

FAYETTE COUNTY LEGISLATIVE BODY

September 23, 2008

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BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Bill G. Kelly Justice Complex in Somerville, Tennessee, on the 23rd day of September, 2008. 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; Tom Karcher; Bill G. 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 for comments on non-agenda items. Chris and Casie Jackson of Oakland spoke first. The Jacksons requested further investigation into the shooting of their two family pets by animal control officer, Bill Crook. Sheriff Riles stated that the matter is being investigated and he should have some decision from the District Attorney's Office by Friday. Commissioner Cook also addressed the matter by saying that he had several calls from the neighborhood saying the dogs were a menace. At this point, Mr. Jackson read from a statement written in the Oakland paper by the lady who was jogging down the street, whom the dogs chased, stating that she did not feel threatened by the dogs.

The first item on the agenda was the approval of the minutes from the August 26, 2008 meeting. Motion was made to approve by Commissioner Brewer, seconded by Commissioner Dowdy, and passed unanimously by the Board.

Chairman Taylor then asked John Pitner to present the request by Fayette County Animal Rescue to rezone their property at 595 Clement Drive, Rossville, from R-1 to Special Activity. Mr. Pitner stated that the request comes without the recommendation of the Planning Commission. He further stated that the Special Activity zoning would put no limit on the number of animals housed there.

The floor was then opened for a public hearing regarding the rezoning request. Speaking against the request was Shannon Cotter of 1175 Hewlett Drive, Rossville, who spoke on behalf of several property owners in the area who are adversely affected. Ms. Cotter stated that she wanted to go on record as saying that no one in the area is opposed to the service FCAR is providing, but rather to the fact that the facility is located in a residential area. Ms. Cotter further stated that both the Board of Zoning Appeals and the Planning Commission say this is not a permitted use for the property and is not concurrent with zoning regulations.

Rick Smith of 445 Belmont Road, Mason also spoke against the rezoning. Mr. Smith stated that no one says the shelter should be closed, but that it should be relocated, and that this is a growing problem that needs to be addressed now.

Dana Pittman, who resides in east Fayette County on Bailey Morrison Dr, stated that there are many no-kill, no-cage shelters in Fayette County, and that she often picks up stray animals and cares for them. Ms. Pittman requested that the Board not rezone the property tonight, but declare a 120 day moratorium to pursue other available options.

At this point, Chairman Taylor stated that last month the Board of Zoning Appeals had extended the deadline for the rezoning to January 30, 2009, thus giving more time for the facility to make plans.

Nancy McEnaney of 990 Clement Drive, Rossville, also spoke against the rezoning, stating that not only had she supported FCAR financially, but had volunteered her time and horse trailers to haul animals for them. Ms. McEnaney stated that she had opened a grooming business in her home four years ago. When she applied for her business license, she was referred to the Planning Commission who told her that she could have no more than 5 dogs on her property at a time, and that she could not board any animals overnight. She also stated that she had gone by FCAR at 3:20P.M, the dogs were barking and there was a lot of noise. She ended by saying that this facility should not be in a residential area, and that it should be subject to the same regulations as every one else.

Another neighbor, Tom Fleps, who lives at 295 Wade Dr, Rossville also spoke against the rezoning, as did Lance Huff who lives directly across the street from the facility.

Speaking for the rezoning was Steve Butler, attorney for FCAR, who stated that FCAR was told ten years ago that they were lawful. In 2002 they were exempted from having a building permit for an addition because they were a lawful activity and exempt from needing one. Mr. Butler stated that the facility has provided a humane shelter, assisting the County and the Sheriff's department in animal abuse cases, and that these are public uses which are lawful and a part of their current zoning.

Ms. Nancy Dowdy, a neighbor of the facility, Mr. Skip McQueen, a sound engineer who appraised the operation, and Oakland Mayor Bill Mullins all spoke for the rezoning.

Laurie Turner of FCAR spoke of the services the facility provides and showed pictures of improvements made to the property. She further stated that the estimated costs of rebuilding the facility to it's current standards would be \$625,000, which FCAR could not afford. Ms. Turner stated that the facility has 18 no-bark collars, with plans to buy more. She further stated that moving is not an option because there is no money to fund it.

Sheriff Riles spoke on behalf of the shelter, and the many services that have provided for the Sheriff's Department, and the County. Lauren Wiltshire, who lives near the Memphis Beagle Club, who did not have to get an exception for their facility, stated that she did not understand why FCAR had to get an exception.

Commissioner Oglesby moved that the rezoning be approved, and the motion was seconded by Commissioner Dowdle. Commissioner Lillard then moved to amend the motion by postponing the request until the January, 2009 meeting, and his motion was seconded by Commissioner Cook. A roll call vote was taken with the following results: Voting "YES": Commissioners Anderson, Cook, Kelley, and Lillard (4) Voting "NO" Commissioners Ed Allen, Joann Allen, Brewer, Burnette, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Logan, McCloud, Oglesby, and Wilson (15) Thereupon the amendment failed.

