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FILE COPY

Fayette County Legislative Body

February 25, 2009

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 24th day of February, 2009. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, Fayette County Clerk; James R. Riles; Sheriff; and the following County Commissioners: Ed Allen, Joann Allen, Steve Anderson, Charles Brewer, Joe B. Bumette, Jr., Larry Cook, Lee "Sissy" Dowdle, John Dowdy, Ron Gant, Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

Commissioners Odis Cox and Willie German, Jr. were absent.

The session began with the floor being opened for comments on non-agenda items. David Owen of 425 Woodsedge Drive addressed the commission regarding the speed limit in his subdivision that was adopted at last month's meeting, stating that there were eighteen signs in the subdivision announcing the speed limit, and he felt that the County could have placed fewer signs and saved some money. He also stated that he had called animal control regarding a stray dog in his neighborhood. After several days someone came out, but couldn't catch the dog, and promised to return the next day with a trap. He said that the man never came back. Mr. Owen stated that one of his neighbors at 620 Woodsedge Drive had a drainage problem in his yard, and that if Public Works would come clean out his ditch it would solve the problem.

The first item on the agenda was the approval of the minutes of the January meeting. Motion was made by Commissioner Logan, seconded by Commissioner McCloud and passed unanimously.

Commissioner Wilson moved that the following be approved as notaries public: Julie M. Billings, Faye Bishop, Lori L. Cherry, Jennifer M. Clayton, Amy N. Dyer, Carol E. Glover, Tammy L. Harris, Carol F. Hogan, Melissa James, Cathy D. Mathis, Willard J. Maxwell, Leigh Ann Nance, Holly Smith, and Shirley Smith. Motion was seconded by Commissioner Dowdy and passed unanimously by the Board.

Sheriff Bobby Riles reported for the Sheriff's Department, stating that paperwork had been completed to forward to the state for approval of Jail Board to be set at \$35 per day. The amount was approved last week. The payment would be retroactive to July 1, 2008.

Commissioner Wilson reported for the Development Committee. He stated that the Committee had reviewed a draft of an overgrown vegetation resolution and voted to have a public hearing on the ordinance. The Mayor is working on a date for the public hearing.

A budget amendment for the Public Works Department was reviewed by the Committee and sent to the budget Committee with approval.

Also discussed was an economic study of Fayette County that can be used to form an updated Land Use Plan. Further information on the study will be forthcoming.

In the absence of Commissioner German, Chairman Taylor reported for the Health and Welfare Committee.

Charles Traylor, Director of Fayette County Solid Waste reported to the Committee that a receiving program for recycled material has been started. On the first and third Saturdays of each month, a truck and driver will be station in Oakland from 9 am until noon, and in Hickory Withe from 1 pm to 3pm. Mr. Traylor feels participation in the program will increase with time, and that the program will be expanded into other areas of the County as it becomes more accepted.

The Animal Control Act was approved for a public hearing, which is in the process of being set, hopefully before the next meeting of the Committee.

The Mayor had also presented an Ambulance Report showing the revenues for the past month.

Commissioner Burnette stated that the Personnel Committee did not meet.

Commissioner Dowdy reported for the Criminal Justice /Public Safety Committee, stating that the committee met on February 10, 2009. The Noise Ordinance was discussed, and the Committee asked that the County Attorney bring back an ordinance that addresses the concerns that he had regarding the ordinance, as well as the goals of Committee members.

Commissioner Dowdy stated that Mayor Taylor presented an estimate to build a shop (building only), for the Sheriff. The Committee asked that they be given information on the price of repairing the current shop, replacing the roof and insulating. The estimate for this repair was \$30,000.00. They approved a motion to authorize the Mayor to accept bids for the construction of a shop for the Sheriff.

Sheriff Riles asked that he be allowed to employ a Registered Nurse for the Jail at a \$40,000 annual salary, stating that there are currently enough funds in his budget for the request but that more would have to be allocated for the next year.

The Mayor presented a contract for 100% grant for funds for Homeland Security. The Committee approved a recommendation authorizing the Mayor to sign the contract. Motion was then made by Commissioner Burnette, seconded by Commissioner Harris, to authorize the Mayor to sign the contract. Motion was passed unanimously by the Board.

