

FAYETTE COUNTY LEGISLATIVE BODY

August 25, 2009

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 25th day of August, 2009. 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. Burnett, Jr: Larry Cook, Odis Cox, Lee "Sissy" Dowdle, John Dowdy, Ron Gant, Willie German, Jr., Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

A quorum was met with all commissioners present.

The floor was opened to the public for comments on non-agenda items. David Owen of the Woodsedge Home Owner's Association addressed the Board regarding the new overgrown vegetation ordinance. He asked who was in charge of enforcing the ordinance, and stated that he had turned over at least five petitions regarding abandoned houses to the Mayor. Chairman Taylor told him he would look into the matter.

Commissioner Wilson moved to approve the minutes for the July 28th meeting. The motion was seconded by Commissioner Dowdy and approved unanimously. However, it was later discovered that there was an omission in these minutes and Chairman Taylor asked that they be held in review and brought back for approval at the September meeting. Commissioner Anderson made a motion to this effect and it was seconded by Commissioner Gant. The motion was approved unanimously by the Board.

The floor was opened for a public hearing in the matter of establishing a speed limit of 35 m.p.h. on that portion of Donelson Drive from Highway 196 on the west to the Oakland City Limit on the east, a distance of 2.0 miles.

With no one speaking "for" or "against" the public hearing was closed. Motion was made by Commissioner McCloud, seconded by Commissioner Joann Allen, and passed unanimously as follows:

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 25th day of August, 2009, being the fourth Tuesday of said month and the regular monthly meeting date of the August said County Legislative Body, in the Criminal Justice Complex at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee, 1967-68, and amendments thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty five (35) miles per hour on that portion of Donelson Drive (2.0 miles) from Highway 196 on the West to the Oakland City limit on the East, being located in the 7th Civil District of Fayette County, Tennessee; and BE IT FURTHER RESOLVED that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The floor was then opened for a public hearing in the matter of rezoning from R-2 to B-3, a piece of property in Civil District 6 owned by David and Kathy Dunn for the

purpose of operating a dog kennel on the property. Speaking "For" was Gloria Jones, the realtor who sold the property to the Dunns who stated that she had thoroughly researched this property to make sure that the new owners would not have a problem. She stated that the Dunns had no problem obtaining the necessary permits to run a business. Ms. Jones said that she felt some responsibility for what they are now going through. Joseph and Crystal Borso stated that they did not know there was a kennel down the street, but when they heard there was, they went down to investigate and found a well-run business. Ms. Borso further stated that there are at least four other businesses run out of homes in the subdivision, but no one is bothering them. She stated that Mr. Thompson has only himself to blame, he's the one who bought and built on property next door to where there already was a dog kennel, regardless of whether they were raising bird dogs or boarding dogs. Ben and Virginia Ferguson stated that the Dunns are "just people trying to make an honest living", and they often board their dogs there when they are out of town, because it's probably the cleanest kennel in the county.

Speaking "Against" the rezoning included Pam Kellum who lives next door to the Dunns, who stated that this situation has gotten totally out of hand, letters have been sent out, and lawsuits have been filed. She stated that she had gone over to visit the Thompsons, and while sitting on the porch, their conversation was constantly interrupted by barking dogs. She stated that her main concern involved the devaluation of her property because of the dog kennel's location. She asked the commissioners to consider the best interest of all the people in the neighborhood, instead of accomodating one person. Will Gresham, a member of the Fayette County Planning Commission asked that this re-zoning be rejected, because it was not appropriate that this issue was being brought up to the County Commission. If you grant the re-zoning, you will be spot zoning. He further stated that the Planning Commission had already rejected the rezoning petition.

Lee Saunders, Attorney for the Thompsons, reminded the commissioners that their job was to apply the law in this situation, just as they would in every situation. He stated that the Dunns were not carrying on the business that the Groses had started when they lived there, this business is not 10-12 dogs, it's a great many more. They knew up front that they could not carry on a business without proper zoning. Mr. Saunders referred to the bottom of the business license the Dunn's were issued, pointing out that the license states "This license does not permit operation unless properly zoned and/or in compliance with all other applicable laws/rules." Mr Saunders stated that "If you vote on this matter at all, it should be turned down - for common sense reasons".