The original motion by Commissioner Oglesby to approve the rezoning was then voted on. The following results were had on a roll call vote:

Voting "YES": Commissioners Ed Allen, Joann Allen, Brewer, Cox, Dowdle, Dowdy, Harris, Karcher, Kelley, Logan, McCloud, Oglesby and Wilson (13)

Voting "NO": Commissioners Anderson, Burnette, Cook, Gant, German, and Lillard (6) Thereupon the motion passed.

The next item on the agenda was the election of notaries public. Motion was made by Commissioner Logan, seconded by Commissioner Dowdle, to approve the following as notaries public: Emma Lisa Bebee, Major Coburn, Odis Cox, Wilburn H. Fouche, Angela R. Irby, Donna Sue Keith, Jennifer L. King, Lisa M. Moore, G. Artemus Nelson, Joseph Creig Richardson, Marvin Resha Taylor, Renae Terrell, and Claudette C. Tharp.

The next item on the agenda was the adoption of rules and procedures.

Commissioner McCloud moved that the rules of procedure be adopted. Commissioner Joann Allen seconded the motion. Commissioner McCloud then amended his motion to include that in "Rule 7" the wording be changed for each committee to elect their chairman, rather than the Mayor appointing the Chairman. This motion was seconded by Commissioner Joann Allen and passed by the Board as follows:

FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS 2008-09

RULES

Rule 1: Convening the County Legislative Body

The county legislative Body shall conduct its regular meetings at the Fayette County Courthouse on the fourth Tuesday of each month at 7:00 p.m. Should any regular meeting fall on a legal holiday, or if an emergency shall arise, the County Legislative Body shall meet on such other date as shall be selected by the Chairman.

Rule 2: Quorum

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where vacancy or vacancies exist in the County Legislative the same shall not be included in determining the membership of such County Legislative Body.

Rule 3: Order of Business

1. Call to order by the Presiding Officer
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Comments on non-agenda items (10 minute maximum)
6. Reading and approval of minutes of previous meeting
7. Resolutions of memorial, sympathy and commendations
8. Public hearings
9. Elections, Appointment and Confirmations
10. Unfinished Business
 - a. Financial reports
 - b. Reports of Departments and Agencies
 - c. Report of Standing Committees and action thereon
 - d. Report of Special Committees and action thereon
 - e. Other unfinished business
11. New Business
12. Announcements and statements by members, officials and the public
13. Adjournment

Rule 4: General

Rule 4A: Who May Address the County Legislative Body

It is a Commissioner's right to address the Chairman and the County Legislative Body at any appropriate time after proper recognition by the Chairman, in which recognition will not be arbitrarily denied. Elected and appointed county official with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body may address the County Legislative Body at any appropriate time after proper recognition by the Chair, which recognition will not be arbitrarily denied. Any Commissioner can, after being recognized by the Chair, relinquish his time on the floor to a citizen who has knowledge or expertise concerning the topic being debated. Citizens and their representatives are encouraged to speak for or against any matter under consideration or during the Announcements and Statements portion of a meeting. Statements of citizens shall be limited to three (3) minutes per speaker and fifteen (15) minutes total for those speaking in opposition to an item under consideration. These specified time limits may be extended by majority vote of the County Legislative Body.

Rule 4B: Gaining the Floor

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall raise their hands and address the Chairman at the same time, the Chairman shall name the members who shall speak first followed by the other Member.

Rule 4C: Speaking

When any members wishes to speak in debate, discussion, or deliver any address on any matter whatsoever to the County Legislative Body, they shall respectfully address the Chairman and shall, after being recognized by the Chairman proceed with the remarks, confining such remarks strictly to the question under debate and avoiding all personalities.

Rule 4D: Consent to Yield

While a person is speaking, the speaker shall not be interrupted, except for as question. If the speaker declines to yield, the speaker shall not be interrupted, but shall yield to question at the end of the presentation.

Rule 4E: Points of Order

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him into order, in which case the member so-called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

Rule 4F: Appeal on Ruling

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decide the appeal.

Rule 4G: Refusal to be in Order

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

Rule 4H: Introduction of a Resolution (Motion)

Any proposed resolution may be introduced by any member of the County Legislative Body.

Rule 4I: Committee Referrals

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee without delay.

Rule 5 Motions and Resolutions

Rule 5A: Introduction and Debate

Motions may be made only by Commissioners. No motion shall be debated until the same is seconded and stated by the Chairman.

Rule 5B: Motions in Writing

When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk and read by the Chairman prior to any debate or vote.

Rule 5C: Requiring Roll Call

Any motion, except a motion involving the appropriation of funds, may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote. All motions concerning appropriation of funds shall require a roll call vote.

Rule 5D: Vote Required to Pass a Motion

In order to pass any motion there must be a vote of a majority of the members constituting the County Legislative Body and, not merely a majority of the quorum present.

Rule 5E: Member May Change Vote

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if anyone who has voted wishes to change his vote. Then the result shall be announced by the Clerk.

