris, seconded by Commissioner Oglesby to appropriate \$1500 to go toward the cost of a population estimate. The motion was approved unanimously.

Motion was then made by Commissioner Gant to adopt the following Resolution to Transfer Ownership to Abandoned L & N Railroad. The motion was seconded by Commissioner Logan, and approved by the Board. A roll call vote followed, with all Commissioners voting "YES", except for Commissioner Anderson who voted "NO".

WHEREAS, the Louisville & Nashville Railroad, after receiving permission from the Interstate Commerce Commission, quitclaimed the property in 1968 to the County of Fayette; and

WHEREAS, the property lies along the Highway 64 corridor in Fayette County which starts east of Laconia at the Hardeman County Line and runs through Somerville and Oakland to the Shelby County Line; and

WHEREAS, the property owners adjoining the abandoned railroad have expressed a wish to acquire the abandoned railroad property; and

WHEREAS, Fayette County wishes to return the property to the adjoining landowners once it has reviewed the property for county uses;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the property quitclaimed to Fayette County by the Louisville & Nashville Railroad in 1968 be dispersed in the following manner after review of the uses of the property:

1. A request shall be submitted in writing to the County Mayor for the purchase of any of the abandoned railroad property by the adjoining current property owner of record. The offer shall include:
 - a. A purchase price of ten dollars (\$10) per acre
 - b. A description of the property that satisfies the County Attorney (including a map)
 - c. An agreement to cover all recording costs of the transaction
 - d. An agreement to cover any costs the county may incur up to one hundred dollars (\$100)
 - e. Any waivers dictated by the County Attorney
2. The County Mayor shall call a Railroad Committee meeting within 30 days to review the offer, which shall make a recommendation to the County Commission. The Committee shall consider any current uses of the property, the need to put land on the tax rolls, and any prospective uses of the property for the county. Any eligible landowner on only one side of the railroad may request to purchase to the center of the abandoned railroad property, and any eligible landowner on both sides of the property may request to purchase the entire portion going through his property.
3. After the Railroad Committee has taken the time necessary to reach a recommendation, the recommendation shall be presented to the County Commission to accept or reject the offer.

Adopted this 23rd day of October, 2007.

Attorney Bill Rhea addressed the Board on behalf of some of the property owners, as did James O. Wiles, surveyor.

The Railroad Committee recommended approval for the Gordon and Ronald Terry property in Oakland. Motion was made to approve by Commissioner Dowdle and seconded by Commissioner Dowdy. A majority voice vote was taken with 18 commissioners voting "YES" and Commissioner Anderson voting "NO".

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

Rhea Taylor, County Mayor

Sue W. Culver, County Clerk