

FILE COPY

FAYETTE COUNTY LEGISLATIVE BODY

November 25, 2008

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Justice Complex in Somerville, Tennessee, on the 25<sup>th</sup> day of November, 2008. Present and presiding was Chairman Rhea Taylor. Also present were the following: Shana Burch, Deputy County Clerk, Rose Posey, Administrative Assistant to the County Clerk, Tom Whitaker, Deputy Sheriff, and the following County Commissioners: Ed Allen, Joann Allen, Steve Anderson, Charles Brewer, Joe B. Burnette, Jr., Larry Cook, Odis Cox, Sissy Dowdle, John Dowdy, Ron Gani, Willie German, Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, George McCloud, Claude Oglesby, and Myles Wilson.

Commissioner Sylvester Logan was absent.

The floor was opened to the public to address items not on the agenda. Julia McAfee addressed the Board regarding the resignation of John Pitner, and yearly evaluation of employees, including Department heads. Ms. McAfee addressed problems with the sound system.

Motion was made by Commissioner Dowdle, seconded by Commissioner Cook, to approve the minutes for the October 28<sup>th</sup> meeting of the County Legislative Body. Motion was approved unanimously.

Commissioner McCloud moved that the following notaries be approved: Chad A. Cardwell, Matthew Boone DeHollon, Anita C. Keller, and Deborah B. Sullivan. Commissioner Dowdy seconded the motion which was passed by the Board.

Chairman Taylor stated that Commissioner Willie German, Commissioner David Lillard, and Mrs. Jane Mitchell have served the allowable three two-year terms on the Fayette County Agricultural Committee, and must rotate off. Three new members must be added to the Committee. The Agricultural Committee recommended the following be approved as new members: Mrs. Lucinda German, Commissioner Joe Burnette, and Commissioner Claude Oglesby. Motion for approval was made by Commissioner JoAnn Allen, seconded by Commissioner Kelley, and approved unanimously by the Board.

Chairman Taylor pointed out the financial reports for the Fayette County Board of Education and the Fayette County Public Works in the Commissioner's packets.

Chairman Taylor then reported for the County Mayor's office, stating that the new jail has been certified, and now houses 100 inmates.

Chairman Taylor stated that the disputed amount of Ambulance fees owed the County by Methodist Fayette is \$48,649.79. Since there is an agreement between the County and the Hospital, most of these monies would be due the county. Mr Crislip, Hospital Administrator, is re-checking to see where the discrepancy is.

The Mayor further stated that John Pitner, Director of Planning and Development, who tendered his resignation over employee policy a short while back, has reconsidered and will be back on the job December 1.

The next item on the agenda was the Sheriff's Department report. Deputy Whitaker stated that there was no report. Commissioner Wilson stated there was no

report from the Board of Education. No reports were given for Public Works, the Trustee's Office, or Juvenile Court.

Commissioner Wilson then reported for the Development Committee. He stated that the Committee reviewed the prior month's suggestions regarding grass heights in neighborhoods, and how to enforce any ordinance passed.

Mayor Taylor stated that he needed some input as to how this resolution should be written, and that this resolution may be one that a public hearing should be held on due to some of the phone calls he has received regarding it. He stated that he had spoken with CTAS regarding a resolution of this type, and that they have not yet gotten back with him. Commissioner Cook moved that the recommendation be sent back to the Development Committee for further study. The motion was seconded by Commissioner Burnette, and passed unanimously by the Board.

Commissioner Wilson continued his report by stating that the Public Works Board, on behalf of Mr. David B. Skudder, Jr., landowner, who requested that the Fayette County portion of Rawlings Road that runs through his property, be closed along with the Haywood County portion, along with a .81 mile portion of Caldwell Road. Motion was made by Commissioner Dowdy, seconded by Commissioner Brewer, and passed unanimously by the Board.

Commissioner Burnette then moved that a .56 mile portion of Caldwell Road on the East Side be renamed to Woods Drive. Motion was seconded by Commissioner Dowdle and passed unanimously by the Board.

