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FAYETTE COUNTY LEGISLATIVE BODY

JULY 28, 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 28th day of July, 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, 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.

With all Commissioners present, a quorum was met.

The floor was opened to the public for comments on non-agenda items. Raymond Skinner, 100 Hidden Garden, Oakland, addressed the Board regarding building a walking trail along Cypress Creek. He stated that he had spoken with the Mayor of Oakland who agreed to set up a non-profit corporation to hold easements from landowners for access to the property along the creek, and property owners would be able to claim tax credit in exchange for the easements. Mr. Skinner stated that no dirt would have to be moved, and a minimum of work would be necessary to complete the trail.

Gary Bullwinkle of 5560 YumYum Road in Somerville, addressed the Board regarding precautions that need to be taken in supporting the Haywood County Mega site. Mr. Bullwinkle stated that Haywood County has gained options on property which Fayette County had asked them not to do, and had discriminated regarding payments for those options. Mr. Bullwinkle stated that we don't know how this is going to affect our county, or if any of the jobs it brings will go to any of our citizens, and that it brings up serious issues regarding benefits to our County. He further stated that Fayette County should maintain local control that we have over the 1101 zoning.

Dana Pitman then updated the Board regarding Edulog and the information she had been waiting on in order to complete the project, stating that she had received the information. Ms. Pitman further stated that Teresa Patterson, secretary at the transportation department has been extremely pleasant and helpful in every way she could.

Commissioner Dowdy moved that the minutes from the June meeting be approved. The motion was seconded by Commissioner McCloud and passed unanimously by the Board.

Chairman Taylor then called a recess for an Attorney-Client meeting. After a brief recess, the Commissioners returned, and the meeting resumed.

The floor was opened for a public hearing in the matter of a speed limit resolution for Oak Hill Lane and Oak Hollow Cove. With no one speaking "For" or "Against" the public hearing was closed.

Motion was then made by Commissioner Joann Allen to adopt the resolution. The motion was seconded by Commissioner Logan, 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 28th day of July, 2009, being the fourth Tuesday of said month and the regular monthly meeting date of the July 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 twenty (20) miles per hour on Oak Hill Lane (.025 mi.) and Oak Hollow Cove (.012 mi.), 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 again opened for a public hearing in the matter of a resolution to amend the Fayette County Zoning resolution to completely repeal and replace the rural preservation and enhancement district. No one spoke on behalf of the resolution, and Dana Pitman spoke against it, citing that there will be no methodology to the declaration of unsuitable roads, among other concerns. With no one else coming forward, the public hearing was closed.

Motion was made by Commissioner Burnette, second by Commissioner Gant, to approve the resolution as presented. The motion passed unanimously by the Board, as follows:

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION
TO COMPLETELY REPEAL AND REPLACE THE RURAL
PRESERVATION AND ENHANCEMENT DISTRICT

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102 the Fayette County Board of Commissioners has adopted a Zoning Resolution and Zoning Map for Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-105 the Fayette County Board of Commissioners is empowered to amend the number, shape, boundary, area, or any regulation of or within any district or districts or any other provision of the zoning resolution; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendment by the Fayette County Regional Planning Commission on July 6, 2009, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held before the Fayette County Board of Commissioners on July 28, 2009, the time and place of which was published with at least fifteen (15) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County;

NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 28TH DAY OF JULY, 2009:

SECTION 1. That there be deleted entirely the present Section 3.6 of Article VII, which reads:

- 3.6 Rural Preservation and Enhancement District (RPED)** It is the goal of this section to preserve and enhance the rural nature and tradition of the County by promoting the preservation of open spaces, prime farmlands, natural resources; implementing the intent of the Fayette County Growth Plan of August 2003; allowing clustered and concentrated forms of development in some rural areas under strictly interpreted conditions and where approved by the Planning Commission and County Commission; and in general by directing a majority of the growth towards the municipalities and their urban growth boundaries or county planned growth areas.

This section recognizes the existing rural pattern and places a significant emphasis on open spaces, views and low impact development, reducing conflict and developing consensus. The purpose and intent of this section is to require development patterns that, unlike the typical large lot, suburban sprawl type pattern, will protect, preserve and enhance the rural sections of Fayette County.

- 3.6.1 RPED Locational Standards. RPED is an overlay zoning district to be utilized in the rural designated portions of the county, as per the August 2003 Fayette County Growth Plan or any subsequent amendment to that plan.
- 3.6.2 RPED Approval Process. A RPED shall require legislative rezoning approval by the County Commission and subdivision design approval by the Regional Planning Commission. These two approval processes shall be concurrent as much as is possible. The RPED approval process shall be as follows:
 - 3.6.2.1 Prior to any engineering or soil mapping, the developer shall contact staff from the development office to discuss the proposed RPED. Staff shall meet the developer on site with personnel from the Tennessee Department of Environment and Conservation (if possible). The developer shall have prepared a sketch plan for this meeting, utilizing existing data sources and depicting an unengineered general layout of the proposed development. This process will result in a build-out map, or buildable areas map for the subject site.
 - 3.6.2.2 The developer shall then update the sketch plan, based upon the recommendations of Planning and TDEC staff, for review and approval of the design by the Planning Commission. This sketch plan shall depict the proposed development layout (not engineered), road pattern and significant cultural and environmental features as described from existing sources of information. The Plan shall be submitted 30 days prior to the Planning Commission meeting. Twenty folded copies shall be required for submittal.
 - 3.6.2.3 Upon design approval by the Planning Commission of the Sketch Plan, staff shall forward the Plan to the County Commission for legislative zoning approval as per the requirements of Tennessee Code Annotated. The County Commission shall not have authority over subdivision design as per Tennessee Code Annotated 13-3-404.
 - 3.6.2.4 The developer shall submit this plan to TDEC for septic and well approval. Upon approval, the developer shall engineer a set of engineering/construction plans as specified in the current subdivision regulations.

Once approved by the Department of Public Works and the Planning Commission, a final plat shall be submitted to the Planning Commission for approval and eventual recordation. Bonds for any road and utility construction and any fees required, shall be collected prior to final plat recordation.