Rule 5F: Reconsideration of a Motion

When a question has been put to a vote, it shall be in order for any member of the prevailing side to move for reconsideration at anytime during that session of the County Legislative Body. The vote to reconsider requires a majority vote.

Rule 6 Elections and Appointments

Rule 6A: Elections with Nomination from the Floor

When the Chairman is to receive nomination from the floor, a member may nominate only one person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed.

Rule 6B: Appointive Office

The persons nominated will be introduced before the County Legislative Body if practical and a discussion of each appointee shall follow.

Rule 6C: Election or Confirmation

All ballots shall be cast by voice vote as each member's name is called by the Clerk. A majority of the full County Legislative Body is required for election or confirmation except as otherwise provided by state or private act.

Rule 6D: Second Ballot

If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected by the required majority.

Rule 7 County Legislative Body Committees

The members of all committees of the County Legislative Body, including standing committees, will be nominated by the County Mayor, and shall be approved by a majority vote of the County Legislative Body. Any commission member may call for a vote on individual approval of committee members. Each and every member shall have the opportunity to serve on one committee. In the event a member is not able to serve, the position shall be filled in the manner the positions were originally filled.

Rule 8 Appropriation Request

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the County Mayor for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be available to all members of the County Legislative Body.

Rule 8A: Appropriations Except by Bond Issue

Any and all appropriation except bond issues, to be assessed or approved must be filed in triplicate, the original with the County Mayor and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body

Rule 8B: Appropriations by Bond Issue

Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with County Mayor and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the term of the bond issue.

Rule 8C: Committee Recommendations

The committee to which the request has been referred shall assume one of the following positions: (1) adoption recommended, with or without conditions; (2) rejection recommend; or (3) submitted to the County Legislative Body without recommendation.

Rule 9 Amending or Suspending the Rules

Any rule or rules may be suspended or amended at any time by the county Legislative Body by a two-thirds majority of the members.

Rule 10 Robert's Rules of Order

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

Rule 11 Presiding Officer

Rule 11A: Election

Annually, at its first session in September, the County Legislative Body shall elect a Chairman and a Chairman Pro Tempore. The Chairman may be a member of the County Legislative Body or the County Mayor. If the County Mayor is elected, and accepts the position, then the County Mayor shall have no veto.

Rule 11B: Voting by the Chairman

If the County Mayor serves as Chairman, he may vote only in the case of a tie vote by the County Legislative Body. If a County Legislative Body member serves as Chairman, he or she may vote on all issues coming before the County Legislative Body but may not vote again to break a tie vote.

Rule 11C: Call to Order

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman the Chairman Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

Rule 11D: Question of Order

The Presiding Officer shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

Rule 11E: Members Speaking

Before a member is allowed to speak twice on the same subject, the Presiding Officer shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

Rule 11F: Motions

Once a motion has been made and duly seconded, the motion shall be reduced to writing by the proponent or the Clerk and read by the Presiding Officer so that debate on the motion may begin.

Rule 11G: Putting the Question

The Presiding Officer shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

Rule 11H: Agenda to Commissioners

A copy of the agenda, attachments, and notice calling each County Legislative Body meeting shall be delivered to each member on Thursday prior to the following Tuesday night.

Rule 12 County Clerk

Rule 12A: Minutes of the County Legislative Body

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member.
2. One copy upon request to each county office, department and/or commission head.
3. One copy upon request to all public, school and university libraries in the county.
4. One copy upon request to all licensed and operating commercial radio and television station in the county.
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public.
6. One or more pages shall be made available to the general public at reasonable cost.

Rule 12B: Roll Call

On all appropriations, the Clerk shall call the roll for "aye" and "No" votes. Names will be called in alphabetical order.

Rule 12C: Change of Vote

It shall be the duty of the Clerk at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Clerk.

Rule 12D: Audio Tape of Meetings

The Clerk shall cause all County Legislative Body meeting and County Legislative Body committee meetings to be tape recorded and shall maintain such tape recordings indefinitely. Members and the public may listen to such tape recordings during the Clerk's normal office hours and copies thereof will be made available at reasonable cost.

Rule 13 The Sheriff

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the order of the presiding officer of the court.

Rule 14 County Attorney

The County Attorney shall attend meeting of the County Legislative Body to advise on matters of Law. He shall also attend committee meetings when called upon by the Chairman of the County Commission.

Rule 15 Committees General

Rule 15A: Officers Election

Upon approval to a committee by the County Legislative Body, the members of the committee shall convene and elect a chairman, vice chairman, and a secretary from its membership

Rule 15B: Committee Chairman and Agenda

Standing committee chairmen shall notify the Chairman of the major matters to be reported to the County Legislative Body at the next meeting. This should be done in time for the item to be included on the agenda. Committee agendas will be provided to all commissioners at least 3 days prior to committee meetings.

Rule 15C: Committee Meeting Open to the Public

All committee meetings shall be open to the public and shall allow members of the public a right to address the committee at its meetings.