Bill Rhea, Attorney for the Dunns, addressed the Commission, stating that the County Commission had written the zoning resolutions for the county, they certainly have the authority to make a special exception. He asked the Director of Planning and Development to speak to the Commission regarding TCA 13-7-108, relating to the authority of the County Commission in zoning matters. Mr Pitner addressed the Board, stating that the Commission was being asked to return this matter to the Board of Zoning and Appeals, and that if they did so, he couldn't say that the County Commission wouldn't face litigation.

Chairman Taylor then recessed the meeting for a brief client attorney meeting.

The meeting resumed, and a five minute recess was called for, after which another attorney-client meeting was called for. The meeting was again resumed, and Commissioner Anderson yielded the floor for both attorneys to have equal time to further present their case.

Attorney Lee Saunders again addressed the Board, and asked that the re-zoning of the Dunns' property be denied. He stated that the property owners had the opportunity to request that the ruling be overturned in Chancery Court, but did not pursue a hearing. They have freely and voluntarily chose not to pursue their legal rights by not appealing the ruling to Chancery Court. They instead chose to ask this Board to do something that is against the rules you have set forth. And since there has been no request from the Dunns for you to rezone this property, you should consider it abandoned and off the record. There is no clear authority that says you may send this back to the Board of Zoning and Appeals, and you could be "opening Pandora's Box" down the line.

Attorney Bill Rhea then addressed the Board and requested that the Board return this application to the Board of zoning and appeals, citing the County zoning statute that gives the County Commission full authority and absolute right to make this application. Attorney Rhea agreed with Mr. Saunders that the time frame for the Dunns to appeal the March ruling was within sixty days of that date. If the County Legislative Body makes this application to rezone the property it becomes a new party, and a new matter. The Board of Appeals still does not have to hear it, you can't make them or order them to. A decision by this County Board to authorize the Mayor to make application for a special exception in this matter is reasonable, it's equitable, it makes common sense, and it's using sound discretion in the midst of a very unique, difficult, strange, novel situation. It is the perfect solution to something that as you heard Mr. Pitner say, the decision made at the Board of Zoning and Appeals the first time was a correct decision, but it was not slowed down to deliberate or get good solid evidence as to the number of dogs this place can accommodate. That is exactly what this boils down to. You heard a qualified veterinarian before this Board last month say that this establishment can easily accommodate a hundred dogs with no noise problem at all. This is the proper decision, you have the authority to do so, and I'm asking you to do so.

A five minute recess was called for, and after that the meeting resumed. At this time, it was discovered that the motion to table this matter during the July meeting was not reflected in the minutes from last month, so the Mayor asked for a motion to hold up approval of the minutes from last month. That motion was made by Commissioner Anderson, seconded by Commissioner Oglesby and passed unanimously by the Board.

Chairman Taylor stated that there is a motion on the floor from the previous meeting to deny this rezoning, made by Commissioner Gant, seconded by Commissioner Anderson. Then motion was made by Commissioner Lillard, with a second from Commissioner Wilson, to table the matter, and this motion passed on a roll call vote. Chairman Taylor stated that the original motion is back on the table for discussion. Since there was no discussion, a roll call vote was taken with the following results:
Voting "YES" (to deny the rezoning): Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Dowdle, Dowdy, Gant, German, Karcher, Logan, and McCloud
(13)

Voting "NO": Commissioners Cox, Kelley, Lillard, and Oglesby (4)

Commissioner Harris read a statement that as an employee of Somerville Bank & Trust, this matter presented an indirect conflict of interest.

Commissioner Wilson also passed, stating an indirect conflict of interest.

The motion to rezone was denied by a margin of 13-4.

