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## FAYETTE COUNTY LEGISLATIVE BODY

October 27, 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 27<sup>th</sup> day of October, 2009. Present and presiding was Chairman Pro Tempore Ronald Harris. Also present were the following: Sue W. Culver, County Clerk; James R. Riles, Sheriff; and the following County Commissioners: Ed Allen, Joann Allen, Steve Anderson, Charles Brewer, Joe B. Burnett, Jr; Larry Cook, Odis Cox, Lee "Sissy" Dowdle, John Dowdy, Willie German, Jr., Tom Karcher, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

Absent were Commissioners Ron Gant and Bill Kelley. Also absent was Chairman Rhea Taylor. A quorum was met with 16 voting members present.

The floor was opened to the public for comments on non-agenda items. David Owen of the Woodsedge Subdivision addressed the Board regarding the new overgrown vegetation ordinance. Mr. Owen's concern was for the enforcement of the ordinance. Commissioner Joann Allen stated that the Development Committee and the Planning and Development office were working on how the ordinance could be enforced, and the appropriation of funds to do so. This topic will again be discussed at the Committee's November meeting.

Commissioner Dowdy moved that the minutes from September 22, 2009, be approved. The motion was seconded by Commissioner Wilson and passed unanimously.

The floor was then opened for a public hearing in the matter of establishing a speed limit of 45 MPH on Wirt Road from Highway 194 on the South to it's intersection with Feathers Chapel Road, a distance of 2.72 miles, and providing for it's enforcement. With no one speaking "For" or "Against", the public hearing was closed. Commissioner Dowdy moved that the speed limit resolution be adopted. Commissioner Cook seconded the motion, but no vote was taken, due to an oversight.

The floor was then opened for a public hearing in the matter of establishing a speed limit of 20 MPH on Water Oak Circle, in it's entirety, and providing for it's enforcement. With no one speaking "For" or "Against" the speed limit, the public hearing was closed. Commissioner Joann Allen then moved that the speed limit resolution be adopted. The motion was seconded by Commissioner Dowdle, and passed unanimously by the Board 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 27<sup>th</sup> day of October, 2009, being the fourth Tuesday of said month and the regular monthly meeting date of 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 20 m.p.h. on Water Oak Circle, in it's entirety, being located

in the 7<sup>th</sup> 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.

Commissioner Wilson moved that the following be approved as notaries public: Joyce Y. Bennett, Jeanne C. Delong, Jessica Ferge, Ann C. Green, Jacqueline Ebel Hickey, Paul T. Humphrey, Kelly R. Norwood, Ida Mae Patrick, Tosha Price, Joyce D. Pulliam, R. W. Rosser, and Stacy T. Tatum. The motion was seconded by Commissioner Dowdy and passed unanimously by the Board.

Commissioner Oglesby moved that Hugh Davis be appointed to the Industrial Development Board. The motion was seconded by Commissioner Burnette and passed unanimously by the Board.

Chairman Pro Tempore Harris stated that the financial reports for the Board of Education, Public Works, and the County Financial summary, as well as the Trustee's combined statement of cash receipts and disbursements were included in the Commissioner's packets.

No reports were given for the Mayor's Office, Sheriff's Office, Board of Education, Juvenile Court, Board of Public Works, Trustee, or the Planning and Development Office.

Commissioner Wilson reported for the Development Committee. He stated that the Committee had discussed speed limits on Wirt Road and Water Oak Circle. Some discussion took place regarding the enforcement of the overgrown vegetation ordinance, but it was decided that any action would be delayed until the November meeting. There was discussion regarding the rental of the courtroom to the City of Somerville, which was passed to the budget committee with no recommendation.

The Health and Welfare Committee and the Personnel Committee did not meet.