- 3.6.3 Development Requirements. As stated in the intent and purpose section, these regulations are designed to preserve and enhance the rural nature of Fayette County. Thus, in return for the right to develop and construct roads in the rural designated areas of Fayette County, the following minimum standards shall be adhered to. It is not the intent of this section to permit flag lot subdivisions along existing county roads. It is the intent to allow construction of a road to serve building sites on the interior of the RPED away from the existing county road.
 - 3.6.3.1 Recognizing the differing levels of rural within Fayette County, a tier system shall be utilized in the rural areas. Differing tiers shall allow differing levels of development. Tiers in close proximity to urban growth boundaries or planned growth areas (population centers) shall be permitted higher levels of development than those farther away from the population centers of the county. The densities permitted in and location of each of the tiers shall be as follows:
 - Tier A – In Rural areas within 1 mile of City Limit or UGB or PGA – 1 du/2 acres
 - Tier B – In Rural areas over 1 mile from City Limit or UGB or PGA – 1 du/5 acres
 - 3.6.3.2 Development Standards – All RPEDs must front on a public road that has been upgraded to meet current county standards. Otherwise, the entire stretch of road leading to the proposed development must be upgraded.

Each home site/lot in a RPED shall have a maximum size based upon the tier it is located in. There is no minimum lot size. The maximum lot sizes are as follows:

- Tier A– 1.25 acres
- Tier B – 2.5 acres

Smaller lots and creative wastewater system designs are encouraged, however individual septic tanks and field lines are required for each dwelling unit unless a collective wastewater treatment system is proposed. Field lines can be placed in permanent open space on the condition that no dirt disturbing activities take place over the lines. Collective wastewater systems may be permitted at the discretion of the Planning Commission, under terms specifically approved by the Planning Commission, only if an incorporated city or town will perpetually own and operate the system. The remainder of the land within the proposed RPED is to remain perpetually open under the terms specifically approved by the Planning Commission. No RPED shall be approved which does not contain at least 50 percent of the entire site designated as perpetual open space.

Thus, utilizing the above set of standards, a 100 acre tract of land in Tier A would be permitted 1 dwelling unit per 2 acres or 50 dwelling units. Those 50 units would be placed on lots, with a maximum lot size of 1.25 acres for a total of 62.5 acres. However, because 50 percent of the proposed RPED must remain open, several of the proposed lots could not utilize the maximum lot size and would need to be reduced.

- 3.6.3.3 Density Bonus – One dwelling unit for each additional 3% of open space provided within the RPED, up to five additional units.
Two dwelling units for the improvement of required open spaces with significant trails, equestrian facilities or other outdoor recreational facilities to the satisfaction of the Planning Commission.
- 3.6.3.4 Permitted Uses – Single family dwellings and structures customarily accessory to single family dwellings; agriculture and agricultural related structures and customary outdoor recreational uses related to equestrian or other traditionally rural forms of outdoor recreation shall be the permitted uses of the RPED. All other uses, including the utilization of singlewide mobile homes as accessory structures, are prohibited.
- 3.6.3.5 Other Requirements – Buffer lands within the RPED shall be utilized to distance the proposed building sites away from working farms both outside and within the proposed RPED. The view from the existing county road shall be maintained in as much as is possible. Green infrastructure, including trees, environmentally sensitive lands, pastures, etc shall be preserved as much as is possible. Minimum road frontage for the building lots within the RPED shall be 20 feet for those lots fronting on an interior road within the RPED. No building lots shall be permitted to front on an existing county road. There shall be no designated minimum setbacks, nor minimum lot widths at the building line, however the Planning Commission reserves the right set them. All other requirements as per the Fayette County Zoning Resolution or Regional Subdivision Regulations shall also be adhered to.
- 3.6.4 Open Space Requirements. Open space lands shall be generally identified, located and designed as the first step in the RPED development process. Open Space shall remain in the largest tracts of land possible and directly accessible to the largest number of lots in the proposed RPED possible. House lots should therefore abut open space, in order to provide

direct views and access. Open space shall also be provided along the frontage of existing county roads in order to minimize the visual impact of the RPED. Walls and elaborate entranceway structures shall not be permitted, but fencing and entranceways that utilize traditional rural designs for Fayette County shall be permitted.

Open space shall be defined as an area that is not divided into buildable lots. Easements for purposes other than open space can be utilized within the required open space at the discretion of the Planning Commission if said easements will not interfere with the intent of this section.

Open space shall consist of any wetlands, lands that are inundated with water, lands within the 100 year floodplain or are classified as very poorly drained, or with slopes exceeding 25%. These shall be predetermined open spaces and shall be set during the sketch plan process. Other open spaces shall include buffers of at least 100 feet in width along or around all water ways or bodies, buffers of at least 50 feet along side wetland soils classified as very poorly drained, along with significant stands of trees, prime farmlands, significant wildlife habitats, historic, cultural and archaeological features. TVA or other large utility easements may also be utilized as open spaces. Home sites can however be located within strands of trees. The Planning Commission understands that soils will drive the siting of homes and will work with the developer on the location of home sites and open spaces based upon the soil conditions but shall not increase the density or maximum lot sizes permitted in this section.

3.6.5 Ownership and Maintenance of Open Space. The open space created through the RPED process shall be permanently protected and maintained. The open space shall remain undivided. Various ownership and management techniques can apply to the open space. A brief description describing the ownership, use and maintenance of all open space shall be submitted with any application.

3.6.5.1 Ownership Standards – Open space within a RPED shall be owned, administered and maintained by any of the following methods, or combination of methods, subject to the approval of the Planning Commission and County Commission.

A. Offer of Dedication – The County shall have first and last offer of dedication of undivided open space in the event the land is to be conveyed. Dedication shall take the form of fee simple ownership. The county may, but shall not be required to accept ownership of undivided open space provided that: (1) the land is accessible to the residents of the county; (2) there is no cost of acquisition; and (3) the county has access to and agrees to maintain such lands. Where the county accepts the dedication of open space that contains improvements, the county may require the posting of a bond or other instrument to ensure the structural integrity of the improvements

B. Homeowner's Association – The undivided open space and facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions.

1. A description of the association, by-laws and methods of open space maintenance shall be provided with any application.
2. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
3. Membership in the association is automatic and mandatory for all purchasers of lots or homes and their successors within the RPED. The conditions of timing and transferring control of the association from the developer shall be identified. The association shall maintain proper liability insurance.
4. The association shall be responsible for maintenance of insurance and taxes on the undivided open space, enforceable by liens placed by the county upon the association. The association may place liens on the homes or house lots of its members who fail to pay association dues.
5. The shares of maintaining the open space shall be defined in the by-laws of the association.
6. Notice of any proposed transfer of ownership of the common open space shall be provided to all property owners within the RPED.
7. The association may lease the open space for the operation or maintenance of it, such a lease shall provide:
 - a. That the residents of the RPED shall at all times have access to the open space (except for agricultural activities).
 - b. That the open space shall be leased for purposes contained in these provisions.
 - c. That the operation of the open space facilities be for the residents of the RPED only, or may be open to the residents of the county, at the election of the developer and or association.
8. The lease shall be subject to approval of the Planning Commission for review of these requirements and recorded with the County Registers office.