Commissioner Burnett then moved that the County Commission apply or appeal to review the revocation to the Board of Zoning Appeals for their consideration of a specialty exception on the Dunn property with appropriate supplemental conditions as provided in the zoning ordinance with the Chairman being authorized to sign the application. The motion was seconded by Commissioner Oglesby and a roll call vote was taken with the following results:

Voting "Yes": Commissioners: Joann Allen, Brewer, Burnett, Cox,, Dowdle, Dowdy, German, Karcher, Kelley, Lillard, McCloud, and Oglesby (12).

Voting "No": Commissioners Ed Allen, Anderson, Cook, and Gant (4)

Passing and not voting: Commissioners Harris, Logan, and Wilson (3)

Commissioner Dowdle moved that the following notary applications be approved:

Calvin L. Bogan, Kimberly D. Bryant, Teresa P. Patterson, Jill L. Perkins, Gary S.

Robertson, Angela Lee Rothbauer, Lou W. Scott, and Edgar O. Whitmore.

Commissioner Brewer seconded the motion, which the Board approved unanimously.

Commissioner Dowdy moved that the Fayette County GIS Board members be made up of the following:

1. Fayette County Emergency Communication District- Carol Ann Feathers
2. Fayette County Property Assessor-Bob Osborn
3. Fayette County Planning and Development Department – Jackie Smalley
4. Fayette County Board of Education-
5. Edulog Transportation Software-Dana Pittman
6. Fayette County Sheriff's Dispatch-Ray Garcia
7. Chickasaw Electric Cooperative-Lloyd Munsey
8. Hardeman-Fayette Utility District – Donnie Leggett
9. Fayette County Emergency Management – Scott Gayden
10. Fayette County Public Works-Jim Smith
11. Fayette County Commissioner-Ron Gant

(Following to be chosen by the Joint Economic and Development Board)

12. Fayette County Municipality representative-

13. Fayette County Municipality representative-

14. Fayette County Municipality representative-

15. Fayette County Municipality representative-

The motion was seconded by Commissioner Cook, and passed unanimously by the Board.

The Board of Education submitted a written financial summary as did Public Works and Fayette County.

Chairman Taylor reported for the Mayor's Office. He talked to some engineers with an organization that the County is a member of, the West Tennessee River Basin Authority, regarding the flooding issues in the County, and met with the city of Oakland, and Oakland's engineers have identified some areas needing attention. The engineers from the West Tennessee River Basin Authority will come in and see if they can make some recommendations on flow. This organization looks at any thing that goes to the Loosahatchie River, anything that goes to the Wolf River will have to be looked at by a different agency. The information will be passed along as it comes in.

The annual meeting of the County Commission will be September 8, at 6PM, and if any Commissioners wish to attend, just notify the Mayor and he will make reservations.

There were no reports for the Sheriff, the Board of Education, or Juvenile Court, and Public Works submitted a copy of their minutes from the July 7th meeting. No reports were given by Planning and Development or the Trustee's office.

Commissioner Wilson reported for the Development Committee. He stated that the committee met on August 10, and discussed the matter of appointing a County Commissioner to the GIS Board, and that the committee decided to recommend Commissioner Gant.

Also discussed was the speed limit resolution on Donelson Road, and the committee recommended approval.

The Mayor had presented a revised resolution concerning the County's participation on the board overseeing the Megasite in Haywood County, but the committee failed to recommend approval.

The Committee had also voted to recommend the Swimming Pool amendment to the County Building Code. Chairman Taylor stated that this amendment would need to run in the paper for 30 days before it could be voted on by the full Commission.

Commissioner Cook addressed the Megasite Resolution, stating that it would be better for the County if they had someone on that Board, to keep the Commission aware of what was going on regarding it. Commissioner Anderson moved to table the resolution and the motion was seconded by Commissioner Logan, and passed unanimously.

Commissioner German reported for the Health and Welfare Committee. Solid Waste Director Charles Traylor had requested permission to sell some salvage equipment as scrap metal, as needed repairs would exceed the value of the equipment. Commissioner German moved that he be allowed to do so, Commissioner Joann Allen seconded the motion, which was approved unanimously.

