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FAYETTE COUNTY LEGISLATIVE BODY

January 28, 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 27th day of January, 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. Burnette, Jr. Larry Cook, Odis Cox, Sissy Dowdle, John Dowdy, Ron Gant, Willie German, Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, George McCloud, and Myles Wilson.

Commissioner Claude Oglesby was absent.

The floor was opened to the public to address items not on the agenda. No one came forward and the floor was closed.

Commissioner Dowdle moved that the minutes of the November meeting be approved. Motion was seconded by Commissioner Cook and passed unanimously.

The floor was then opened for a public hearing in the matter of establishing a speed limit on the following streets in the Woodsedge subdivision: Ash Cove(0.04 mi), Cottonwood Drive (0.48 mi) Grand Branches Drive (0.29 mi) Ironwood Drive (0.05 mi) Mulberry Drive (0.15 mi), Post Oak Cove (0.05mi) Water Oak Circle (0.30 mi) Willow Glyn Cove (0.05 mi) and Woodsedge Drive (1.34 mi).

With no one speaking "For " or "Against", the public hearing was declared closed.

Commissioner Anderson then moved that the speed limit resolution be passed. Commissioner Logan seconded the motion, which passed unanimously as follows:

BE IT RESOLVED, by the Fayette County, Tennessee, Board of County Commissioners, in regular session assembled on the 27th day of January, 2007, being the fourth Tuesday of said month and the regular monthly meeting date of the Fayette County Board of County Commissioners, at 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 amendment thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Ash Cove in its entirety (0.04mi), Cottonwood Drive in it's entirety (0.48miles), Grand Branches Drive in its entirety (0.29 miles) Ironwood Drive in its entirety (0.05 mile) Mulberry Drive in its entirety (0.15 mile), Post Oak Cove in its entirety (0.05 mile), Water Oak Circle in its entirety (0.30 mile) Willow Glyn Cove in its entirety (0.05 mile) and Woodsedge Drive in its entirety (1.34 miles), all being located in the 9th Civil District of Fayette County, Tennessee;

BE IT FURTHER RESOLVED, that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The above is a copy of a Resolution filed in my office on the 5th day of January, 2009, by Commissioner Stephen L. Anderson. Said Resolution may be considered at any

meeting of the Fayette County Board of County Commissioners at any time two weeks after the date said resolution was filed.

The floor was then opened for a public hearing in the matter of establishing a speed limit of 30 miles per hour on Tomlin Road . With no one speaking "For" or "Against", said public hearing was closed.

Motion was then made by Commissioner Cook, seconded by Commissioner Ed Allen , and passed unanimously to adopt the following speed limit resolution :

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 27th day of January, 2009, being the fourth Tuesday of said month and the regular monthly meeting of the January said County Legislative Body, at the Bill G. Kelley 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 30 M.P.H. on Tomlin Road from the intersection with Meadow Glen Drive to the intersection with Highway 64, a distance of 0.31 miles and that a maximum speed of 40 M.P.H. from the intersection of Tomlin Road with Rolling Meadows Road, to the intersection with Feathers Chapel Drive, a distance of 2.63 miles, and BE IT FURTHER RESOLVED that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The above is a copy of a Resolution filed in my office on the 15th day of November 2008, by Commissioner Larry J. Cook and Commissioner Ed Allen. Said Resolution may be considered at any meeting of the Board of County Commissioners and/or Legislative Body of Fayette County, Tennessee, at any time within two weeks after the said resolution was filed.

Commissioner Logan moved that the following be approved as Notaries Public: Pam Hart Burch, Barbara R. Canady, Marion Francis Cantrel, Linda McNabb Dollahite, Lisa Renae Doyle, Karen Eaker, Rebecca R. Feathers, Steven W. Glover, Doris C. Green, Clara T. Harris, Joy Adele Hart, Glenda F. Hays, Daphane Kee, Elizabeth A. McCommon, Chris Lee Mitchell, Kimberly Morris, Frances C. A. Morrow, Doris D. Riles, Trina Steele, Pamela S. Walker, Melissa Watkins, and Kelley Whittington. The motion was seconded by Commissioner Dowdy, and passed unanimously to approve.