C. Condominiums – The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the Planning Commission. Such agreements shall be in conformance with the state's applicable laws. All undivided open space shall be held as a common element.

D. Dedication of Easements – The County may, but is not required to, accept easement for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by condominium or homeowners' association provided: (1) such land is accessible to county residents; (2) there is no cost of acquisition; and (3) a satisfactory maintenance agreement is reached between the developer, condominium or homeowners association and the county.

E. Transfer of Easements to a Private Conservation Organization – With the permission of the county, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the county, and is a bona fide conservation organization with perpetual existence.
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
3. A maintenance agreement acceptable to the Planning Commission is entered into between the developer and the organization.

3.6.5.2 Maintenance Standards

A. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open space through annual dues, specialized assessments, etc. The owners shall be authorized to place liens on the property within the RPED that fall delinquent of such payments.

- B. In the event the association or any successor association or organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in a reasonable order and condition in accordance with the development plan, the county may serve written notice upon the owner of record, setting forth the manner in which the owner has failed to maintain the open space in a reasonable condition.
- C. Failure to adequately maintain undivided open space in a reasonable order and condition constitutes violation of these provisions. The county is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant of any violation, directing a remedy within thirty (30) days.
- D. Should any bills for maintenance of undivided open space by the county be unpaid by the beginning of each fiscal year, a late fee of 15% shall be added to such bills and a lien shall be filed against the premises in a manner as with other county claims.

3.6.6 Evaluation Criteria. In evaluating a proposed RPED, the Planning Commission shall consider numerous items to determine if the proposed plan meets the intent of this section. The Planning Commission shall examine, among other items discussed in this section, the following:

- 3.6.6.1 The RPED protects and preserves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction, except as depicted for approved infrastructure or agriculture.
- 3.6.6.2 Preserves and maintains significant strands of trees, existing fields, pastures, meadows, orchards and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- 3.6.6.3 The RPED is designed around existing hedgerows, tree lines and minimizes impacts upon existing fields and meadows.
- 3.6.6.4 Avoids sitting new construction on prominent hilltops or ridges.
- 3.6.6.5 Protects wildlife habitat areas and adjoins potential habitat or open areas on adjoining properties or RPEDs.
- 3.6.6.5 Designs around and preserves sites of historical, archaeological or cultural value and their environs so much as are needed to safeguard the character of the feature.
- 3.6.6.6 Protects rural roadside character by avoiding any type of frontage on existing county roads and establishes a buffer along the scenic rural road corridor and is located as far as is possible from existing county roads. The Planning Commission shall require any road frontage in the same parcel to be included within the RPED. An RPED shall not be approved when it has been determined that road frontage has been divided or parcelized and sold within two years of the application date.
- 3.6.6.7 Provides open space that is generally contiguous to other open space within and outside the proposed RPED.
- 3.6.6.8 Provides a measure of fire protection.

And substituted therefor the following Section 3.6 of Article VII:

3.6 Rural Preservation and Enhancement District (RPED). It is the intent and purpose of this section to provide an alternative to strip residential development across Fayette County's rural hinterlands while preserving such sensitive areas as blue line drainage channels, aquifer recharge areas, erodible topography, floodways and floodplains, and prime farmlands and other agricultural or natural resources, as well as to support and maintain the Fayette County Growth Plan, by allowing the construction of new roads for interior tract development on lands designated "Rural" by the Fayette County Growth Plan where appropriate to site features and community preferences as well as existing road networks, in return for the establishment of acceptable permanent undeveloped green space on-site. It is intended that RPED developments shall conform to the site and alter as little as possible the rural landscape, particularly along existing roads, and that the site shall not be extensively graded or cleared to fit the development. More, site design and construction shall accommodate and protect sensitive lands whether on-site or off, shall not foster the future development of sensitive lands, and shall facilitate a continuity of undeveloped green space across the landscape. Areas designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan also shall be eligible for RPED development, which shall be permitted only by rezoning.

In furtherance of these purposes it is mandated that the RPED shall be established only on application for a rezoning and:

- a. where vehicular access to any tract designated "Rural" by the Fayette County Growth Plan need not occur along any road designated "unsuitable" by the Rural Preservation and Enhancement District Road Access Map recorded in Plat Book 9, Page 118, in the Office of the Fayette County Register; and
- b. where for at least two (2) years prior to regional planning commission review there has not occurred any road frontage reduction of the lot(s) proposed for RPED zoning; and
- c. where soils have been comprehensively mapped on a one hundred (100) foot grid over the entirety of the intended development area and evaluated for on-site wastewater disposal suitability by the Tennessee Department of Environment and Conservation, provided that this requirement shall not apply to any site designated as within an "Urban Growth Boundary" or "Planned Growth Area" by the Fayette County Growth Plan or which will connect to a public sanitary sewer system having existing adjacency to the site.

Also in furtherance of these purposes it is mandated that the application for rezoning specify the intended number of building lots and their approximate size(s) along with a precise delineation of the minimum required permanent undeveloped green space, identified by written legal description and including a buffer strip having sufficient depth relative to elevations and vegetative cover to substantially obstruct view of the development from any existing road or as necessary to accommodate a constructed greenscape to accomplish the same, provided that in no instance shall depth of the buffer strip be less than thirty (30) feet between any existing road right-of-way and intended lots. Gross density shall not exceed one (1) lot per three (3) acres in areas designated "Rural" by the Fayette County Growth Plan, and in areas designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan gross density shall not exceed one (1) lot per one (1) acre.