Commissioner German also moved that the number of recycling collection days in Hickory Withe be reduced to one Saturday a month, due to lack of participation. The motion was seconded by Commissioner Dowdy and passed unanimously.

The Mayor had presented the committee with a contract that had been through the County's and Oakland's attorneys for the agreement for Arlington Park's Lagoon. This contract contains a provision for a \$50 per month fee which will fund the project, and will serve 28 homes. The committee forwarded this contract to the budget committee with recommendation for approval.

Commissioner Burnett stated that he was unable to attend the meeting of the Personnel Committee and asked the Mayor to report for the Personnel Committee. Chairman Taylor reported for the Personnel Committee, stating that the committee had discussed the amount of sick leave and vacation time employees will receive each month. The recommendation was that the Ambulance Service employees be given 10 hours of sick time and 10 hours of vacation time per month. Commissioner Joann Allen asked if they had talked to the Ambulance Service employees regarding this matter, and was told they were not present for the meeting. Commissioner Allen then moved to table the matter until the Ambulance Service employees were consulted. The motion was seconded by Commissioner Dowdy, and passed unanimously.

The committee also discussed changing the Personnel Policy to allow "Any employee with more than twelve (12) days of sick time to donate any of those days over twelve to any other Fayette County employee who has exhausted their vacation and sick time combating a severe illness." Motion was made by Commissioner Burnett, seconded by Commissioner Cook, and passed unanimously by the Board as follows:

RESOLUTION TO MODIFY THE EMPLOYEE SICK LEAVE DONATION POLICY

WHEREAS, Fayette County wishes to help its employees whenever it can; and

WHEREAS, Modifying the Sick Leave Policy to allow for the donation of sick leave is in the best interest of all employees; and

WHEREAS, These changes will be to protect both donors and donees; and

WHEREAS, Fayette County wants to reflect this in its Personnel Policy;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that

1. The last line shall be deleted from the Fayette County Personnel Policy, "General Sick Leave Rules and Procedures", *Section 1. Use of Sick Leave*:

"No employee may give or loan sick leave to another employee."

2. The following shall be added to the end of the Fayette County Personnel Policy, "General Sick Leave Rules and Procedures", *Section 1. Use of Sick Leave*

"Any employee with more than twelve (12) days of sick time may donate any of those days over twelve to any other Fayette County employee who has exhausted their own vacation and sick time combating a severe illness."

Adopted this 25th day of August, 2009.

Commissioner Dowdy stated that the Criminal Justice/Public Safety Committee did not meet.

Commissioner Oglesby reported for the Education Committee. The committee reviewed the school budget and its components, and asked that the School Board bring back a budget with the same funding as last year.

Commissioner Oglesby stated that there would be a meeting at the LaGrange Moscow School on Thursday, August 27, with Dr. Winecoff.

Mr. Wilson, Director of Schools, presented the dates for Public Hearings that would be held in conjunction with the School Study being performed.

Commissioner Harris reported for the Budget Committee, and moved that the Sheriff be allowed to spend \$10,000 on air conditioner parts because the system at the justice complex is in need of repair. The motion was seconded by Commissioner Burnett, and passed unanimously.

Commissioner Harris moved that the Sheriff be permitted to hire 3 new guards to give him sufficient guards to house more federal prisoners. Commissioner McCloud seconded the motion, which passed unanimously.

Motion was made by Commissioner Harris for Fayette County to group together with Obion County and others to sue the state to postpone requiring the installation of new voting machines until versions are available that meet the law. Commissioner Anderson moved to table the motion for now, stating that the legislature is requiring a paper trail, but there are no machines which do that now. Commissioner Wilson seconded the motion to table, which passed unanimously.

The Budget Committee reviewed the budget for the Public Works Department and recommended that it be approved by the full Commission.

The Budget Review resulted in each department going back and checking to see if their budget for the next fiscal year could be trimmed by another 5 per cent to go against the deficit.