The Committee reviewed and approved the annual supplement for the Sheriff to operate the Fayette County Workhouse. Motion was made by Commissioner Joann Allen to approve the supplement, and upon a second by Commissioner Brewer, was passed unanimously by the Board as follows:

RESOLUTION RE-AUTHORIZING THE COMPENSATION FOR WORKHOUSE
SUPERINTENDENT
February 24, 2009

WHEREAS, the county legislative body is required to make an allowance as they in their discretion think sufficient to compensate the sheriff for *ex officio* services as allowed in T.C.A. §§ 5-9-101(6) and required in TCA 8-24-111; and

WHEREAS, Fayette County in September 1988 resolved to pay the Sheriff a stipend, equal to 10% of his minimum base salary for his duties as Superintendent of the Workhouse; and

WHEREAS, Fayette County resolved in fiscal year 1993/94 to pay the Sheriff a stipend equal to 5% of his minimum base salary for his duties as Administrator of the Workhouse, as stipulated in TCA 41-2-104(h)(1); and

WHEREAS, this has been the practice since the adoption of those resolutions;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the Sheriff of Fayette County be compensated at a rate of 15% over his mandated minimum salary for his duties of Superintendent and Administrator of the Workhouse for Fayette County.

Adopted this 24 day of February, 2009.

APPROVED: ATTEST:

County Commission Chairman

County Clerk

Commissioner Oglesby reported for the Education Committee. The Committee approved a budget amendment for the School Board and forwarded it to the Budget Committee.

Myles Wilson, Superintendent of the Board of Education, updated the Committee on the School Budget.

Commissioner Harris reported for the Budget Committee, stating that Ed Gaugh, Fayette County Emergency Management Director, had met with the Committee and discussed the procedures that are followed in the event of a declared disaster. He

requested that the Committee authorized the Mayor to approve over-time during a disaster. The Committee voted to recommend that the County Mayor be authorized to approve over-time during a disaster.

Mark Ward, Property Assessor reported on the current county reappraisal process and when it would be completed.

Commissioner Harris moved that the following Budget Amendment to the County General Fund be approved. Motion was seconded by Commissioner Logan 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 sessions on this 24th day of February, 2009, 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
February, 2009**

<u>Adjustment to Reserve Accounts:</u>	INCREASE	DECREASE
34170 Reserved for Aging Programs		<u>\$ 19,928.59</u>
TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:		\$ 19,928.59
 <u>Adjustment to Revenue Accounts:</u>	 INCREASE	 DECREASE
46980 Other State Grants		\$ 3,163.00
47235 Homeland Security Grant		<u>52,152.00</u>
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:		\$55,315.00
 <u>Adjustment to Expenditure Accounts:</u>	 INCREASE	 DECREASE
<u>54310 Fire Prevention</u>		
196 In Service Training	\$ 3,975.00	
338 Maint & Repair-Vehicles	\$ 4,500.00	
339 Grant Match		\$17,099.00
411 Data Processing Supplies		1,500.00
413 Drugs & Medical Supplies		3,000.00
425 Gasoline	2,000.00	
434 Natural Gas		1,500.00
442 Propane	1,500.00	
451 Uniforms		2,000.00
499 Other Supplies & Materials	63,770.00	

February, 2009	-2-	Budget Amendment
599 Other Charges	13,000.00	
707 Building Improvements		20,500.00
718 Motor Vehicles	7,500.00	
719 Office Equipment	<u>1,506.00</u>	<u> </u>
Subtotal-54310	\$ 97,751.00	\$ 45,599.00
<u>55110 Local Health Center</u>		
351 Rentals		\$ 2,000.00
355 Travel	<u>\$ 2,000.00</u>	<u> </u>
Subtotal-55110	\$ 2,000.00	\$ 2,000.00
<u>56300 Senior Citizens Assistance</u>		
339 Matching Share	<u>\$19,928.59</u>	
Subtotal-56300	\$19,928.59	
<u>56500 Libraries</u>		
335 Maint & Repair-Buildings	<u>\$ 3,163.00</u>	
Subtotal-56500	\$ 3,163.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS	\$122,842.59	\$ 47,599.00

Prior Estimated Expenditures	\$13,133,171.00
Total Estimated Expenditures this Amendment	\$13,133,171.00
Projected Fund Balance before Amendment	\$ 2,423,410.00
Change in Fund Balance this Amendment	00.00
Estimated Ending Fund Balance as of June 30, 2009	\$ 2,423,410.00

Commissioner Harris also moved that the Budget amendment for the Fire Department be approved as shown above. The motion was again seconded by Commissioner Logan and passed unanimously.