Motion was made by Commissioner Dowdle, seconded by Commissioner Burnette, to reappoint Curtis Park and James Braswell to the Zoning appeals Board. Motion passed unanimously.

Commissioner Wilson moved that Eugene McFerren be appointed to the Airport Board. Motion was seconded by Commissioner Burnette, and approved unanimously by the Board.

Chairman Taylor reported for the County Mayor's Office. He stated that in December he had discussed re-evaluating the land use plan for Fayette County with John Pitner of Planning and Development. He has asked Mr. Pitner for a schedule detailing

how to accomplish this re-evaluation. Mr Pitner will have this information in February, and the process may take up to a year.

Chairman Taylor proposed that the Legislative Body look at charging a fire service fee for the next year to determine if it will work as a source of revenue.

The Chairman then asked that the prospect of temporarily stationing an ambulance at Oakland be looked at. This would not involve adding an additional ambulance, but restationing one of the three already on the road.

Chairman Taylor then brought up the Arlington trailer park lagoon which is not working and has to be cleaned up. He asked for authority to move forward with the purchase of this property. He stated that the state has come up with about \$100,000 in grant money toward this project. The City of Oakland has agreed to collect the fees for this service. The long range plan is to obtain CBDG grants to hook on to the Oakland sewer system, and close the lagoon. A letter from the State of Tennessee regarding the regulations of such an operation is forthcoming. Stating that no documents will be signed without the approval of the Legislative Body, Chairman Taylor said that he needed the authority to move forward toward the purchase of this property. Commissioner Harris moved that the Mayor be allowed to move forward with this project, and Commissioner Dowdy seconded that motion. After a great deal of discussion, the Board unanimously approved the motion.

Chairman Taylor stated that Barry Rhyan of the Veteran's office reported that there are approximately 2,956 veterans living in Fayette County who received \$753,102 in benefits, which amounts to about \$75,000 in revenue to the County.

There were no reports from the Sheriff's Department, Board of Education, Juvenile Court, or the Board of Public Works. The Trustee's report of Cash receipts and distributions was included in the Commissioner's packets.

Commissioner Wilson reported for the Development Committee, stating that the Committee met on January 12, 2009.

Commissioner Brewer moved that the following "County Powers Resolution" be approved to authorize the county to be able to use city-like powers in the future. This resolution requires a two-thirds majority to pass. The motion was seconded by Commissioner Cook and passed unanimously on a roll-call vote.

RESOLUTION TO AUTHORIZE THE EXERCISE BY THE COUNTY OF CERTAIN POWERS GRANTED TO MUNICIPALITIES UNDER T.C.A. § 6-2-201(22) AND (23) WITH RESPECT TO THE REGULATION OF NUISANCES AND OTHER PRACTICES DETRIMENTAL TO THE INHABITANTS OF THE COUNTY

WHEREAS, the General Assembly, in passing Chapter 627 of the Public Acts of 2002 and Chapter 57 of the Public Acts of 2003, amended T.C.A. § 5-1-118 to expand the ability of counties to exercise certain municipal powers in relation to the regulation of nuisances and other practices detrimental to the inhabitants of the county as outlined in T.C.A. § 6-2-201(22) and (23); and,

WHEREAS, the Board of County Commissioners of Fayette County has determined that it would be beneficial to the inhabitants of the county for Fayette County to adopt these regulatory authorities and general police powers; and,

WHEREAS, T.C.A. § 5-1-118(c) requires that any county desiring to exercise these powers must adopt a resolution by two-thirds vote of its legislative body in order to do so and must subsequently adopt any such regulations also by a two-thirds majority;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Fayette County, Tennessee, meeting in regular session on this 27th day of January, 2009 at Somerville, Tennessee, that;

SECTION 1. Pursuant to the directives of T.C.A. § 5-1-118(c), the Board of County Commissioners of Fayette County, Tennessee hereby expresses its intent that the county be authorized to exercise those powers granted to municipalities under T.C.A. § 6-2-201(22) and (23). Such powers are described by law as the ability to:

Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers; and prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

SECTION 2. The exercise of such powers by Fayette County shall be in accordance with all limitations provided in T.C.A. § 5-1-118. Such authority shall only be exercised in the unincorporated areas of the county. Such authority shall not apply to those activities, businesses or uses of property and business occupations and practices which are exempted from regulation by T.C.A. § 5-1-118(c)(2).