Commissioner German then reported for the Health and Welfare Committee, stating that Committee discussed an animal control act which they voted to recommend for approval by the full Commission. Commissioner Joann Allen moved that this matter come back up for a vote in the January meeting. Motion was seconded by Commissioner Oglesby, and passed by the Board. Mayor Taylor stated that with the Commission's consent he would appoint an advisory board for input on this matter. Meeting dates would be announced in the local paper.

Next Commissioner German called on Bart Regan for comments on the Ambulance Service Assessment. Mr. Regan stated that in general the Ambulance Service does a good job. Mr. Regan presented a table of recommendations in order to restructure, reorganize, and reduce liability of the Service. After much discussion, Commissioner Gant yielded the floor to Greg Tapp of the Fayette County Ambulance Service, who responded to the recommendations made by Bart Regan. Mr. Tapp stated that some of these recommendations have already been implemented.

Commissioner German stated that the committee had also discussed the nominees for the Agriculture Committee approved earlier in this meeting and recommended approval of these to the Commission.

The Personnel Committee did not meet.

The Criminal Justice/Public Safety Committee met on Nov. 24, 2008, to discuss the Moscow Fire Department. The City of Moscow would like to lease it's building and equipment to the County to provide Fire Protection, which would be similar to the agreement with the City of Williston. The City of Moscow will have to change it's charter and the County will have to work out a long-term agreement.

Commissioner Oglesby reported for the Education Committee, stating that a budget amendment for the schools had been reviewed and passed on to the Budget Committee with recommendation for approval.

Commissioner Oglesby moved that the following "Memorandum of Agreement" regarding the establishment of a Joint-Advisory Committee ("JAC") to determine if it would prove beneficial to consult the services of an expert in school desegregation to determine whether desegregation is obtainable through any other means other than the Consent Order developed by the County Commission and the Department of Justice, and to intervene in a pending matter to recommend the intervention of an expert in school desegregation. This Advisory Board would be made up of Commissioners Lillard, Ed Allen and Oglesby, as recommended by the Mayor, and Commissioner Brewer was recommended by the Committee. The school Board Members who will serve are Ricky Hoskins, Patricia Burnette and Linda Barton. Commissioner German seconded the motion which passed as follows:

### MEMORANDUM OF AGREEMENT

This agreement is made between the Fayette County Board of Education (the "Board") and the Fayette County Commission (the "Commission"), and resolves the issues of the parties pertaining to the Commission's Motion to Intervene filed on August 18, 2008, in the matter of McFerren v. County Bd. of Ed. of Fayette County Tennessee, Civil Action No. C-65-136, pending in the United States District Court for the Western District of Tennessee.

WHEREAS, the Board has been under a court order to desegregate the Fayette County schools entered in the above-styled action in June 1975;

WHEREAS, the United States Department of Justice ("DOJ") recently evaluated the school system to determine whether the Board had taken the appropriate steps to desegregate the school system;

WHEREAS, the Board and the DOJ have developed a new, revised plan to desegregate the schools of Fayette County and submitted such plan to the District Court in the form of a Consent Order between the Board and the DOJ (hereinafter "Consent Order");

WHEREAS, the Commission determined that it would prove beneficial to consult the services of an expert in school desegregation to determine whether desegregation is obtainable through any other means other than the Consent Order developed by the Board and the DOJ; and

WHEREAS, the Commission filed a Motion to Intervene in the pending action in order to express its voice in a meaningful manner, and to recommend the intervention of an expert in school desegregation.

NOW THEREFORE, the parties hereby agree as follows:

1. The Commission will withdraw its Motion to Intervene in the pending action in exchange for the Board's agreement to establish a Joint-Advisory-Committee ("JAC") comprised of members of both the Commission and the Board.
2. The JAC shall be comprised of three members of the Commission to be selected by the Mayor of Fayette County, and three members of the Board to be selected by the Superintendent of the Fayette County Schools.
3. Only elected members of the Commission and the Board shall be eligible to serve on the JAC; however, nothing shall prevent the JAC from considering the input of members of the community, other interested organizations, and qualified experts in school desegregation.