Commissioner Dowdy reported for the Criminal Justice/Public Safety Committee. He stated that the Committee had discussed the building of the proposed Sheriff's Shop. The committee asked for a meeting with engineer Kevin Poe, and D & G Construction, the contractor with the lowest bid, to review the bid. Also discussed was the demolition of the old jail. The Mayor asked the committee to consider demolition of the old jail, as the cost of renovation would be too expensive. The committee asked that the building be offered to non-profits who had need of a kitchen. The Committee also discussed the request by Ed Gaugh, EMA director, to change a part time position in his office to full time, with a salary cap of \$22,000. Mr. Gaugh stated that part of the salary could be paid by the state during the next contract with the state EMA. This request was forwarded to the budget committee with a recommendation for approval.

Commissioner Oglesby reported for the Education Committee. He stated that the Committee reviewed a budget amendment for funds 141 and 142 for the Board of Education, which was approved and forwarded to Budget. The Committee also reviewed a preliminary draft of the school study being prepared by Dr. Larry Winecoff. The

Committee also asked that the Mayor check to see if there were any historical funds and designations that might be available for Somerville Elementary School. Commissioner Oglesby stated that Dr. Winecoff will be available Dec 1-3 for a meeting with the County Commission and the School Board.

Commissioner Harris reported for the Budget Committee. He stated that the payroll benefits for employees at the County Extension Office were inadvertently left off the budget for the coming year, and introduced an amendment to the budget to cover them. Commissioner Dowdle moved to approve the amendment, which was seconded by Commissioner Anderson, and approved unanimously by the Board as follows:

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 27<sup>th</sup> day of October, 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 09/10  
October, 2009**

<u>Adjustment to Expenditure Accounts:</u>	<b>INCREASE</b>	<b>DECREASE</b>
<u>57100 Agriculture and Natural Resources</u>		
309 Contracts with Government Agencies	<u>\$13,548.18</u>	
<b>Subtotal-57100</b>	<b>\$13,548.18</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$13,548.18</b>	
<b>Prior Estimated Expenditures</b>		<b>\$13,238,076.00</b>
<b>Total Estimated Expenditures this Amendment</b>		<b>\$13,251,624.18</b>
<b>Projected Fund Balance before Amendment</b>		<b>\$ 1,942,215.00</b>
<b>Change in Fund Balance this Amendment</b>		<b>\$ 13,548.18</b>
<b>Estimated Ending Fund Balance as of June 30, 2010</b>		<b>\$ 1,928,666.82</b>

Commissioner Logan moved that the following amendments to the School Board Budget be approved. The motion was seconded by Commissioner Oglesby and passed unanimously by the Board as follows:

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

		INCREASE	DECREASE
<b>71000</b>	<b>INSTRUCTION</b>		
<b>71100</b>	<b>REGULAR INSTRUCTION PROGRAM</b>		
71100 116	Regular Teachers	\$69,413.00	
	TOTAL:	\$69,413.00	\$0.00
<b>71600</b>	<b>ADULT EDUCATION PROGRAM</b>		
71600 429 AE	Instructional Supplies and Materials		\$1,000.00
	TOTAL:	\$0.00	\$1,000.00
<b>72000</b>	<b>SUPPORT SERVICES</b>		
<b>72110</b>	<b>ATTENDANCE</b>		
72110 399 SSMS	Other Contracted Services	\$598.00	
	TOTAL:	\$598.00	\$0.00
<b>72260</b>	<b>ADULT EDUCATION PROGRAM</b>		
72260 189 AE	Other Salaries and Wages		\$6,900.00
72260 599 AE	Other Charges		\$1,000.00
	TOTAL:	\$0.00	\$7,900.00
	<b>GRAND TOTAL:</b>	<b>\$70,011.00</b>	<b>\$8,900.00</b>

Total Increase: \$61,111.00

Revenue:	46595 SSMS Star Student Mgmt System	\$598.00
	47590 AE Other Federal Thru State	\$60,513.00
	Total:	\$61,111.00

Revenue:	Prior Total Available Funds	\$27,539,325.59
	Total Increase This Amendment	\$61,111.00
	Total Available Funds This Amendment	\$27,600,436.59

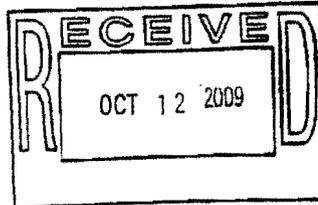
Expenditure:	Prior Total Estimated Expenditures	\$26,556,571.00
	Total Increase This Amendment	\$61,111.00
	Total Estimated Expenditures This Amend.	\$26,617,682.00

Commissioner Oglesby moved that the budget amendment to Fund 142 of the Federal Projects Fund for the Board of Education be approved. The motion was seconded by Commissioner Dowdy and passed unanimously.