SECTION 3. Furthermore, the Board of County Commissioners of Fayette County recognizes that all court decisions and statutory laws relating to variances and non-conforming uses which are applicable to zoning ordinances and land use controls shall also apply to the enforcement and exercise of the powers granted by T.C.A. § 5-1-118(c). Further, the Board of

County Commissioners recognizes that the enforcement and exercise of these powers by the county is limited by the provisions of the Constitution of the State of Tennessee and the United States Constitution.

SECTION 4. Subsequent to the effective date of this resolution, the county is hereafter authorized to adopt regulations in accordance with the authority granted under T.C.A. § 5-1-118(c). In order to be effective, such regulations shall also be passed by a two-thirds majority of the Board of County Commissioners of Fayette County.

SECTION 5. This Resolution shall be effective upon its passage and approval, the public welfare requiring it.

Adopted this 27th day of January, 2009 by a two-thirds majority.

The overgrown vegetation draft ordinance was presented to the Committee by the Mayor for review. This ordinance will be discussed further at the February meeting.

Commissioner Burnette moved to adopt a resolution agreeing to alter the requirements for the Executive Board of the Joint Economic and Development Committee, to allow the full board to meet and satisfy the requirements of an executive committee. Motion was seconded by Commissioner Logan and passed unanimously.

RESOLUTION TO AMEND THE JOINT ECONOMIC AND COMMUNITY DEVELOPMENT INTERLOCAL AGREEMENT OF NOVEMBER 23, 2003

WHEREAS, the Joint Economic and Community Development Board was created with the passage of Public Chapter 1101 and codified in TCA 6-58-14; and

WHEREAS, communities seeking grants must have a board that meets the conditions set forth in the mentioned legislation; and

WHEREAS, the Attorney General of the State of Tennessee has opined in Opinion No. 06-151 that the entire board may meet to satisfy the condition of an executive board meeting; and

WHEREAS, the board is comprised of many public officials who are part-time and have difficulty attending extra meetings in addition to their position's original duties; and

WHEREAS, a change in the Interlocal Agreement between the municipalities in Fayette County to allow the full board to act as the Executive Committee would offer relief to those officials and keep Fayette County in compliance with state law;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session at Somerville, Tennessee, that:

The Interlocal Agreement adopted on November 23, 2003 forming the Fayette County Joint Economic and Community Development Board **shall have the following "Section 7: Executive Committee" deleted in its entirety:**

There shall be a seven member executive committee, which shall be composed of members of the Joint Economic and Community Development Board and selected by the entire board. The makeup of the executive committee shall be determined by the entire board but shall, at a minimum, include the county executive and the mayors or city managers of the five larger municipalities in the county. The executive committee shall have all of the power of the board between meetings but cannot modify any action taken by the board.

The following shall be added as "Section 7: Executive Committee":

The entire membership of the Joint Economic and Community Development Board shall serve as the Executive Committee. This committee shall serve in a dual capacity to fulfill the requirements of TCA 6-58-114. A quorum for this committee will be seven members in attendance. If a quorum is not attained, then the board may meet to satisfy the provisions of TCA 6-58-114 to facilitate communication and engage in long-term planning. Minutes and attendance shall be kept of all meetings to satisfy TCA 6-58-114(f).

The following "Section 9: Meetings" shall be deleted in its entirety:

The board shall meet a minimum of four times each year, and the executive committee shall meet at least eight times each year. All meetings of the board and executive committee shall be documented by minutes and certification of attendance. Meetings of the board and executive committee are subject to the Tennessee Open Meetings Law.

The following shall be added as "Section 9: Meetings":

The board shall meet a minimum of eight times each year, with at least one meeting in each quarter of the year. The quarterly meeting shall satisfy TCA 6-58-114(f) since the board will meet in its dual capacity as Executive Board and Full Board. All meetings of the board shall be documented by minutes and certification of attendance. Meetings of the board and executive committee are subject to the Tennessee Open Meetings Law.