- 3.6.1 Permitted Uses: Single-family dwellings and accessory buildings excluding any sort of manufactured home; Seasonal sale of farm produce from temporary roadside shelters; Noncommercial recreational activities.
- 3.6.1.1 Use Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:
 - a. the enterprise shall not violate any restrictive covenant; and
 - b. the enterprise shall not violate any restriction of the Tennessee Department of Environment and Conservation in its conduct or location; and
 - c. the lot shall not be in violation of any provision of this Resolution; and
 - d. not more than one (1) enterprise shall be established on the lot; and
 - e. the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
 - f. no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
 - g. the enterprise shall not employ more than three (3) persons who do not live on the lot; and
 - h. the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than four (4) square feet; and
 - i. no offensive noise, odor, smoke, dust, dirt, runoff rubbish, heat, glare, or vibration shall be discernible at any lot line; and
 - j. the enterprise shall be limited to the specific activity approved by the Board of Appeals and shall not be changed in any manner without the consent of said Board; and
 - k. the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution;

and

 - l. the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exist the facts, conditions or conformity upon which the special exception was issued.
- 3.6.2 Site Suitability Standards:
 - 3.6.2.1 RPEDs shall be established only on sites which can conform to the access control regulations of Article V.
 - 3.6.2.2 Minimum Site Size - Five (5) acres.
 - 3.6.2.3 Minimum Public Road Frontage - One hundred (100) feet.
 - 3.6.2.4 Minimum Site Width - None.
- 3.6.3 Lot Area and Height Standards:
 - 3.6.3.1 Minimum Lot Size – One (1) acre, or no minimum if the lots will be serviced by a collective wastewater system operated and managed under terms acceptable to the Fayette County Regional Planning Commission, provided that in no case shall the number of lots exceed the number specified in the rezoning application.

- 3.6.3.2 Maximum Lot Size – Two and one-half (2½) acres.
- 3.6.3.3 Minimum Lot Width at the Site of the Principal Building – One hundred twenty-five (125) feet, or no minimum if the lots will be serviced by a collective wastewater system operated and managed under terms acceptable to the Fayette County Regional Planning Commission.
- 3.6.3.4 Minimum Lot Depth at the Site of the Principal Building – One hundred twenty-five (125) feet, or no minimum if the lots will be serviced by a collective wastewater system operated and managed under terms acceptable to the Fayette County Regional Planning Commission.
- 3.6.3.5 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:
- 3.6.3.5.1 From any county or private road centerline - Eighty (80) feet where the minimum lot size is one (1) acre, and otherwise as approved by the Fayette County Regional Planning Commission on sketch plan review.
- 3.6.3.5.2 From any state road centerline – One hundred (100) feet.
- 3.6.3.5.3 From any district boundary not common to a road right-of-way – Thirty (30) feet.
- 3.6.3.5.4 From any lot line not common to a road right-of-way or district boundary – Thirty (30) feet where the minimum lot size is one (1) acre, and otherwise as approved by the Fayette County Regional Planning Commission on sketch plan review.
- 3.6.3.5.5 Minimum distance between principal and accessory buildings or between accessory buildings – Five (5) feet.
- 3.6.3.6 Minimum Road Frontage – Twenty (20) feet.
- 3.6.3.7 Maximum Buildable Area – On any lot the total ground coverage of all buildings shall not exceed twelve (12) percent of the total lot area where wastewater is eliminated by means of an individual septic tank and field lines; on any lot serviced by a collective system of wastewater disposal the maximum total ground coverage of all buildings shall not exceed forty (40) percent of the total lot area.
- 3.6.3.8 Maximum Height - No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of such structure, except as required in Section 12 of Article V.
- 3.6.4 Development Procedure and Construction Standards: The review and approval process as well as infrastructure design and construction within an RPED shall proceed in accordance with the Fayette County Subdivision Regulations and all policies and practices incident thereto.
- 3.6.5 Green Space Requirements: Not less than fifty (50) percent of the total district shall be established as permanent undeveloped green space in areas designated "Rural" by the Fayette County Growth Plan, and not less than thirty (30) percent of the total district shall be established as permanent undeveloped green space in areas designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan.
- 3.6.6 Design Standards – RPED design shall incorporate the following elements:
- a. no lot within the district shall front or directly access an existing road; and
 - b. walls and elaborate entrance structures shall not be permitted in proximity to an existing road, though traditional rural fencing is acceptable; and
 - c. a permanent green space buffer shall be established adjacent to any existing road right-of-way to substantially obstruct view of the development from any existing road or as necessary to accommodate a constructed greenscape to accomplish the same, provided that in no instance shall depth of the buffer strip be less than thirty (30) feet; and
 - d. there shall be at least a one hundred (100) foot permanent undeveloped green space buffer between any lot line in the district and an adjoining row crop or livestock use outside the district, provided that this buffer may be fifty (50) feet if the land is wooded, and provided further that the Fayette County Regional Planning Commission may require the installation of berms and/or year-round visually impenetrable landscaping where sufficient natural screening does not exist; and
 - e. all sensitive areas as described hereinabove, as well as all slopes exceeding twenty (20) percent over a horizontal distance of two hundred (200) feet or greater, shall be included within permanent undeveloped green space under a conservation easement as specified herein; and
 - f. utilities may be installed within the permanent undeveloped green space under such conditions as elaborated by the building commissioner to prevent or repair damage to drainage, soils and vegetation and to preserve the character of the green space, and existing large utility easements (e.g., TVA) may be used for required green space if the terms of such easement permanently prevent development of the subject if a conservation easement as specified herein may be imposed; and
 - g. sites of historical, archeological or cultural value shall be preserved as specified by the Fayette County Regional Planning Commission, and such areas may count as permanent undeveloped green space if a conservation easement as specified herein may be imposed; and

- h. recreational or other common-use areas and facilities for the private use and enjoyment of the subdivision's residents shall not count for more than ten (10) percent of required permanent undeveloped green space and shall not be included within any required conservation easement; and
- i. a site for collective wastewater treatment may count as permanent undeveloped green space, regardless of its ownership and without a conservation easement; and
- j. no building shall be erected or placed in the permanent undeveloped green space except with the explicit approval of the Fayette County Regional Planning Commission of its location, access, appearance, and purpose; and
- k. all lots shall have either adjacent access or improved (i.e., sidewalk or boardwalk) access to the permanent undeveloped green space satisfactory to the Fayette County Regional Planning Commission; and
- l. the Fayette County Regional Planning Commission may allow a deviation from the rezoning of not more than fifteen (15) percent in the location (not amount) of the minimum required permanent undeveloped green space.