4. The Board and the Commission shall each nominate three members to the JAC on or before December 1, 2008.
5. The JAC shall designate the Attorney for the Board, Mr. Thomas Minor, as the "point of contact" to initiate and facilitate all communications between the JAC and the DOJ.
6. The JAC shall serve a purely advisory role and shall have no authority other than the power to recommend desegregation proposals to the Board and the Commission, and to participate in meetings and teleconferences as described below.
7. The JAC shall receive prior notice of all meetings and teleconferences between the DOJ and the Board in which proposed changes to the Consent Order are discussed, and shall have the opportunity to participate in all such discussions, unless the DOJ determines that confidentiality is necessary with regard to a particular issue.
8. The JAC shall receive copies of all correspondence between the DOJ and the Board and shall forward copies of all correspondence to the Commission.
9. The JAC shall have the opportunity to converse with and have meaningful access to the DOJ in all matters pertaining to the administration of the Consent Order or any proposed changes or suggestions with regard to the Consent Order.
10. The School Board agrees to coordinate any site visits from the DOJ with the JAC so that representatives from the JAC can be designated to attend. The JAC shall attempt to schedule a meeting of the JAC to coincide with site visits when representatives from the DOJ are in Fayette County for site visits, subject to the DOJ's availability.
11. The members of the JAC shall report each proposal to their respective organizations, i.e. the Board or the Commission.
12. Periodic meetings and discussions between the JAC and the Board and between the JAC and the Commission will be scheduled in order to monitor the goals, proposals, and progress of the JAC.
13. If members from the Commission adopt a different stance from the members of the Board pertaining to the administration of or proposed changes to the Consent Order, the JAC shall present both proposals to the DOJ for consideration.
14. The JAC shall convene its first meeting on or before January 15, 2009, at which time the JAC will be briefed on the applicable standards used in developing proposals for desegregating a school system. The JAC shall meet once more

within thirty (30) days of its first meeting to begin discussions regarding the development of a plan to desegregate the schools. Following the second meeting, the JAC shall meet every ninety (90) days to discuss the relevant issues and to develop a plan(s) for submission to the Commission and the Board. (The JAC shall meet more frequently or on an "as needed" basis for discussions if necessary).

IN WITNESS THEREOF each party hereto has caused this Agreement to be executed by an authorized official on the date set forth below.

\_\_\_\_\_  
**Myles Wilson**, Superintendent of the  
Fayette County Board of Education

Date: November \_\_\_\_, 2008

\_\_\_\_\_  
**Mayor Rhea Taylor**, Authorized by  
County Commission Resolution dated  
May 27, 2008 to act on behalf of the  
Fayette County Commission

Date: November \_\_\_\_, 2008

\_\_\_\_\_  
\_\_\_\_\_, Member of the  
Fayette County Board of Education

Date: November \_\_\_\_, 2008

\_\_\_\_\_  
\_\_\_\_\_, Member of  
Fayette County Commission

Date: November \_\_\_\_, 2008

Commissioner Oglesby stated that the Edulog software Committee recommended that an individual in Planning and Development would be trained to administer the software rather than creating a new position to do it. A Planning and Development employee was chosen because of the new GIS program in that office.

Commissioner Harris then reported for the Budget Committee. He moved that the following Amendment to the County General Fund be approved. This amendment includes monies received in a Homeland Security Grant, and expenditures related to Fire Prevention training. Motion was seconded by Commissioner Burnette, and passed 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 sessions on this 25<sup>th</sup> day of November, 2008, 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 08/09  
November, 2008**