Rule 15D: Authority of Committees

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally describe in the title of the committee and as more specifically defined in the subject areas listed under the title. Should any question arise as to jurisdiction of any committee, it shall be referred to the County Legislative Body Chairman for determination, subject to an appeal to the County Legislative Body by any County Legislative Body member at the next regular meeting.

Rule 15E: Reporting Procedure

Reports of committees shall be given by the committee chairman at the proper place in the agenda for the County Commission. Recommendations passed by committees shall stand as motions for the Commission to debate and to take action on.

Rule 15F: Duties of Committee and Subcommittee Officers

The chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the County

Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and responsibility of the chairman in his absence. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same. The chairman of each committee may vote on all issues coming before the body, just as any other member.

Rule 15G: Committee Meeting Minutes

The minutes of all committee meetings shall contain, the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, the time of adjournment, and a tape recording of the entire meeting. All recommendations, whether positive or negative, shall be recorded in the minutes that go to the Commissioners in their packet, with no censoring allowed.

Rule 15H: Vacancies on Committees

If for any reason one or more members of any respective committee vacate their position, the Commission Chairman, subject to the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

Rule 15I: Special Committees

The County Legislative Body may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work is completed and in no case shall it exist longer than one year unless extended by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

Rule 15J: Reporting Referrals

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

Rule 15 K: Failure to Meet

If for any reason the chairman of a committee fails to call a meeting, the County Legislative Body Chairman, or two members of a three member committee, or three members of a larger committee may do so.

Rule 15L: Quarterly Reports

The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

Rule 15M: Technical assistance

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

Rule 16 Standing Committees

The Chairman shall be an ex-officio member of all committees and sub-committees. In this capacity, the Chairman shall offer assistance and advice as needed.

The standing committees of the County Legislative Body are as follows:

Criminal Justice and Public Safety: All matters pertaining to the criminal justice system including law enforcement, courts, and corrections; civil disturbance; juvenile delinquency; alcohol and drug abuse; emergency preparedness; fire prevention and control. (Five members)

Health and Welfare: All matters pertaining to health care, comprehensive health planning, local health services, mental health and emergency medical services; social services and welfare programs, recreation, solid waste management; soil, water, and wildlife conservation; energy conservation, agriculture, flood prevention and control. (Five members)

Education: All matters pertaining to elementary, secondary and adult education; vocational and technical education; library services. (Five members)

County Development: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulation, zoning, building codes; road improvements, highway safety, airport development. (Five members)

Personnel Committee: All general matters related to personnel; compliance with OSHA and TOSHA regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, salary classification, and employee benefits. This does not include budgetary issues regarding personnel salaries, requests for additional personnel, personnel transfers, etc. (five members)

Budget: Taxation; finance; investments; property and intergovernmental relations, all matters pertaining to the financial resources of the county and reports and audit findings; issues regarding personnel salaries, requests for promotion, additional personnel and personnel transfer; health insurance plans. (Members are the five committee chairman and three other commissioners.)

Rule 17 Conflicts With Law

In the event that any portion of these rules is determined to be in conflict with applicable law, then that portion in conflict shall be null and of no effect and the remainder of the rules shall remain in full force and effect.

Commissioner McCloud moved that the Personnel Committee and the Education Committee be merged, since neither meet often. The motion was seconded by Commissioner Joann Allen, and failed by a majority vote.

Next, Chairman Taylor turned the meeting over to Commissioner Harris, Chairman Pro Tempore, for the election of the Chairman for next year. Commissioner Burnette nominated Rhea "Skip" Taylor. Commissioner Oglesby moved that the nomination cease and Mayor Taylor be elected by acclamation, the motion was seconded by Commissioner Burnette, and passed unanimously by the Board.

Commissioner Harris then asked for a motion setting the salary of the chairman for the next year. Motion was made by Commissioner Dowdle, seconded by Commissioner McCloud that the salary of \$0 remain the same. Motion passed.

Commissioner Harris then turned the meeting back over to Mayor Taylor who then presided over the election of the Chairman Pro Tempore. Commissioner Oglesby nominated Commissioner Harris. Commissioner Burnette moved that the nomination cease and Commissioner Harris be elected by acclamation. The motion was seconded by Commissioner Anderson and approved unanimously.

Commissioner Anderson moved that the salary of the Chairman Pro Tempore remain the same as last year, which was \$0. Motion was seconded by Commissioner Brewer and passed unanimously by the Board.

The following committees and meeting dates and times were appointed by the Mayor:

Development Committee (meeting on the Monday before the 2nd Tuesday of each month at 5:30 P.M.)