3.6.7 Green Space Preservation: Except as provided in Sections 3.6.6(h) and (i), above, the required permanent undeveloped green space shall be in the collective fee simple unencumbered ownership of all landowners in the development under terms approved by the Fayette County Regional Planning Commission as adequate to prevent a developer's enduring control of the area, among other purposes related to costs and use; and the green space shall be preserved by an unencumbered conservation easement held by Fayette County and governed by terms approved prior to final plat approval by both the Fayette County Regional Planning Commission and the Fayette County Board of Commissioners as adequate to assure the easement's permanency, which terms thereafter shall not be amended without the approval of both boards; and all land within the conservation easement shall be contiguous and shall facilitate a continuity of undeveloped green space across neighboring lands should they develop; provided, however, that nothing in this section shall be interpreted to empower Fayette County or its agents or assigns to acquire involuntary ownership of the green space except by an exercise of eminent domain in full conformity with the requirements of the Fifth Amendment to the U.S. Constitution.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption, THE PUBLIC WELFARE REQUIRING IT.

The floor was again opened for a public hearing in the matter of a resolution to amend the Fayette County Zoning Resolution to clarify when a building permit expires and to establish a fee for renewal of a building permit. With no one speaking "For" or "Against" the public hearing was closed.

Commissioner German then moved that the resolution be adopted. Upon second by Commissioner Dowdle, the motion passed unanimously.

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION
TO CLARIFY WHEN A BUILDING PERMIT EXPIRES AND TO ESTABLISH A FEE
FOR RENEWAL OF A BUILDING PERMIT

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102 the Fayette County Board of Commissioners has adopted a Zoning Resolution and Zoning Map for Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-105 the Fayette County Board of Commissioners is empowered to amend the number, shape, boundary, area, or any regulation of or within any district or districts or any other provision of the zoning resolution; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendment by the Fayette County Regional Planning Commission on July 6, 2009, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held before the Fayette County Board of Commissioners on July 28, 2009, the time and place of which was published with at least fifteen (15) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County;

NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 28TH DAY OF JULY, 2009:

SECTION 1. That there be revised Article II, Section 1.2.2, which reads: "A building permit shall become void one hundred eighty (180) days after the date of issuance unless substantial progress has been made on the proposed building" to read: "A building permit shall expire as specified in Section 105.5 of the Fayette County Building Code and may be renewed as provided in "Appendix A – Schedule of Fees" of this Resolution."

and

SECTION 2. That there be revised "Appendix A – Schedule of Fees" to add the following Section 1.9: "For renewal of an expired building permit - \$25.00, provided there has been no change of the construction plans; otherwise, the full permit fee shall apply."

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption, THE PUBLIC WELFARE REQUIRING IT.

The floor was again opened for a public hearing in the matter of rezoning a piece of property on the South side of Canadaville Loop owned by Ronald Wilkinson, from Light Industrial to Residential (R-1). With no one speaking "FOR" or "AGAINST" the public hearing was closed.

Commissioner Joann Allen moved that the property be rezoned to residential. The motion was seconded by Commissioner Brewer, and passed unanimously by the Board.

**A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO
REZONE FROM I-L LIGHT INDUSTRIAL TO R-1 RURAL RESIDENTIAL
A CERTAIN TRACT OF LAND LOCATED ON THE SOUTH SIDE OF
SOUTH CANADAVILLE LOOP IN CIVIL DISTRICT NUMBER 9**

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102 the Fayette County Board of Commissioners has adopted a Zoning Resolution and Zoning Map for Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-105 the Fayette County Board of Commissioners is empowered to amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of the zoning resolution following submission of the amendment to the regional planning commission for its approval, disapproval or suggestions and following a public hearing at least fifteen (15) days notice of the time and place of which is given by one (1) publication in a newspaper of general circulation in the county; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendment by the Fayette County Regional Planning Commission on July 6, 2009, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendment by the Fayette County Board of Commissioners on July 28, 2009, the time and place of which was published with at least fifteen (15) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County;

NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 28TH DAY OF JULY, 2009:

SECTION 1. That the following described 4.69 acres of land owned by Ronald Wilkinson and wife, Michelle Wilkinson, (Deed Book 782, Page 538) on the south side of South Canadaville Loop identified as Parcel 38.00 on Tax Map 122 be rezoned from I-L LIGHT INDUSTRIAL TO **R-1 RURAL RESIDENTIAL**:

TRACT NO. 1: Beginning at a stake in Canadaville and Oakland Road near the northeast corner of Adaline Mebane's land and running in an easterly direction with said Canadaville and Oakland road 26 poles to a stake; thence in a southerly direction (line running at right angles to said Canadaville and Oakland road) 18 1/2 poles to a stake in Rufus Yancey's internal corner; thence in a westerly direction (line parallel with said Canadaville and Oakland road) 26 poles to a stake near Adaline Mebane's east boundary; thence in a northerly direction parallel with Adaline Mebane's east boundary but having a road between her land and the lot being described, to the beginning and containing 3 acres more or less.

TRACT NO. 2: Beginning at a stake on southeast corner of Canadaville School 3 acre tract, this being an internal corner of land owned by Watson, from said point of beginning South 150 feet to a stake; thence West 449 feet to a stake in east line of E.V. Braswell line; thence North, with east line of Braswell, 455.25 feet to a point in Canadaville and Oakland road; thence East 20 feet to a point in said road, the northwest corner of said 3 acre school lot; thence South 305.25 feet to a stake, the southwest corner of said school lot; thence East 429 feet to the beginning and containing 1.69 acres, as per survey of Ashley G. Wiles, County Surveyor of Fayette County, Tennessee dated January 7, 1966.

Less and except that 1.03 acre portion rezoned from I (**INDUSTRIAL**) TO FAR (**FORESTRY/ AGRICULTURE/RESIDENTIAL**) on the 17th day of July, 1989, and subsequently zoned **R-1 RURAL RESIDENTIAL** by Resolution of the Fayette County Board of Commissioners on the 27th day of April, 1993.

BE IT FURTHER RESOLVED, that this Amendment shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.