<u>Adjustment to Revenue Accounts</u>	INCREASE	DECREASE
47235 Homeland Security Grant		\$ 37,679.00
49200 Notes Issued		<u>\$108,039.00</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>		<b>\$145,718.00</b>
 <u>Adjustment to Expenditure Accounts:</u>	 INCREASE	 DECREASE
<u>54310 Fire Prevention</u>		
196 In Service Training	\$ 3,197.00	
499 Other Supplies & Materials	\$34,482.00	
718 Motor Vehicles	<u>\$108,039.00</u>	
Subtotal-54310	\$145,718.00	
 <u>58220 Airport</u>		
105 Supervisor	\$ 15,000.00	
168 Temporary Personnel		<u>\$ 15,000.00</u>
Subtotal-58220	\$ 15,000.00	\$ 15,000.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS</b>	<b>\$160,718.00</b>	<b>\$ 15,000.00</b>
 Prior Estimated Expenditures		 \$13,133,171.00
Total Estimated Expenditures this Amendment		\$13,133,171.00
Projected Fund Balance before Amendment		\$ 3,169,891.00
Change in Fund Balance this Amendment		00.00
Estimated Ending Fund Balance as of June 30, 2009		\$ 2,481,410.00

Motion was also made by Commissioner Harris to approve the following Amendment to the "Other Capital Projects" Budget. Motion was seconded by Commissioner McCloud and passed as follows:

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 25<sup>th</sup> day of November, 2008, 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 Other Capital Projects Fund #189 be amended in the following words and figures, to-wit:

**OTHER CAPITAL PROJECTS  
BUDGET AMENDMENT  
F/Y 08/09  
November, 2008**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
47990 Other Direct Federal Revenue		<u>\$ 12,600.00</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT:</b>		<b>\$ 12,600.00</b>
<u>Adjustment to Expenditure Account:</u>		
<u>91190 Other General Government Projects</u>		
724 Site Development	<u>\$ 12,600.00</u>	
Subtotal-91190	\$ 12,600.00	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT:</b>	<b>\$ 12,600.00</b>	

Commissioner Harris moved that the following Budget Amendment to the Fayette County Board of Education General Purpose Fund be approved. Motion was seconded by Commissioner Oglesby, and passed by the Board.

FAYETTE COUNTY BOARD OF EDUCATION  
GENERAL PURPOSE FUND  
FUND 141  
NOVEMBER, 2008

		INCREASE	DECREASE
0	INSTRUCTION		
0	REGULAR INSTRUCTION PROGRAM		
0 116	Teachers	\$66,705.87	
0 201	Social Security	\$4,135.24	
0 204	State Retirement	\$4,282.74	
0 212	Medicare	\$967.40	
	TOTAL:	\$76,091.25	\$0.00
0	SPECIAL EDUCATION PROGRAM		
0 116	Teachers	\$8,951.87	
0 201	Social Security	\$555.02	
0 204	State Retirement	\$574.74	
0 212	Medicare	\$129.81	
0 312	Contracts w/Private Agencies	\$6,435.56	
	TOTAL:	\$16,647.00	\$0.00
0	VOCATIONAL EDUCATIONAL PROGRAM		
0 116	Teachers	\$4,620.32	
0 201	Social Security	\$286.46	
0 204	State Retirement	\$296.62	
0 212	Medicare	\$66.99	
	TOTAL:	\$5,270.39	\$0.00
0	SUPPORT SERVICES		
0	ATTENDANCE		
0 105	Supervisor/Director	\$288.77	
0 201	Social Security	\$17.91	
0 204	State Retirement	\$18.54	
0 212	Medicare	\$4.19	
	TOTAL:	\$329.41	\$0.00
0	HEALTH SERVICES		
0 131	Medical Personnel	\$288.77	
0 201	Social Security	\$17.90	