Commissioner Harris moved that the following budget amendment for the Public Works Department (Highway Fund 131) be approved. Motion was seconded by Commissioner Wilson, and approved unanimously by the Board.

FAYETTE COUNTY PUBLIC WORKS DEPARTMENT

117 HIAWATHA STREET
P.O. BOX 579
SOMERVILLE, TENNESSEE 38068

901-465-5222
FAX 901-465-5214

HANK FRANCK, Chairman
ANDREW AVERY, Secretary
ROBERT MCQUEEN

WESLEY PARKS
RUSSELL WICKER
JIM SMITH, Superintendent

BUDGET AMENDMENT NO. 1

2008-2009 HIGHWAY FUND 131

<u>REVENUES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
47230 Diaster Relief	\$13,650.00		\$ 13,650.00
49700 Insurance Recovery	26,340.00		26,340.00
Net Total Revenues:	\$ 39,990.00		\$ 4,336,915.00

EXPENDITURES

61000 Administration

185 Educational Incentive	\$ 3,000.00		\$ 3,000.00
196 In-Service Training	750.00		3,250.00
Net Change:	\$ 3,750.00		\$ 181,761.00

62000 Highway & Bridge Maint.

186 Longevity		\$ (1,500.00)	\$ 41,400.00
327 Freight Expenses	\$ 3,000.00		98,000.00
399 Contracted Services	3,500.00		13,500.00
409 Crushed Stone	4,000.00		54,000.00
456 Gravel & Chert		\$ (3,500.00)	500.00
Net Change:	\$ 5,500.00		\$ 1,357,876.00

<u>EXPENDITURES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
<u>63100 Oper. & Maint. Equip.</u>			
799 Other Capital Outlay	\$ 2,600.00		\$ 7,600.00
Net Change:	\$ 2,600.00		\$ 498,060.00
<u>65000 Other Charges</u>			
307 Communication	\$ 4,800.00		\$ 12,800.00
506 Liability Insurance		\$ (1,900.00)	140,100.00
Net Change:	\$ 2,900.00		\$ 219,200.00
<u>66000 Employee Benefits</u>			
205 Employee Insurance		\$ (9,000.00)	\$ 235,000.00
513 Workman's Comp.	\$ 6,505.00		136,505.00
Net Change:		\$ (2,495.00)	\$ 607,485.00
<u>68000 Capital Outlay</u>			
713 Highway Equip.		\$ (12,360.00)	\$ 187,640.00
799 Other Capital Outlay	\$ 27,735.00		27,735.00
Net Change:	\$ 15,375.00		\$ 1,425,026.00
<u>80000 Debt Service</u>			
610 Principal on Leases	\$ 11,226.00		\$ 73,579.00
611 Interest on Leases	1,134.00		7,614.00
Net Change:	\$ 12,360.00		\$ 81,193.00
Net Total Expenditures:	\$39,990.00		\$ 4,401,601.00
Est. E.F.B., June 30,2009			<u>No Change</u>

Commissioner Harris moved that the following amendment to the General Purpose Fund for the Board of Education be approved. Motion was seconded by Commissioner Oglesby and approved as follows:

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141
 FEBRUARY, 2009

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 524 EIS	In-Service/Staff Development	\$2,646.49	
	TOTAL:	\$2,646.49	\$0.00
72510	FISCAL SERVICES		
72510 411	Data Processing Supplies	\$2,000.00	
72510 701	Administrative Equipment	\$10,000.00	
	TOTAL:	\$12,000.00	\$0.00
80000	DEBT SERVICE		
82100	PRINCIPAL ON DEBT		
82130	EDUCATION		
82130 610	Principal on Capital Leases	\$39,521.07	
	TOTAL:	\$39,521.07	\$0.00
82200	INTEREST ON DEBT		
82230	EDUCATION		
82230 611	Interest on Capital Leases	\$10,155.39	
	TOTAL:	\$10,155.39	\$0.00
	GRAND TOTAL:	\$64,322.95	\$0.00