The changes made by this resolution shall become effective with the passage of this resolution by the following municipalities in Fayette County: Braden, Gallaway, Grand Junction, LaGrange, Moscow, Oakland, Piperton, Rossville, Somerville, and Williston.

Adopted this 27th day of January, 2009.

The Committee voted to renominate James Braswell and Curtis Park for the Board of Zoning Appeals, which was voted on earlier. The Committee was addressed by

John Pitner who gave statistics as to why the AFT should be removed from mobile homes. Also the nomination of Eugene McFerren to be added to the Airport Board was discussed and approved.

Jim Smith, Superintendent of Public Works, presented the Annual County Road List, which summarizes the accepted roads as of December 31, 2008. Commissioner Wilson moved that the list be accepted as presented, motion was seconded by Commissioner Joann Allen, and approved unanimously.

Commissioner German reported for the Health and Welfare Committee, stating that the committee had reviewed a draft of the Animal Control Regulations for the County. The draft will be discussed further at the February meeting.

Commissioner Ed Allen moved to temporarily station an ambulance at Oakland. The City of Oakland has provided a base for the ambulance to be housed, with no charge to the County. Commissioner Cook seconded the motion which passed unanimously by the Board.

Commissioner German then moved to put the ambulance service under the authority of the Mayor. This motion was seconded by Commissioner Wilson and also passed unanimously.

Commissioner German moved that the following persons make up the Ambulance Advisory Committee: Dr. William Burch; Commissioner David Lillard; Commissioner Willie German; Rudy Doyle; and Carol Ann Feathers. Commissioner Cook seconded the motion which passed unanimously.

The Personnel Committee did not meet.

Commissioner Dowdy reported for the Criminal Justice/Public Safety Committee, which met on January 13, 2009. The Mayor presented the Committee with a draft contract to accept the property of the Moscow Fire Department in exchange for providing fire protection for Moscow. Gladys Kercheval, Mayor of Moscow, stated that the Moscow Volunteer Fire Department had gone from 27 members to 3, and that the volunteers were no longer able to provide coverage. Commissioner German moved that the Mayor be authorized to sign a contract with the City of Moscow upon completion of a mold study and a clean report. Commissioner Kelley seconded the motion, and all Commissioners voted "Yes" with the exception of Commissioner Ed Allen, who "Passed".

Commissioner Dowdy stated that the Mayor had presented a draft of a noise ordinance, which will be reviewed again in February.

Commissioner Dowdle moved that the Mayor be authorized to negotiate a price and bring back an offer in the matter of purchasing the Sheriff's Repair Shop, which the owner of the property is putting up for sale for an asking price of \$95,000. Commissioner Cook seconded the motion which passed unanimously.

Commissioner Harris then reported for the Education Committee, in the absence of Commissioner Oglesby, stating that the School Board Budget amendment had been approved by the Committee and forwarded to the Budget Committee. The School Budget update was given by Superintendent Wilson, who stated that most figures were pretty close to budget, except for the amount for substitute teachers. The Committee will be further reviewed at the February meeting. The Committee was also updated on the status of the Edulog Software installation,

Commissioner Harris reported for the Budget Committee. He moved that the following resolution to exempt National Guard Enlisted Members to be exempted from wheel tax fees on one vehicle. Motion was seconded by Commissioner Dowdy and passed with 17 Commissioners voting "YES" and Commissioner Logan voting "NO".