Myles Wilson
Larry Cook
Odis Cox

Ron Gant
Charles Brewer

Health and Welfare Committee (meeting on the Monday before the 2nd Tuesday of each month at 6:15 PM:)

Willie German
George McCloud
Charles Brewer
Ron Gant
Tom Karcher

Personnel Committee (meeting on the Monday before the 2nd Tuesday of each month at 7:00 PM)

Joe Burnette
Odis Cox
Tom Karcher
Bill Kelley
Sylvester Logan

Criminal Justice and Public Safety Committee (meeting on the 2nd Tuesday of each month at 5:30 PM)

John Dowdy
Steve Anderson
David Lillard
Larry Cook
Bill Kelley

Education Committee (meeting on the 2nd Tuesday each month at 6:15 PM)

Claude Oglesby
Ed Allen
Sissy Dowdle
Ronnie Harris
Joann Allen

Budget Committee (meeting on 2nd Tuesday each month at 7:00 PM)

Ronnie Harris
Joe Burnette
Sissy Dowdle
John Dowdy
Willie German
Claude Oglesby
Myles Wilson
David Lillard

Motion was made to approve the committees as appointed by the Mayor except for the Budget Committee, by Commissioner Logan, seconded by Commissioner Gant, and approved unanimously by the Board.

Each Committee then elected a chairman, with only members of each respective committee voting approval. Commissioner Cook nominated Commissioner Wilson for Chairman of the Development Committee. Commissioner Gant moved that the nomination cease, and Commissioner Wilson be approved by acclamation, motion was duly seconded and unanimously approved.

Commissioner Karcher nominated Commissioner German as Chairman of the Health and Welfare Committee. Motion was made that nomination cease and Commissioner German be elected by acclamation by Commissioner McCloud, motion was seconded and passed unanimously.

Commissioner Logan nominated Commissioner Burnette as Chairman of the Personnel Committee. Motion was made by Commissioner Karcher, seconded by Commissioner Kelley that the nomination cease and Commissioner Burnette be elected by acclamation. Motion passed unanimously.

Commissioner Cook nominated John Dowdy as Chairman of the Criminal Justice and Public Safety Committee. Motion was made that the nominations cease and Commissioner Dowdy be elected by acclamation by Commissioner Cook, seconded by Commissioner Kelley, and passed unanimously.

Commissioner Dowdle moved to approve Commissioner Oglesby as Chairman of the Education Committee. Motion was made that the nominations cease, and Commissioner Oglesby be elected by acclamation by Commissioner Ed Allen, seconded by Commissioner Dowdle, and approved unanimously.

Commissioner Logan moved to approve the Budget Committee as presented. Motion was seconded by Commissioner Gant and passed unanimously.

Commissioner Oglesby nominated Commissioner Harris as Chairman of the Budget Committee. Commissioner Burnette moved that the nomination cease and Commissioner Harris be elected by acclamation, motion was seconded by Commissioner Oglesby, and approved unanimously.

Chairman Taylor stated that the Fire Sprinkler resolution was tabled last month until this month. Commissioner McCloud moved that the resolution be approved, and was seconded by Commissioner Anderson. The floor was then opened for discussion. Mr. Luke Ewing, manager of a water well program and a member of the ground water management advisory Board, discussed water well levels in the county. He stated that one size well and one size pump does not "fit all". Mr. Ewing stated that because of the water levels in some wells, they may not support a sprinkler system.

After a great deal of discussion, including addresses to the Board by Fire Chief Jerry Ray, and FireFighter Rudy Doyle of Oakland followed. Setting up an advisory board to protect against county liability and address problems and implementation, sizes of pumps, PH levels and well sizes were also discussed. Commissioner Burnette cited NFPI3D which states that the well must sustain a 26 gallon per minute flow for 10 minutes, and that the water level in wells in Fayette County would not do that. Matt James, who lives on Warren Road in Oakland, addressed the sprinkler issue when he built his house, and he was told that a sprinkler system would not work due to issues with wells and corrosion, and water pressure. He questioned mandating a sprinkler system when we cannot be sure it will work, and protecting the current residents of the county, whom the sprinkler ordinance would not affect, and new residents who build less than 3000 square feet.

Fire Chief Jerry Ray stated that he supports fire sprinkler systems 100 per cent. He stated that sprinkler systems do save lives.

Commissioner Anderson stated that the Board could always amend the Resolution if it was passed. He pointed out that building codes, electrical codes, and taxes are mandated. He stated that if the resolution was passed that the effective date could be put far enough away to allow problems to be addressed as they develop.

Commissioner Dowdle amended the motion to be effective April 1, 2009, with a 30 day notice in the paper, prior to the effective date. Motion was duly seconded.

A Roll Call vote was taken with the following results:

Voting "Yes": Commissioners Joann Allen, Anderson, Cox, Dowdle, Harris, Lillard, Logan, and Oglesby(8)

Voting "No": Commissioners Ed Allen, Brewer, Burnette, Cook, Dowdy, Gant, German, Karcher, Kelley, and McCloud(10)

"Passing": Commissioner Wilson

Motion failed.

Chairman Taylor then reported for the Mayor's Office. He stated that Fayette County and the City of Oakland were working together, at the request of TDEC to take over the operation of the Arlington Mobile Home Park lagoon, which has become a health issue. Mr. Dunn who owns the property is terminally ill, and will donate the property to the County and the City of Oakland. The City of Oakland will send out a bill for the service with their water bill for the area involved. The Mayor stated that this waste treatment operation can be run relatively cheaply, but it is still in the early stages. He just wanted the Board to be aware of the situation, as it needs prompt attention. The long term goal is to hook the lines to the Oakland system, and Oakland is agreeable to that plan.