Total Increase: \$64,322.95

Reserve:	39000	Undesignated Fund Balance	\$49,676.46
	35110 EIS	Designated for Purpose 1	\$2,646.49
	Total:		\$52,322.95

Revenues:	46820	Income Tax	\$12,000.00
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Revenue:	Prior Total Available Funds	\$27,754,747.58
	Audit Adjustment	\$49,676.46
	Total Increase This Amendment	\$12,000.00
	Total Available Funds This Amendment	\$27,816,424.04

Expenditure:	Prior Total Estimated Expenditures	\$27,613,037.36
	Total Increase This Amendment	\$64,322.95
	Total Estimated Expenditures This Amend.	\$27,677,360.31

EIS - Early Intervention Services reserve budgeted to use for staff development

New computers being purchased for payroll and accounting, current ones over 5 years old.

Audit adjustment on payable set up for buses for 07/08 year charged to 08/09 year.

Commissioner Harris moved that the following amendment to the Fayette County Board of Education, Federal Projects Fund be approved. Motion was seconded by Commissioner Karcher, and approved unanimously as follows:

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 101 - TITLE I
 FEBRUARY, 2009

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 336	Maintenance and Repair Services / Eq.	\$12,000.00	
71100 429	Instructional Supplies and Materials		\$26,854.00
71100 599	Other Charges	\$5,000.00	
71100 722	Regular Instruction Equipment		\$26,000.00
	TOTAL:	\$17,000.00	\$52,854.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 355	Travel	\$8,000.00	
	TOTAL:	\$8,000.00	\$0.00
72710	TRANSPORTATION		
72710 146	Bus Drivers	\$12,600.00	
72710 201	Social Security	\$782.00	
72710 204	State Retirement	\$1,072.00	
72710 212	Medicare	\$183.00	
72710 299	Other Fringe Benefits	\$617.00	
72710 412	Diesel	\$12,600.00	
	TOTAL:	\$27,854.00	\$0.00
	GRAND TOTAL:	\$52,854.00	\$52,854.00

Total Increase/Decrease: \$0.00

Bus drivers and fuel needed for after-school tutoring transportation. Other line items need funds to complete year.

Commissioner Harris stated that the Fayette County Trustee has requested that J. Payson Matthews be again appointed as Back-tax Attorney for a fee of 10 per cent of collections (which will be collected from defendants). Commissioner Harris moved that this request be approved. Motion was seconded by Commissioner Burnette and passed unanimously.

Commissioner Harris moved that the Mayor's Budget Calendar be approved as presented, motion was seconded by Commissioner McCloud and passed unanimously.

Commissioner Harris moved that Commissioners Joann Allen and Commissioner Brewer be allowed to swap committees, with Commissioner Brewer going to the Education Committee and Commissioner Joann Allen going to the Health & Welfare Committee. Commissioner Burnette seconded the motion which was approved unanimously.

Commissioner Harris moved that the jailer's fee for a misdemeanor be set at \$16. Motion was seconded by Commissioner Kelley, and approved unanimously as follows:

RESOLUTION AUTHORIZING A JAILER'S FEE FOR FAYETTE COUNTY.

WHEREAS, the Tennessee Code Annotated, Section 8-26-105, authorizes county legislative bodies to pass a resolution fixing the amount of jailer's fee which may be applied to misdemeanor prisoners for each calendar day the prisoner is confined to local facility; and

WHEREAS, the Board of County Commissioners of Fayette County has been shown that the cost of room and board at the Fayette County Justice Complex is \$16.00 (Sixteen Dollars) per misdemeanor prisoner per calendar day of confinement; and

WHEREAS, Fayette County is not reimbursed for by the State of Tennessee for incarcerating misdemeanor prisoners; and

WHEREAS, the Board of County Commissioner of Fayette County desires to receive reimbursement for incarceration of those misdemeanor prisoners in the amount of \$16.00 (Sixteen Dollars) per day of incarceration.