Commissioner Harris moved to set the fee for the Arlington Lagoon Service at \$50 per month per household for the 28 households it will serve. The motion was seconded by Commissioner Cook and passed unanimously.

Commissioner Dowdle moved that the fee to hook on to the Arlington Lagoon Service be set at \$50. The motion was seconded by Commissioner Harris, and passed unanimously.

Commissioner Harris moved that the bond for the Director of Schools be approved. The motion was seconded by Commissioner Burnette, and passed unanimously as follows:

SURETY'S BOND NO. 69179398

STATE BOND FORM
COB-7(82)

STATE OF TENNESSEE
COUNTY OF Fayette
OFFICIAL STATUTORY BOND
FOR
COUNTY PUBLIC OFFICIALS
OFFICE OF Director of Schools

KNOW ALL MEN BY THESE PRESENTS:

That Myles G. Wilson
of Somerville (City or Town), County
of Fayette Tennessee, as Principal, and WESTERN SURETY COMPANY

as Surety, are held and firmly bound unto THE STATE OF TENNESSEE in the full amount of One Hundred Thousand and 00/100 Dollars (\$ 100,000.00) lawful money of the United States of America for the full and prompt payment whereof we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

WHEREAS, The said Principal was duly elected X appointed to the office of Director of Schools Fayette County Board of Education ~~XXXXX~~ for the (2) year term beginning on the 1st day of July, 2009 and ending on the 1st day of July, 2011

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH:

That if the said Myles G. Wilson, Principal, shall Fayette County Board of Education faithfully perform the duties of the office of Director of Schools of County during his term of office or his continuance therein; and



Pay over to the persons authorized by law to receive them, all monies, properties, or things of value that may come into his hands during his term of office or his continuance therein without fraud or delay, and shall faithfully and safely keep all records required of him in his official capacity, and at the expiration of his term, or in case of his resignation or removal from office, shall turnover to his successor all records and property which have come into his hands, then this obligation shall be null and void otherwise to remain in full force and effect.

WITNESS our hands and seals this 31st day of July, 2009

WITNESS - ATTEST:

Beverly Feathers

PRINCIPAL:

Myles Wilson

SURETY:

COUNTERSIGNED BY:

J B Bowling
Tennessee Resident Agent

WESTERN SURETY COMPANY

by:

Paul T. Brufat
Paul T. Brufat, Senior Vice President

(Attach evidence of authority to execute bond)

ACKNOWLEDGMENT OF PRINCIPAL

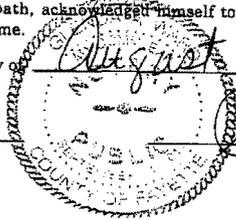
STATE OF TENNESSEE

COUNTY OF Macon

Before me, a Notary Public, of the State and County aforesaid, personally appeared Myles M. Wilson with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 4th day of August, 2009.

My Commission Expires: Sept. 24th 2011



Blenda A. Ward
Notary Public

STATE OF South Dakota

COUNTY OF Minnehaha

Before me, a Notary Public, of the State and County aforesaid, personally appeared Paul T. Bruflat with whom I am personally acquainted and, who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of WESTERN SURETY COMPANY, the within named Surety, a corporation duly licensed to do business in the State of Tennessee, and that he as such individual being authorized so to do, executed the foregoing bond, by signing the name of the corporation by himself as such individual.

WITNESS my hand and seal this 31st day of July, 2009.

My Commission Expires: August 11, 2010



S. Petrik
Notary Public

Form Prescribed by the Comptroller of the Treasury, State of Tennessee
Form Approved by the Attorney General, State of Tennessee

APPROVAL AND CERTIFICATION

SECTION I. (Applicable to all County Officials except Clerks of Chancery and Circuit Courts)
Bond and Sureties approved by _____, County Executive
of _____ County, on this _____ day of _____,
Signed: _____
County Executive

CERTIFICATION:

I, _____, County Clerk of _____ County,
hereby certify that the foregoing bond was approved by the Legislative Body of said county, in open session on the _____
day of _____, and entered upon the minutes thereof.
Signed: _____
County Clerk

SECTION II. (Applicable only to Clerks of Chancery and Circuit Courts)

CERTIFICATION:

This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the sureties on the same are good and worth the penalty thereof and that the same has been entered upon the minutes of said court.
Signed: _____
Judge of the _____ Chancery _____ Circuit Court of and for said County
on this _____ day of _____.