The floor was again opened for a public hearing regarding the rezoning from R-2 to B-3 of property owned by David and Cathy Dunn for the purpose of operating a dog kennel on the property. Speaking "For" this rezoning was Bill Rhea, Attorney for the Dunns, who stated that the Dunns had been operating the kennel since 2005, and thought they were in compliance with state and county laws. They had purchased a business license, and assumed they were grandfathered in since they purchased the property from the Groses who also had a kennel at the location. He further stated that the Dunns had received no complaints from neighbors other than the Thompsons, who live next door. Mrs. Joyce Grose, co-owner of the property who sold the property to the Dunns spoke on their behalf, and commented on the improvements the Dunns have made to the property. Also speaking on behalf of the Dunns was Dr. Stephen Gallaway, veterinarian who attends the Dunns animals sometimes. Dr. Gallaway stated that the dogs are kept inside so noise may be kept to a minimum. He commented on how clean the kennels are, and how well run the business is. He further stated that the Dunns have about 40-50 dogs but could easily accommodate 100 or more at the facility. Dr. Gallaway stated that the kennel is located in a community of small farms.

Speaking "Against" the rezoning was Lee Saunders, Attorney for the Thompsons, neighbors of the Dunns who are fighting the rezoning, and have previously sued the Dunns in Chancery Court. Mr. Saunders presented a copy of a letter his office had sent to County Commissioners regarding this rezoning, citing that he and his clients oppose the rezoning, as did the Planning staff and the Planning Commission, on the grounds that, if granted, this would be "spot zoning", which is prohibited by county zoning ordinances. If the zoning is approved, Chancery Court would likely rule this action to be illegal and set the decision aside. Mr. Saunders stated that neither could he find any law or ordinance that would authorize the County Commission to refer the matter back to the Board of Zoning Appeals. In reply to Mr. Rhea's statement that the Dunns had received no complaints from any other neighbors, Mr. Saunders asked those in the audience opposed to the rezoning to stand, and several of the neighbors stood. Chairman Taylor also asked those neighbors who were in favor of the rezoning to stand, and again several neighbors stood. Mr. Saunders then called on several of the neighbors to voice their objections. Ms. Kay Morton of the Oakwood Subdivision spoke against the rezoning, stating that she took exception to Dr. Gallaway's statement that the area is a community of small farms, she stated that "this is a residential area". Poe Pruitt spoke against the rezoning, stating that he is a Shelby County resident, but often fishes in the area. He stated that the noise from the kennel "scares the fish away". Ms. Kathy Scroggins stated that she has been a resident across the street from the kennels for over 25 years, and that the dogs have always been noisy, and that she is opposed to the rezoning because it will make the property a "permanent place to raise dogs". She further stated that this is a residential area. Ms. Jean McCain stated that the area is residential and that most of the residents don't have any cattle, or a lot of acreage, and that she would like to see the area remain residential. Mr. James Kellum stated that he purchased his land from the Groses' son, and he would never have bought there had he known a kennel was in the future. He stated that the Dunns would add to the number of dogs they keep if the property is rezoned. Mr. Saunders then referred to another handout he had presented which labeled noise, such as the constant barking of dogs, as not only a nuisance but a serious health risk.

The public hearing was closed by Chairman Taylor. Commissioner Gant moved not to table the matter, and to deny the rezoning, a motion which was seconded by Commissioner Anderson. Commissioner Harris stated that he had an indirect conflict of interest in this matter, because he used the services. Commissioner Joann Allen stated that she had visited the kennel, and that it was well-kept, but to rezone the property would be spot zoning, which is illegal. After a great deal of discussion, during which the County Attorney was asked if the matter could be sent back to the Board of Zoning Appeals. Mr. Rosser stated that if the Legislative Body asked for the matter to be reconsidered, then it could be reheard. At this point Commissioner Lillard moved that the matter be tabled until next month, and the motion was seconded by Commissioner Wilson. A roll call vote to table the matter was taken with the following results:

Voting "YES": Commissioners : Joann Allen, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, Oglesby, and Wilson (16) Voting "NO": Commissioners Ed Allen, Anderson, and McCloud (3)

The motion to table passed.

Commissioner Dowdle moved that the following be elected notaries public: A. Grandberry, Anne R. Pepper, Sherry M. Rosser, and David Byron Trosper. Motion was seconded by Commissioner Cook and passed unanimously by the Board.

Written financial reports were provided by the Board of Education, the Board of Public Works, and Fayette County Government.

The annual financial reports of constitutional officials was also provided by the Clerk and Master, County Clerk, Circuit Court, General Sessions Court, the Register of Deeds, Sheriff's Office, Juvenile Court, and the Trustee. A combined statement of cash receipts and disbursements was also provided by the Trustee.

No reports were given by the Mayor's Office, Sheriff's Office, Department of Public Works, Juvenile Court, or the Trustee's Office.

Commissioner Myles Wilson reported for the Development Committee. Commissioner Wilson moved that the following Resolution to Create The Fayette County Geographic Information System Advisory Board. The motion was duly seconded by Commissioner Brewer and passed as follows:

WHEREAS, Fayette County has worked to obtain and infuse Geographic Information System (GIS) software and procedures to enhance the efficiency of the spread of information; and

WHEREAS, Several private and public agencies have instituted systems that use GIS data and procedures; and

WHEREAS, The coordination of procedures and data will increase efficiency, remove redundancy, and enable the all agencies to provide more reliable data for analysis; and

WHEREAS, A coordinating board tasked with the responsibility of advising the County Commission in adopting procedures for all county departments and agencies in the use of GIS will promote the use of GIS;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that there is hereby created the Fayette County Geographic Information System Advisory Board (also known as the Fayette County GIS Board) with the following requirements:

1. The board shall consist of thirteen (13) members, appointed by the County Mayor and ratified by the County Commission
2. The board shall consist of the following:
 - Fayette County Emergency Communication District representative
 - Fayette County Property Assessor representative
 - Fayette County Planning and Development Department representative
 - Fayette County Board of Education representative
 - Edulog Transportation software representative
 - Fayette County Sheriff's Dispatch representative
 - Chickasaw Electric Cooperative representative
 - Hardeman-Fayette Utility District representative
 - Fayette County Emergency Management representative
 - Fayette County Public Works representative
 - Fayette County Commissioner
 - Fayette County municipality representative
 - Fayette County municipality representative
3. The board shall be responsible for developing and recommending to the County Commission standards and procedures for the coordinated use of GIS software and hardware within Fayette County.
4. The board shall be responsible for promoting the use of GIS in Fayette County.
5. The board shall develop by-laws to be ratified by the County Commission.
6. The Board shall recommend a pricing system for county GIS data.
7. The board should consult and seek advice from other governmental units, educational institutions, and private organizations.
8. The board shall undertake other projects as requested by the County Mayor.

Adopted this 28th day of July, 2009.