Chairman Taylor also stated that the City of Somerville, Southwest Community College, and Fayette Academy are working on establishing a community college in the City of Somerville.

The Justice Complex water lines have had cameras run through them, and it has been decided that the water pressure from the city is not sufficient. Purchase of an additional pump at the Justice Complex is necessary. The County will have to pay for the pump. The County Attorney has drawn up an amendment to the contract with Barge Waggoner, and that along with a letter stating that the County is paying for the pump under protest. Commissioner Dowdle moved that the Mayor be allowed to sign a contract for the purchase of said pump, provided the contract will include having an engineer on call to service this high service pump in case there are problems. Motion was seconded by Commissioner Oglesby, and, upon request by Commissioner Logan, the following roll call vote was taken:

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

Voting "No": Commissioner Logan.(1)

Absent and Not Voting: Commissioner Burnette

No reports were given for the Sheriff's Department, Board of Education, Juvenile Court, Board of Public Works, Trustee, and Planning and Development Departments. The next item on the agenda was reports of standing committees. Commissioner Wilson reported for the Development Committee.

Commissioner Wilson recommended approval of the following Resolution to adopt the policies and procedures for the Tennessee Housing Development Agency "Home" Program for the administration of a homeowner housing rehabilitation program. THDA has awarded \$450,605.00 to Fayette County for a housing rehabilitation program. Commissioner Wilson also recommended approval of the following "2008 Home Housing Rehabilitation Program" resolution. Commissioner Dowdle moved to approve the two resolutions, motion was seconded by Commissioner Brewer and passed unanimously by the Board.

RESOLUTION: TO ADOPT THE POLICIES AND PROCEDURES FOR THE TENNESSEE HOUSING DEVELOPMENT AGENCY "HOME" PROGRAM

WHEREAS; the Department of Housing and Urban Development (HUD) annually funds the HOME program to provide funds to the Tennessee Housing Development Agency (THDA) for projects that benefit low income persons, and

WHEREAS; Fayette County has affordable housing needs that can be address with HOME funds, and

WHEREAS; THDA has awarded Fayette County \$450,605.00 for a housing rehabilitation program.

NOW, THEREFORE, BE IT RESOLVED by the legislative body of Fayette County, Tennessee that the attached Policies and Procedures be adopted for the administration of a homeowner housing rehabilitation program.

This resolution is read and adopted at public meeting this 23rd day of September, 2008.

MAYOR

ATTESTED: _____
COUNTY CLERK

FAYETTE COUNTY, TENNESSEE
2008 HOME
HOUSING REHABILITATION PROGRAM

Background

The County has been awarded \$450,605 from the Tennessee Housing Development Agency (THDA) for owner-occupied housing repairs.

Qualifications for Assistance

To be eligible for the county-wide program the homeowner must meet five (5) standards set by HUD and THDA. The minimum standards are as follows:

1. A household must be judged low-income by HUD guidelines.

2008 Income Limits for the HOME Program
(Household Income is based on Number of Persons in the Household)

1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
\$32,100	\$36,700	\$41,250	\$45,850	\$49,500	\$53,200	\$56,850	\$60,500

It will be the applicant's responsibility to prove the household's income. They will need to provide copy(ies) of their latest paycheck stub(s), employer verification(s), SSI benefit verification(s), or benefit/retirement check(s) documenting the household's current income.

2. They must own their home and occupied the house for one year before they can submit an application.

A Warranty Deed or 99 year lease are the only recognized proof of ownership by THDA. The residency requirement is from the date of the homeowner's application, back one year.

3. Their home must be in need of repairs to either make it safe, to prevent it from decaying or to meet the latest building codes.

There must be items wrong with the basic building structures such as: roof, siding, foundation, electrical, plumbing, windows, doors, floors, ceilings, or walls. The program does not add additional bedrooms or bathrooms unless required by the building codes.

4. All County and county taxes must be current.

Copies of their County Property Receipts will be required to be submitted with their application.

5. There can not be a conflict-of-interest (favoritism)

Immediate family member of any local county elected official or county employee that works in county administration is ineligible to receive benefits through the HOME program. "Immediate family member" means the spouse, parent (including stepparent), child (including stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.

General Rules

The following are some of the general rules the County must adopt:

1. The program will be restricted to County residents only. Citizens of incorporated towns in Fayette County are not eligible.
2. Homes located in 100 year floodplains will not be eligible
3. Each homeowner will contribute \$500 towards construction costs
4. Homeownership and fair housing counseling will be required through the West Tennessee Legal Services
5. Lead-base paint inspections will be conducted on all homes being rehabilitated that were built prior to 1978. If lead-base paint is found, then the homeowner may be required to move out of the house until the lead issue has been solved.