SECTION III. (Applicable to all County Officials' Bonds)

INDORSEMENT:

Filed with the Comptroller of the Treasury, State of Tennessee, this _____ day of _____,
Comptroller of the Treasury

SECTION IV. (Applicable to all County Officials' Bonds)

FOR USE BY REGISTER OF DEEDS

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Brufat of Sioux Falls,
State of South Dakota, its regularly elected Senior Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One DIRECTOR OF SCHOOLS FAYETTE COUNTY BOARD OF EDUCATION
bond with bond number 69179398
for MYLES G. WILSON
as Principal in the penalty amount not to exceed: \$100,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 31st day of July, 2009.

ATTEST
L. Nelson
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Brufat
Paul T. Brufat, Senior Vice President



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 31st day of July, 2009, before me, a Notary Public, personally appeared Paul T. Brufat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



D. Krell
Notary Public

My Commission Expires November 30, 2012
Form F1975-9-2006



Commissioner Harris stated that the Budget Committee again met on August 18th, 2009, to review the General Fund budget. This budget will spend \$633,731 more than is brought in. The fund balance of \$1,945,000 would be decreased to \$1,311,269, and includes no salary increases.

Chairman Taylor declared a public hearing for the public to address the certified tax rate, which will be \$1.4871, essentially the same rate as last year, adjusted for the reappraisal done this year. With no one addressing the matter the public hearing was closed. It was then determined that the General Fund Budget and the certified tax rate would be brought back for approval at the September 22nd meeting.

Commissioner Dowdle moved that the independent contract for the individual, Ray Weatherly, be approved with the recognition that he is an LLC, if Mr. Weatherly agreed to do the work himself. The motion was seconded by Commissioner German and passed unanimously.

Commissioner Anderson moved that the "expert witness fees" for Fayette County be covered up to \$10,000. The motion was seconded by Commissioner Oglesby and passed unanimously.

Chairman Taylor stated that the CDBG grant for Brewer Subdivision did not have enough houses to qualify. He asked for permission to redefine the area. Motion was made to approve by Commissioner Dowdle, seconded by Commissioner Cook, and approved unanimously.

Commissioner Wilson asked that the commission consider keeping the loan payments for school buses. There was no action taken on the matter for lack of a motion. Commissioner Joann Allen asked the amount that is in the School Board's reserve fund. Commissioner Wilson stated that they have \$993,000 in undesignated funds. Commissioner Logan stated that Commissioner German had made a motion for the County to pay that note. Chairman Taylor stated that was the note for last year. After more discussion, no motion was made.

Commissioner Anderson stated that the Commission needs to look at some legal way to help pay for athletic equipment in schools where the parents were having to buy the equipment for their children to play sports.

Commissioner Oglesby moved that the following "Resolution For Fayette County To Facilitate The Moscow CDBG Fire Truck" be adopted. The motion was seconded by Commissioner Burnett and passed unanimously.

WHEREAS, Fayette County has worked with the City of Moscow to oversee fire protection in Moscow and the surrounding area; and

WHEREAS, The City of Moscow has been awarded a Community Development Block Grant (CDBG) from the State of Tennessee for the purchase of a fire truck; and

WHEREAS, The City of Moscow does not have the ability to make the match for the grant and asks Fayette County to make the match; and

WHEREAS, The match for the \$179,900 grant is \$39,270; and

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that authorization be given to the County Mayor make the match for the above grant.

Adopted this 25th day of August, 2009.

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

Rhea Taylor, County Mayor