**RESOLUTION FOR EXEMPTION TO WHEEL TAX FOR
TENNESSEE NATIONAL GUARD**

WHEREAS, Fayette County recognizes and honors its citizens who actively serve in the Tennessee National Guard, and wants to show our support for the members of the Tennessee National Guard and their families for their service to our state; and

WHEREAS, T.C.A. § 5-8-102 authorizes counties to levy a motor vehicle privilege tax, or "wheel tax," as a condition precedent to the operation of a motor vehicle within the county; and

WHEREAS, Fayette County has been authorized by the Tennessee General Assembly in the Private Acts of 1963, Chapter 7, as amended by the Private Acts of 1967, Chapter 178 and the Private Acts of 1979, Chapter 160, and in the Private Acts of 2000, Chapter 116 to assess a Wheel Tax for the privilege of operating upon and using the public streets, roads and highways in Fayette County, Tennessee, except city and state maintained roads and highways.; and

WHEREAS, T.C.A. § 5-8-103 authorizes the exemption for county purposes the same exemptions that the State uses; and

WHEREAS, by the adoption of TCA 55-4-228, the State of Tennessee has created an exemption for members of the National Guard on the collection of fees for the issuance of license plates for motor vehicles; and

WHEREAS, Fayette County wants to follow that example to allow the removal of wheel tax as outlined in TCA 55-4-228 (d)(1); and

WHEREAS, the Attorney General for the State of Tennessee has opined in Opinion Number 85-199 "[B]ecause the legislature has plenary power to tax privileges and grant exemptions from such taxation, the county which exercises the legislatively delegated power of taxation for county purposes, may likewise act to exempt from taxation, even as the legislature exempts";

NOW, THEREFORE BE IT RESOLVED by the county legislative body of Fayette County meeting in session at Somerville, Tennessee, on the day of January 27, 2009, that Fayette Count waives the collection of wheel tax for members of the Tennessee National Guard in such a manner as stated in TCA 55-4-228.

Commissioner Harris moved that the following Resolution to Request Unclaimed Balance of Accounts Remitted to the State Treasurer Under the Unclaimed Property Act be adopted. Motion was seconded by Commissioner Burnette and passed unanimously.

WHEREAS, Tennessee Code Annotated Section 66-29-102 and Section 66-29-123, as amended by Public Chapter 401, Acts of 1985, provide that a municipality or county in Tennessee may request payment for the unclaimed balance of funds reported and remitted by or on behalf of the local government and it agencies if it exceeds \$100, less a proportionate share of the cost of administering the program; and

WHEREAS, Fayette County and/or its agencies have remitted unclaimed accounts to the State Treasurer in accordance with the Uniform Disposition of Unclaimed Property Act for the report year ending December 31, 2008; and

WHEREAS; Fayette County agrees to meet all of the requirements of Tennessee Code Annotated Section 66-29-101 et seq. and to accept liability for future claims against accounts represented in funds paid to it and to submit an annual report of claims received on these accounts to the State Treasurer by September 1 each year: and

WHEREAS, it is agreed that this local government will retain a sufficient amount to insure prompt payment of allowed claims without deduction for administrative costs or service charge and that the balance of funds will be deposited in this local government's general fund;

THEREFORE, BE IT RESOLVED that the County Commission of Fayette County requests the State Treasurer to pay the unclaimed balance of funds remitted for the 2008 report year to it in accordance with the provisions of Tennessee Code Annotated Section 66-29-121. A list of remittances made by or on behalf of the local government and its agencies is attached.

I hereby certify that this is a true and exact copy of the foregoing resolution which was approved and adopted at a meeting held on the 27th day of January, 2009, original which is on file in this office. I further certify that the Fayette County Commission consists of nineteen (19) members, and that _____ members voted in favor of the resolution.

Commissioner Harris moved that the following Schools Budget Amendment be passed. Motion was seconded by Commissioner Dowdy and passed unanimously.

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

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 355 NAG	Travel	\$3,107.54	
	TOTAL:	\$3,107.54	\$0.00
72810	CENTRAL AND OTHER		
72810 189 SSA	Other Salaries and Wages	\$3,494.10	
72810 201 SSA	Social Security	\$354.00	
72810 204 SSA	State Retirement	\$386.00	
72810 212 SSA	Medicare	\$200.00	
72810 399 SSA	Other Contracted Services	\$3,950.00	
72810 499 SSA	Other Supplies and Materials	\$1,500.00	
72810 790 SSA	Other Equipment	\$12,700.00	
	TOTAL:	\$22,584.10	\$0.00
	GRAND TOTAL:	\$25,691.64	\$0.00