Commissioner Wilson moved to adopt the following Resolution To Correct The Animal Control Resolution of April, 2009. The motion was seconded by Commissioner Burnette and passed unanimously.

WHEREAS, Fayette County adopted an Animal Control Resolution in April 2009 to regulate cats and dogs in Fayette County; and

WHEREAS, Section 12 of the Animal Control Act designates enforcement only in the unincorporated areas of Fayette County; and

WHEREAS, The intent of this resolution was to apply to all Fayette County residents for the control and licensing of dogs and cats;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the wording of Section 12 in its entirety shall be deleted and replaced with the following:

It is the duty of Fayette County Animal Control and/or the Fayette County Sheriff's Department to enforce the required provisions of this Act in Fayette County and each will have the power and authority to issue a citation(s) to appear in a court of the State of Tennessee having jurisdiction against any animal owner not in compliance with the provisions of this Act. Animal owners failing to comply with the provisions of this Act are subject to a civil penalty of fifty dollars (\$50.00) per day, each day being considered as a separate offense.

Adopted this 28th day of July, 2009.

Commissioner Wilson moved to adopt the following Resolution to Revise The Health And Safety Standards of Residential and Non-Residential Properties Resolution of April, 2009.

WHEREAS, Fayette County adopted Regulations Governing The Health and Safety Standards of Residential And Non-Residential Properties Resolution in April 2009 to protect the health and safety of our residents; and

WHEREAS, Section 2 (b)4 of the resolution designates enforcement of the grass and vegetation height in a platted subdivision of more than three (3) lots in a R-2, R-3, or RPED district; and

WHEREAS, The intent of this resolution was to apply to all areas where there residential structures in close proximity to each other;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the wording of Section 2 (b)4 in its entirety shall be deleted and replaced with the following:

It shall be a violation of these regulations for any owner of property to permit or allow to grow in height in excess of twelve (12) inches any weeds, brush, grass or other vegetation which is not edible or planted for some useful or ornamental purpose upon the land owned, occupied or leased by such person. This requirement shall only be enforced where there are two or more residential structures that are within ¼ mile (1320 feet) of each other.

Adopted this 28th day of July, 2009.

Commissioner German stated that the Health and Welfare Committee did not meet.

Commissioner Burnette reported for the Personnel Committee, stating that the Health and Welfare Committee asked that the Personnel Committee discuss changing the Ambulance Service's vacation from 24 hours per month to 12 hours per month. In an effort to be uniform and fair, the committee decided to come back next month and try to work out the wording for the policy.

Commissioner Burnette moved that the following resolution to designate the employee observed holiday when it falls on a weekend. Motion was seconded by Commissioner German and passed unanimously as follows:

WHEREAS, Fayette County has followed certain rules on defining when a holiday is observed by offices and employees when it falls on a weekend; and

WHEREAS, The State of Tennessee follows a different set of rules to define when those holidays are observed; and

WHEREAS, This has led to confusion and inefficiencies in government;

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

1. When a holiday is observed by both Fayette County and the State of Tennessee, Fayette County will follow the same rules as the State of Tennessee for observing that holiday.
2. The following paragraph in Fayette County's Employee Handbook under the section "Holidays" shall be deleted in its entirety:

When a holiday falls on Saturday or Sunday, the Monday following the holiday is substituted. These holidays are subject to review and change by the Fayette County elected or appointed official.

3. The following paragraph shall be substituted for the previously deleted one:

Fayette County offices and employees shall follow the schedule of days off as determined by the State of Tennessee, for those holidays that both Fayette County and the State of Tennessee observe. These holidays are subject to review and change by the Fayette County elected or appointed official.

Adopted this 28th day of July, 2009.

Commissioner Burnette further moved that the following Resolution To Prohibit Employees To Text While Driving(for emergency personnel) be adopted. Motion was seconded by Commissioner Karcher and passed unanimously.

WHEREAS, Fayette County is concerned for the safety of its employees and the public at large; and

WHEREAS, Driving an automobile and texting on a cell phone are not compatible activities; 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 following shall be added to the Fayette County Personnel Policy, following the section entitled "No Smoking Policy":

No Texting While Driving

No employee of Fayette County shall use a mobile communication device to "text", or send alpha numeric messages, while on duty for Fayette County and operating a moving vehicle.

Adopted this 28th day of July, 2009.

Commissioner Dowdy reported for the Criminal Justice/Public Safety Committee, stating that the revenues in General Sessions were the topic of discussion. Rick Ransom, who addressed the previous County Commission and asked to present his information, addressed the Committee. The discussion was tabled until September when more detailed information is available.

Commissioner Oglesby reported for the Education Committee. He stated that at the July 14, 2009 meeting, School Superintendent Myles Wilson had addressed the committee about building a school on Warren Road and asked that funding be approved for the building. The committee voted to broaden the responsibilities of Dana Pittman, who is working with Edulog Transportation Software, to include assembling data and working with Dr. Winecoff in assembling a study on the schools related to the Justice Department's desegregation lawsuit, and to recommend this action to the budget committee. Commissioner Oglesby moved that Ms. Pittman's job include the assembling of this study on the schools regarding the desegregation lawsuit. The motion was seconded by Commissioner Burnette and passed unanimously.

The school budget was discussed. Mr Wilson went over the budget highlighting areas of increase over last year. After some discussion, the committee recommended holding off making any recommendation until both the School and County had closed their books.

Commissioner Harris then reported for the Budget Committee. Commissioner Harris moved that the Sheriff be given authorization to apply for a Department of Justice grant for law enforcement equipment. The motion was seconded by Commissioner Dowdy and approved unanimously.

After a brief discussion on the budget, the committee decided to wait on the County closing its books for the year and revenue projections from the Sheriff.

Commissioner Harris moved that the following resolution specific to issuing tax anticipation notes for the schools for the 2009-10 fiscal year. The motion was seconded by Commissioner Oglesby and passed unanimously by the Board.