Forgivable Grants

In order to avoid real-estate speculation the following rules will apply to all persons receiving a grant of money for repairing their homes:

1. They will be required to sign a Grant Note for the cost of the repairs and allow the County to place a Trust Deed (lien) on the property. Terms of the note will be a "forgivable loan" to them for the amount of grant money used to pay for the repairs. They, in turn, agree not to sell or rent the home for a specified number of years. This specified number of years is referred to as the "affordability period".
2. The affordability period will depend on the type of work done and the cost of work to their home;
 - A. if the home is rehabilitated (repaired/fixd) then the affordability period will be for five (5) years. The loan will be forgiven at 20% (1/5th) a year.
 - B. if the home reconstructed (built new) then the affordability period will be for fifteen (15) years. The loan will be forgiven at 6.66% (1/15th) a year.
3. If they elect to sell or rent their home during the affordability period then they must repay the remaining debt to the County.

Note: The County must send the money back to THDA, who then must send it back to HUD. The local government does not keep the money.

4. If they were to die before their affordability period was up then as long as the ownership of their home passes to an heir(s) then there is no required repayment. If the heir(s) sell or rent the home before the affordability period is up then repayment will be required, less any forgiven portion.

Public Meeting & Applications Period

A well publicized public meeting will be held for the citizens of Fayette County explaining the Policies and Procedures of the program and then receive applications from homeowners for a specific time period. At the end of the application period Nelson & Thornton will rank the applications.

Ranking of Application

Based on the housing condition inspection and the information provided by applicants the applications will be scored as follows:

Income of the household (20-70 points)

Points awarded for percentage under income limits

80 - 100%	- 70 points
60 - 79%	- 60 points
40 - 59%	- 50 points
Less than 40%	- 20 points

Number in Household (5 - 45 points)

1 Person Household - 5 Points	5 Person Household - 30 Points
2 Person Household - 10 Points	6 Person Household - 35 Points
3 Person Household - 20 Points	7 Person Household - 40 Points
4 Person Household - 25 Points	8 Person Household - 45 Points

Number of Elderly (10 points per person)

For each person at least 62 years old at the time of application will receive 10 points.

Number of Handicapped/Disabled (10 points per person)

Household members receiving disability benefits from Social Security, a pension program, life insurance program, or a total or partial physical impairment which renders the person unable to work will receive 10 points. Where there exists a reasonable question, a doctor's certification will be used. Old-age is not a program recognized disability.

Female Head of Household (10 points per household)

Female head of households or households where the female has Power of Attorney will receive 10 points.

Number of Persons 18 or Younger (10 points per person)

For each person in the household 18 or younger at the time of the application will receive 10 points.

Condition of the Dwelling Structure (0 - 50 points)

Standard Dwelling - No Points
Substandard Dwelling - 15 - 30 Points
Life Threatening or Non-Repairable - 50 Points

Beginning the Program

When all applications have been rank, then each applicant will be notified of their score and place in the ranking. The program will begin with the highest scored application. Once that home has been taken care of, then the next highest score will be helped. This will continue until all the money has been spent.

Homeowner's Requirement

The homeowner must agree to the following:

1. Allow the contractor to use their existing utilities, such as water and electricity, when repairing the house.
2. Voluntarily move from their home if repairs and/or liabilities are extensive or lead-base paint is found or if their old home is torn down and a new one built for them.
3. If a move is required then their will be responsible for moving their household items into a provided (at no cost to them) semi-trailer or storage building.
4. All fixtures being replaced by the program become the property of the contractor.

Items to be Submitted with Their Application

1. Copy of their Warranty Deed or 99 year lease
2. Name and addresses of all lien holders on their property
3. Copy of pay check stub, benefit verification, employer verification letter, or benefit check.
4. Documentations of any disabilities
5. Copy of the County Property Tax Receipts
6. Two pictures of the front of their house (for the Tennessee Historical Commission)

Item not to be Submitted with Their Application

Do not include the \$500 that will be used towards their construction costs. This is not a requirement for submitting an application. They will only be asked for the money when they are ready to sign a contract with an eligible contractor.

If they have any questions about the program or need help on their application they will be instructed to contact Nelson Thornton, P.C. at 731-424-7664.

They will be reminded not contact any County Commissioners since Nelson Thornton, P.C. will be scoring and ranking the applications.

TYPICAL STEPS IN THE REHABILITATION PROGRAM

Nelson Thornton, P.C. (grant administrators) will set an appointment to visit with their home. We will review and verify the information provided in their application. We will also conduct a thorough inspection of their home. We will go over items that will need to be repaired. We will get input from them on items they think need repairing also.

If everything is ok then a Work-Write Up will put together with an estimate of costs. This Work-Write Up will detail what items are to be repaired. This will be reviewed with them and have them sign the Work Write-Up.

Their Work-Write Up will be put to bid to contractors on the County Eligible Contractor List. At this time Nelson Thornton, P.C. will establish a bid range. The bid range will be 15% below and 15% above the estimated costs. The lowest bidder within this range will be the winner.