Total Increase: \$25,691.64

Revenues:	46590 SSA Other State Funds	\$22,584.10
	49800 Transfers	\$3,107.54
	Total:	\$25,691.64

Revenue:	Prior Total Available Funds	\$27,729,055.94
	Total Increase This Amendment	\$25,691.64
	Total Available Funds This Amendment	\$27,754,747.58

Expenditure:	Prior Total Estimated Expenditures	\$27,587,345.72
	Total Increase This Amendment	\$25,691.64
	Total Estimated Expenditures This Amend.	\$27,613,037.36

Funds received from a discretionary federal grant being used for travel in spec ed.
 72810 - Safe School Grant being added to budget

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

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 336	Maintenance and Repair - Equipment	\$35,000.00	
71100 429	Instructional Supplies and Materials		\$45,000.00
71100 599	Other Charges	\$10,000.00	
	TOTAL:	\$45,000.00	\$45,000.00

Total Increase/Decrease: \$0.00

Funds needed to cover costs of repair of equipment.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 102 - READING FIRST
 JANUARY, 2009

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers		\$21,840.00
71100 201	Social Security		\$1,355.00
71100 204	State Retirement		\$1,402.00
71100 212	Medicare		\$318.00
71100 299	Other Fringe Benefits		\$85.00
71100 429	Instructional Supplies and Materials	\$25,000.00	
	TOTAL:	\$25,000.00	\$25,000.00

Total Increase/Decrease: \$0.00

Salary estimates were high. Funds will be used for reading supplies.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 122 - TITLE I SCHOOL IMPROVEMENT
 JANUARY, 2009

		INCREASE	DECREASE
72000	SUPPORT		
72210	REGULAR INSTRUCTION PROGRAM		
72210 355	Travel		\$7,617.86
72210 524	Inservice/Staff Development	\$7,617.86	
	TOTAL:	\$7,617.86	\$7,617.86

Total Increase/Decrease: \$0.00

Funds needed for Professional Development instead of travel

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 900 - IDEA
 JANUARY, 2009

		INCREASE	DECREASE
72000	SUPPORT		
72220	SPECIAL EDUCATION PROGRAM		
72220 399	Other Contracted Services		\$4,000.00
	TOTAL:	\$0.00	\$4,000.00
72710	TRANSPORTATION		
72710 313	Contracts with Parents	\$4,000.00	
	TOTAL:	\$4,000.00	\$0.00
	GRAND TOTAL:	\$4,000.00	\$4,000.00

Total Increase/Decrease: \$0.00

Adjusting budget to match approved State grant

Commissioner Harris moved that the following General Fund Budget Amendment be passed. Motion was seconded by Commissioner Burnette and passed unanimously.

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 27th day of January, 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
January, 2009**

<u>Adjustment to Fund Balance:</u>	INCREASE	DECREASE
39000 Undesignated Fund Balance		<u>\$ 58,000.00</u>
TOTAL INCREASE/DECREASE TO FUND BALANCE :		\$ 58,000.00

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
55130 Ambulance Service	<u>\$ 58,000.00</u>	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS	\$ 58,000.00	

Prior Estimated Expenditures	\$13,133,171.00
Total Estimated Expenditures this Amendment	\$13,191,171.00
Projected Fund Balance before Amendment	\$ 3,169,891.00
Change in Fund Balance this Amendment	00.00
Estimated Ending Fund Balance as of June 30, 2009	\$ 2,423,410.00

Commissioner Harris moved that the following Capital Fund Budget Amendment be approved. Motion was seconded by Commissioner Wilson and approved unanimously.

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 27th day of January, 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 Other Capital Projects Fund #189 be amended in the following words and figures, to-wit:

**OTHER CAPITAL PROJECTS
BUDGET AMENDMENT
F/Y 08/09
January, 2009**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
46980 Other State Grants		\$ 34,691.40
47990 Other Direct Federal Revenue		<u>25,250.00</u>
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT:		\$ 59,941.40
 <u>Adjustment to Expenditure Account:</u>		
<u>91190 Other General Government Projects</u>		
339 Matching Share	\$ 6,462.05	
724 Site Development	<u>53,479.35</u>	
Subtotal-91190	\$ 59,941.40	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT:	\$ 59,941.40	

Commissioner Harris placed Richard Rosser's name in nomination for County Attorney. Commissioner Dowdy moved that the nomination cease and Mr. Rosser be elected by acclamation. This motion was seconded by Commissioner Wilson and passed unanimously.