FAYETTE COUNTY BOARD OF EDUCATION  
 FEDERAL PROJECTS FUND  
 FUND 142  
 SUBFUND 10S-Title I ARRA  
 OCTOBER, 2009

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 163	Educational Assistants	\$21,330.00	
71100 201	Social Security	\$201.00	
71100 204	State Retirement	\$615.00	
71100 212	Medicare	\$49.00	
71100 299	Other Fringe Benefits	\$32.00	
71100 429	Instructional Supplies and Materials		\$15,617.00
71100 722	Regular Instruction Equipment		\$55,000.00
	TOTAL:	\$22,227.00	\$70,617.00
72000	SUPPORT SERVICES		
72710	TRANSPORTATION		
72710 146	Bus Drivers	\$22,950.00	
72710 201	Social Security	\$1,423.00	
72710 204	State Retirement	\$2,079.00	
72710 212	Medicare	\$1,205.00	
72710 299	Other Fringe Benefits	\$333.00	
72710 412	Diesel	\$20,400.00	
	TOTAL:	\$48,390.00	\$0.00
	GRAND TOTAL:	\$70,617.00	\$70,617.00

Total Increase/Decrease: \$0.00



Educational Assistants, bus drivers and fuel needed for after-school tutoring & transportation

Chairman Pro Tempore Harris stated that the Committee had reviewed a request by John Pitner of the Planning and Development Office to break a full time position into two part time positions, but decided not to recommend the request to the Commission.

Commissioner Dowdy moved that Ed Gaugh, EMA manager, be allowed to convert a part time position to full time, with a salary cap of \$22,000, with benefits, part of which could be shared with the State on the next EMA contract. This position would not start until January 1, 2010. Commissioner Dowdle seconded the motion. Commissioner Logan called for a roll call vote, the results of which were as follows:  
Voting "Yes": Commissioners Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, German, Harris, Karcher, Oglesby, and Wilson (12)  
Voting "No": Commissioners Ed Allen, Joann Allen, Lillard, Logan, and McCloud. (5)

Commissioner Lillard moved that the contract to transfer a portion of the Old L & N Railroad right of way ( the northern half of the old railroad just south of Hwy 64 and just east of Hwy 196)to Harriet Strasberg, Louis Strasberg, and Broadmore Baptist, be approved. The motion was seconded by Commissioner Cook and passed with a majority vote. Commissioner Anderson and Commissioner Logan voted against the motion.

Commissioner Lillard moved that the contract to transfer a portion of the Old L & N Railroad right of way(the northern half of the old railroad just south of Hwy 64 and west of Hwy 196) to William and Patricia Whitworth. The motion was seconded by Commissioner Cook, and passed with a majority vote. Commissioner Anderson and Commissioner Logan voted against the motion.

Commissioner Lillard moved that the contract to transfer a portion of the Old L & N Railroad right of way(this is the southern half of the old railroad just south of Hwy 64 and just west of Hwy 196) to Eugene Butchen and Dartha Butchen. The motion was seconded by Commissioner Cook, and passed with a majority vote. Commissioner Anderson and Commissioner Logan voted against the motion.

Commissioner Lillard moved that the contract to transfer a portion of the Old L & N Railroad right of way(the portion that crosses Sammons Road in Western Fayette County) to Donald Bruce Anderson and Frances Anderson McDaniel. The motion was seconded by Commissioner Cook, and passed with a majority vote. Commissioners Anderson and Logan voted against the motion.

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

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Rhea Taylor, County Mayor

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Sue Culver, County Clerk