SUPPLEMENTAL RESOLUTION OF THE GOVERNING BODY OF FAYETTE COUNTY,
TENNESSEE, AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF
GENERAL PURPOSE SCHOOL FUND TAX ANTICIPATION NOTES NOT TO EXCEED
\$1,200,000

WHEREAS, the Governing Body of Fayette County, Tennessee, (the "Local Government") has determined that it is necessary and desirable to borrow a limited amount of funds to meet appropriations made for the General Purpose School Fund (the "Fund") for the current fiscal year, being July 1, 2009, through June 30, 2010, inclusive, (the "Fiscal Year"), in anticipation of the collection of taxes and revenues for the Fund during the Fiscal Year; and

WHEREAS, under the provisions of Part I, IV, and VIII of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to issue and sell interest-bearing tax anticipation notes in amounts not exceeding sixty percent (60%) of the Fund appropriation for the Fiscal Year upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body authorized the issuance of tax anticipation notes by resolution entitled "A RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES FOR THE COUNTY OF FAYETTE" adopted June 23, 2009 (the "Original Authorizing Resolution"); and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to further authorize the issuance and sale of tax anticipation notes in order to provide certain additional details relating to such notes and to approve the form of such notes.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of Fayette County, Tennessee, as follows:

Section 1. That for the purpose of providing funds to meet certain appropriations for the Fiscal Year, the County Mayor of the Local Government is hereby authorized in accordance with the terms of this Resolution to issue and sell interest-bearing tax anticipation notes in a principal amount not to exceed One Million Two Hundred Thousand and No/100 Dollars (\$1,200,000.00) (the "Notes") at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "General Purpose School Fund Tax Anticipation Notes, Series 2009"; shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination(s) as agreed upon with the purchaser; shall be sold at not less than par value and accrued interest; and shall bear interest at a rate or rates not to exceed five and one-half percent (5.50%) per annum, and in no event shall exceed the legal limit provided by law, all as shall be determined by the County Mayor.

Section 2. That the sum of the principal amount of the Notes, together with the principal amount or amounts of any prior tax anticipation notes issued during the Fiscal Year for such Fund, does not exceed sixty percent (60%) of the Fund appropriation for the Fiscal Year.

Section 3. That the Notes may be renewed from time to time and money may be borrowed from time to time for the payment of any indebtedness evidenced by the Notes; provided, that the Notes and any renewal notes shall mature and be paid in full without renewal on or before the end of the Fiscal Year. If the Local Government overestimates the amount of taxes and revenue collected for the Fiscal Year and it becomes impossible to retire the Notes and all renewal notes prior to the close of the Fiscal Year, then the Local Government shall apply to the State Director of Local Finance within ten (10) days prior to the close of the Fiscal Year for permission to issue funding bonds to cover the unpaid Notes in the manner provided by Title 9, Chapter 11 of Tennessee Code Annotated or as otherwise provided for in a manner approved by the State Director of Local Finance.

Section 4. That the Notes shall be secured solely by the receipt of taxes and revenues by the Fund during the Fiscal Year.

Section 5. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption without a premium.

Section 6. That the Notes shall be executed in the name of the Local Government and bear the manual signature of the County Mayor of the Local Government and the manual signature of the County Clerk with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the County Trustee of the Local Government or the paying agent duly appointed by the Local Government and the County Mayor is hereby authorized to make any such appointment on behalf of the Local Government. Proceeds of the Notes shall be deposited with the County Trustee of the Local Government and shall be paid out for the purpose of meeting Fund appropriations made for the Fiscal Year in anticipation of the collection of revenues and taxes pursuant to this Resolution and as required by law.

Section 7. That the Notes shall be in substantially the form attached hereto and shall recite that that notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated. The Local Government hereby designates the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended. The Notes may be issued as a single note representing a straight line of credit in the maximum authorized principal amount.

Section 8. That the Notes shall be sold only after the receipt of the approval of the State Director of Local Finance for the sale of the Notes.

Section 9. That all actions of the County Mayor, County Clerk and other County officials done or performed in connection with the issuance of tax anticipation notes in reliance upon the Original Authorizing Resolution are hereby ratified and approved.

Section 10. That this Resolution is supplemental to the Original Authorizing Resolution and all orders or resolutions in conflict with the Original Authorizing Resolution, as

supplemented by this Resolution, are hereby repealed insofar as such conflict exists. This Resolution shall become effective immediately upon its passage.

Duly passed and approved this 28th day of July, 2009.

Commissioner Wilson moved that the following Resolution to Participate in the Three Star Program be adopted. The motion was seconded by Commissioner Brewer and passed unanimously.

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Program; and

WHEREAS, participation in the Three-Star Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decisions; and

WHEREAS, certification as a Three-Star community in the Three-Star Program involves a cooperative effort by numerous local entities;

WHEREAS, Rhea Taylor is the designated contact for the Three-Star Program,

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session on this 28th day of July, 2009 in Somerville, Tennessee, that Fayette County will participate in the Three-Star Program.

Adopted this 28th day of July, 2009.

Commissioner Wilson moved to adopt the following "Resolution To Adopt The Strategic Economic Development Plan". The motion was seconded by Commissioner Brewer and passed unanimously.

WHEREAS, the Three-Star Program was developed to meet the needs and challenges of the evolving economic environment in urban and rural communities and to partner with communities to create opportunities for sustained economic growth; and

WHEREAS, communities seeking certification as a Three-Star community must meet certain criteria, including the adoption of a five year strategic economic development plan; and

WHEREAS, in achieving the mission of the Three-Star Program, the department of Economic and Community Development commits to assist communities in developing and implementing a strategic economic plan;

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

SECTION 1. The legislative body of Fayette County declares that the county has adopted a five-year strategic economic development plan to be updated annually.

SECTION 2. The strategic economic development plan includes the county's economic goals in promoting economic growth, a plan to accomplish those goals and a projected timeline in achieving those goals.

SECTION 3. The strategic economic development plan addresses the county's goals pertaining to existing industry, manufacturing recruitment, workforce development, retail/service, tourism, agriculture, infrastructure assessment and educational assessment.

Adopted this 28th day of July, 2009.

Commissioner Wilson moved to adopt the following "Resolution To Affirm Compliance With Federal Title VI Regulations". The motion was seconded by Commissioner Brewer and passed unanimously.

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally funded programs; and

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and awards financial incentives for communities designated as Three-Star communities; and

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal financial assistance all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987;

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

SECTION 1. The legislative body of Fayette County declares that the county is in compliance with the federal Title VI regulations.

SECTION 2. The Department of Economic and Community Development may from time to time monitor the county's compliance with federal Title VI regulations.

SECTION 3. This Resolution shall take effect upon adoption, the public welfare requiring it.

Adopted this 28th day of July, 2009.

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

Rhea Taylor, County Mayor

Sue W. Culver, County Clerk