NOW, THEREFORE BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee assembled in regular session on this 24th day of February, 2009 in Somerville, Tennessee that:

SECTION 1. The jailer's fee for Fayette County is hereby set at \$16.00 per misdemeanor prisoner per calendar day of confinement.

SECTION 2. The jailer's fee herein fixed shall be collected by the clerk of appropriate court as a part of the fines and costs imposed in each misdemeanor case upon a finding of guilt.

SECTION 3. A copy of this resolution shall be transmitted to each clerk of a court hearing criminal matters in Fayette County and shall be spread upon the minutes of this meeting by the County Clerk.

NOW, THEREFORE BE IT FUTHER RESOLVED, that all resolutions of the Board of County Commissions of Fayette County, Tennessee, which are in conflict with this resolution are hereby repealed.

NOW, THEREFORE BE IT FURTHER RESOLVED that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of Fayette County Commissioners.

Commissioner Harris moved that the Mayor be authorized to sign (or not to sign, as he saw fit) the following agreement concerning the Arlington Trailer Park Lagoon Project. Motion was seconded by Commissioner Dowdle and passed unanimously.

ARLINGTON TRAILER PARK LAGOON PROJECT

February 24, 2009

Fayette County has been asked by the Tennessee Department of Environment and Conservation (TDEC) to assist in remedying the situation at Arlington Trailer Park. This lagoon has for many years not operated properly and has been a health hazard. The lack of maintenance has allowed the system to degrade to the point where immediate action is needed. The following is a synopsis of their proposal.

1. Tennessee will provide \$100,000 to clean up the lagoon, repair structures at the lagoon, gravel a maintenance road, and to run a camera into the collection system to ascertain the condition of the system.
2. Fayette County will take possession of the lagoon and the collection system. Jack Dunn, the current owner of the system, has agreed to donate the lagoon and a wet cell area, along with easements to the site.
3. TDEC will provide a draft permit for Fayette County to operate under and also a compliance agreement that will spell out the negotiated procedures for correcting any problems. After the compliance agreement is negotiated and the permit has been reviewed, then a permit will be issued for Fayette County to run the system. It will take approximately 90 days for a permit to be approved.
4. The City of Oakland has agreed to collect monthly fees from the residents on behalf of the County. Tennessee law gives the city the ability to deny water service for non-payment of a sewer bill on behalf of another government entity.
5. The City of Oakland has agreed to operate the lagoon on behalf of Fayette County.
6. Fees collected from the residents shall pay for the monthly costs of fee collection and operating the lagoon.

The goal of this project is to shut down the lagoon in the future. This may take several years to assemble the necessary grants and funds. It is not the purpose of this project to increase the number of residents who can hook up to the system or to increase the capacity of the lagoon.

Commissioner Burnette moved that the Sheriff be appropriated funds to purchase cars for his department . Motion was seconded by Commissioner Wilson and passed unanimously.

Commissioner Brewer moved that the following resolution to adopt the policies and procedures for the community development block grant housing rehabilitation program for the Wagon Wheel Road Area be adopted. Motion was seconded by Commissioner Dowdle and approved unanimously by the Board, as follows:

RESOLUTION: TO ADOPT THE POLICIES AND PROCEDURES FOR THE COMMUNITY DEVELOPEMNT BLOCK GRANT (CDBG) HOUSING REHABILITATION PROGRAM – WAGON WHEEL ROAD AREA

WHEREAS; the Department of Housing and Urban Development (HUD) annually funds the CDBG program to provide funds to the Tennessee Department of Economic and Community Development (ECD) for projects that benefit low income persons, and

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

WHEREAS; ECD has awarded Fayette County \$500,000 for a housing rehabilitation program for the Wagon Wheel Road Area.

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 for the Wagon Wheel Road Area.

This resolution is read and adopted at public meeting this
 day of , 2009.

MAYOR

ATTESTED: _____
COUNTY CLERK

The meeting was briefly recessed for an attorney-client meeting.

Upon reconvening, Commissioner Anderson moved that the County Attorney be authorized to take all steps necessary to release the Mt. Zion Church Bond and to gain the litigation in that matter. Motion was seconded by Commissioner McCloud and passed unanimously.

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

Rhea Taylor, County Mayor

Sue W. Culver, County Clerk