72120 204	State Retirement	\$18.54	
72120 212	Medicare	\$4.19	
	TOTAL:	\$329.40	\$0.00
72130	OTHER STUDENT SUPPORT		
72130 123	Guidance Personnel	\$2,598.93	
72130 201	Social Security	\$161.13	
72130 204	State Retirement	\$166.86	
72130 212	Medicare	\$37.71	
	TOTAL:	\$2,964.63	\$0.00
72210	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director	\$1,155.08	
72210 129	Librarian	\$2,887.70	
72210 138	Instructional Computer Personnel	\$288.77	
72210 201	Social Security	\$268.57	
72210 204	State Retirement	\$278.10	
72210 212	Medicare	\$62.82	
72210 189	Other Salaries and Wages	\$3,954.00	
72210 201	Social Security	\$245.14	
72210 204	State Retirement	\$253.84	
72210 207	Health Insurance	\$592.66	
72210 212	Medicare	\$72.75	
	TOTAL:	\$10,059.43	\$0.00
72220	SPECIAL EDUCATION PROGRAM		
72220 105	Supervisor/Director	\$288.77	
72220 124	Psychological Personnel	\$288.77	
72220 135	Assessment Personnel	\$288.77	
72220 189	Other Salaries and Wages	\$288.77	
72220 201	Social Security	\$71.61	
72220 204	State Retirement	\$74.16	
72220 212	Medicare	\$16.76	
72220 189	Other Salaries and Wages		\$3,954.00
72220 201	Social Security		\$245.14
72220 204	State Retirement		\$253.84
72220 207	Health Insurance		\$592.66
72220 212	Medicare		\$57.33
72220 299	Other Fringe Benefits		\$15.42
72220 355	Travel	\$6,000.00	
	TOTAL:	\$7,317.61	\$5,118.39

30	VOCATIONAL EDUCATION PROGRAM		
30 105	Supervisor/Director	\$288.77	
30 201	Social Security	\$17.90	
30 204	State Retirement	\$18.54	
30 212	Medicare	\$4.19	
	TOTAL:	\$329.40	\$0.00
60	ADULT EDUCATION		
60 105	Supervisor/Director	\$288.77	
60 201	Social Security	\$17.91	
60 204	State Retirement	\$18.54	
60 212	Medicare	\$4.18	
	TOTAL:	\$329.40	\$0.00
320	OFFICE OF THE SUPERINTENDENT		
320 101	County Official/Administrative Officer	\$288.77	
320 201	Social Security	\$17.90	
320 204	State Retirement	\$18.54	
320 212	Medicare	\$4.18	
	TOTAL:	\$329.39	\$0.00
410	OFFICE OF THE PRINCIPAL		
410 104	Principals	\$2,887.70	
410 139	Assistant Principals	\$1,732.62	
410 201	Social Security	\$286.46	
410 204	State Retirement	\$296.64	
410 212	Medicare	\$66.99	
	TOTAL:	\$5,270.41	\$0.00
100	EARLY CHILDHOOD EDUCATION		
100 105	Supervisor/Director	\$288.77	
100 116	Teachers	\$2,598.93	
100 201	Social Security	\$179.06	
100 204	State Retirement	\$185.40	
100 212	Medicare	\$41.87	
	TOTAL:	\$3,294.03	\$0.00
	GRAND TOTAL:	\$128,561.75	\$5,118.39

Total Increase: \$123,443.36

Revenues:	46590 Other State Funds - State Bonus	\$111,007.80
	47143 IDEA Part B Competitive High Cost	<u>\$12,435.56</u>
	Total:	\$123,443.36

Revenue:	Prior Total Available Funds	\$27,605,612.58
	Total Increase This Amendment	<u>\$123,443.36</u>
	Total Available Funds This Amendment	\$27,729,055.94

Expenditure:	Prior Total Estimated Expenditures	\$27,463,902.36
	Total Increase This Amendment	<u>\$123,443.36</u>
	Total Estimated Expenditures This Amend.	\$27,587,345.72

The State Bonus for all certified employees is being budgeted - \$288.77 plus benefits  
 \$12,435.56 Special Ed funds recd for high cost students being rebudgeted  
 11th month salary for Andrew Perry moved from Special to Regular Education

Commissioner Burnette moved that the following Resolution to cancel the December 2008 County Commission Meeting for Fayette County be approved. Motion was seconded by Commissioner McCloud and passed as follows:

**RESOLUTION TO CANCEL DECEMBER 2008 COUNTY COMMISSION MEETING  
FOR FAYETTE COUNTY**

**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 23, 2008 meeting of the Fayette County Commission is cancelled.

Adopted this 23<sup>rd</sup> day of November, 2008.

APPROVED: ATTEST:

\_\_\_\_\_  
County Commission Chairman

\_\_\_\_\_  
County Clerk

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

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Rhea Taylor, County Mayor

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Sue W. Culver, County Clerk