Commissioner Harris then moved that the County Attorney's salary be increased by 2 per cent, as well as his hourly rate and fees for research. Motion was seconded by Commissioner Dowdle, and passed with 17 voting "YES" and Commissioner Ed Allen voting "NO".

Commissioner Harris moved to adopt an amendment to allow the Public Defender for the 25th Judicial District, Gary Antrican, to charge a court fee of \$12.50, to be collected by the Clerk of Court, on all criminal cases and forwarded to the Public Defenders Office. This would replace some of the funds to the Public Defender's Office which are being cut by the state, and hopefully help keep the Somerville Office open.

Should the state replace the funding now being cut, the Board would come back at look at this matter again to determine if these funds would continue to go to the Public Defender's Office. Commissioner Anderson seconded the motion which passed unanimously on a roll call vote.

BE IT THEREFORE RESOLVED, that the Fayette County Commission meeting in regular session this the 27th day of January, 2009, in the Bill G. Kelley Justice Center in Somerville, Tennessee: Whereas, TCA 40-14-210 (3) authorizes a twelve dollars and fifty cent (\$12.50) cost for the purpose of defraying the cost of legal representation and support services provided indigent defendants in criminal proceedings, upon a two-third vote of the county legislative body; and

WHEREAS, District Public Defender, Gary Antrican, has requested that this cost be assessed and remitted to the county government pursuant to TCA 40-14-210; and

WHEREAS, it is the desire of the Fayette County Commission to replace reduced state revenues for the cost of representing indigent defendants in Fayette County; and

WHEREAS, it is also the desire of the Fayette County Commission for the Public Defender to have an office in Fayette County;

NOW, THEREFORE, BE IT RESOLVED that :

1. Fayette County will direct the General Sessions and Circuit Court Clerks Office pursuant to TCA 40-14-210, to collect the twelve dollar and fifty cent (\$12.50) cost on all misdemeanor and felony cases, with the exception of non-moving traffic violations, and that the funds collected shall be remitted to the county government to be used pursuant to the above referenced Tennessee Code Annotated Section for providing representation and support services to indigent defendants in criminal proceedings
2. This cost will be reconsidered after a two year period by a vote of the Fayette County Commission
3. This cost will be reconsidered if the Public Defender shall close the Fayette County office.
4. This cost will be reconsidered if the funds scheduled for reduction are restored.

Motion was made by Commissioner Burnette, seconded by Commissioner Dowdy to approve the addition of Tom Day to the 9-1-1 Board to replace Dennis Cheairs. The motion was seconded by Commissioner Dowdy and approved unanimously.

The meeting was then recessed for an attorney client meeting.

Chairman Taylor reminded the Commissioners that the Ethics Report must be filed by January 31, 2009, to avoid penalty.

After a brief recess for attorney-client meeting, the meeting was again called to order, by the Chairman.

Commissioner Harris moved that the Mayor be authorized to negotiate with the owner of the Sheriff's Repair Shop Building to negotiate a price to purchase the building. The Mayor would then bring the information back to the Commission before any further action takes place. Commissioner Dowdy seconded the motion which passed unanimously.

Commissioner Anderson then moved that the attorneys for the County be authorized to contact Barge Waggoner and tell them that we will be relying on their certifications and representations regarding ADA compliance and that they also be able to preserve all our rights in our suit against Barge Waggoner.

Motion was seconded by Commissioner Joann Allen and passed unanimously.

Commissioner Anderson then moved that the attorneys for the County be authorized to execute a revised settlement agreement regarding the desegregation litigation in terms acceptable to the attorneys for the County. Motion was seconded by Commissioner Kelley, and passed with 17 "YES" votes. Commissioner Wilson recused himself.

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

Rhea Taylor, County Mayor

Sue W. Culver, County Clerk