After publicly opening bids, then a pre-construction meeting between them, the winning contractor and Nelson Thornton, P.C. will be held at the County Courthouse. Construction starting and finishing dates will be established. The Work-Write Up will be reviewed with all parties. It is at this time that they will pay the \$500 to be used towards the repair of their house.

The contractor then begins the repairs to their home. When he has completed 60% of the work he is entitled to request 50% of his bid price. Formal housing inspections will be conducted during this period by Nelson Thornton, P.C. (with the homeowner) in addition to any Building Department inspections.

When the contractor says he is finish, then a "Punch List" (a final list of items to be completed that usually covers touch-ups, minor details missed etc.) will be put together for him. When he completes the "Punch List" to everyone's satisfaction, then Certificate of Completion is signed and the final 50% is ordered. The contractor also files a Notice of Completion at the Courthouse.

At this time all final papers are signed, the Trust Deed (lien) is filed and the affordability period begins on their house.

Commissioner German reported for the Health and Welfare Committee, stating that the Committee met on September 8, 2008. Meeting with the Committee on that date was Ann Blackmore, Director of the Commission on Aging, who requested that the proceeds of a \$75,000 grant be released to the Commission on Aging, so that renovations to the Somerville Center could be finished and to renovate the Gallaway Center. The Committee also discussed Animal Control.

The Personnel, Criminal Justice and Public Safety, and Education Committees did not meet.

Commissioner Harris then reported for the Budget Committee, which met on September 9, 2008. Commissioner Harris moved that the ambulance service be allowed to purchase an ambulance. The funds were approved last year in the amount of \$58,000, but due to a strike that delayed the purchase of last year's ambulance, the money was not spent in the last fiscal year. This will not affect the fund balance stated Commissioner Harris. Commissioner Wilson seconded the motion, which passed unanimously.

Commissioner Harris moved that the funds from the \$75,000 grant to the Commission on Aging be released to them to finish the renovations at the Somerville Center and to renovate the Gallaway Center, provided they have a long-term lease agreement, of at least 5 years or more. Commissioner Dowdle seconded the motion, which passed unanimously.

Commissioner Harris moved that the \$647.50 portion of the schools legal bill be paid by the County for the desegregation suit. Motion was seconded by Commissioner Dowdy, and passed unanimously by the Board.

Motion was then made to approve the petition to quitclaim properties owned by Robert Massey, Melvin German, and the Tomlin Family Properties, back to the owners, as recommended by the Railroad Committee, by Commissioner Dowdy, seconded by Commissioner Lillard, and passed unanimously.

Commissioner Harris moved that the petition for Quitclaim property at Laconia for the property of Warren Adams, Agnes Smith, and the Hutchinson Family, be approved awarding these properties back to the property owners, provided that the \$5474 cost the County had incurred regarding the acquisition of this property with each land owner paying their pro rata share, as recommended by the Railroad Committee. Motion was seconded by Commissioner Dowdle, and approved unanimously.

Commissioner Logan moved that the 1.46 acre tract north of Hwy 64 which was formerly part of the old Mayo Farm, also be approved for Quitclaim back to the original property owner. This motion was seconded by Commissioner Brewer and passed unanimously.

Commissioner Harris moved that the following resolution to provide incentive payments to County Officials and full-time employees of Fayette County Government be approved. Motion was seconded by Commissioner McCloud, and passed unanimously by the Board as follows:

WHEREAS, under T.C.A. § 5-1-310(i), counties are authorized and encouraged to provide for payment of an educational incentive for attainment of the designation of "Certified Public Administrator" under the University of Tennessee County Technical Assistance Service's County Officials Certificate Training Program (COCTP); and

WHEREAS, such incentive payment cannot exceed three thousand dollars (\$3,000) less any incentive payment provided by the state of Tennessee under T.C.A. § 5-1-310(a); and

WHEREAS, Fayette County desires to provide in its budget for the fiscal year 2008-09 an incentive payment for those elected and appointed county officials who are eligible for the state educational incentive under T.C.A. § 5-1-310(a) and to full-time paid employees of the county;

NOW THEREFORE, BE IT RESOLVED by the Fayette County legislative body meeting in regular session at Somerville, Tennessee, on this 23rd day of September, 2008, that:

SECTION 1. Any elected or appointed official of Fayette County who is eligible for the state educational incentive payment under T.C.A. § 5-1-310(a) and any full-time paid employee of Fayette County who has completed the COCTP and attained the designation of Certified Public Administrator and who submits to the county mayor proof of such attainment on or before October 1, 2008, shall be paid an amount as follows out of county funds appropriated for that purpose for the fiscal year 2008-09:

Full-time officials	\$ 1500.00
County commissioners	\$ 1500.00
Full-time paid employees	\$ 1500.00

SECTION 2. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

ADOPTED this 23rd day of September, 2008.

Commissioner Gant asked the status of the Rossville Railroad Yard. Chairman Taylor stated that the land has either been purchased or is about to be purchased, and he understands that former Attorney General Paul Summers has been hired to represent the Railroad.

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

County Mayor, Rhea Taylor

County Clerk, Sue W. Culver