

FILE COPY

FAYETTE COUNTY LEGISLATIVE BODY

MAY 25, 2010

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 25th day of May, 2010. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk; James R. "Bobby" Riles, Sheriff; and the following County Commissioners: Ed Allen, Jo Ann Allen, Steve Anderson, Charles Brewer, Larry Cook, Odis Cox, Lee "Sissy" Dowdle, Ron Gant, Willie German, Jr.; Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, Debbie Perkins, and Myles Wilson.

Commissioner Joe B. Burnett, Jr. was absent. A quorum was met with 18 commissioners present.

The floor was opened to the public for comments on non-agenda items. With no one coming forth, the floor was closed.

Commissioner Dowdle moved that the minutes from April 27, 2010 be approved. The motion was seconded by Commissioner Cook and passed unanimously by the Board.

Chairman Taylor then declared a public hearing in the matter of establishing a speed limit of 40 MPH on Fredonia Road from Thorpe Drive on the south to the Haywood County line on the north. With no one speaking either "for" or "against" the public hearing was closed.

Commissioner Brewer then moved that the following resolution establishing said speed limit be approved. The motion was seconded by Commissioner Wilson and passed unanimously.

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 April, 2010, being the fourth Tuesday of said month and the regular monthly meeting date of the May 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 forty (40) miles per hour on that portion of Fredonia Road from Thorpe Drive on the south, to the Haywood County line on the north, (a distance of 0.42 miles) being located in the 4th 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 Oglesby moved that the following be approved as notaries public: Janice Jackson, Wendy A Perry, T. Steven Perry, and Phyllis K. Springer. The motion was seconded by Commissioner Logan, and passed unanimously.

Five nominees were presented for the Health and Safety Board, a new committee that will be responsible for overseeing the enforcement of the grass height ordinance, to serve a term of two years and then rotate off as a Board. Commissioner Anderson moved that the following be appointed to that committee: Commissioners Ron Gant and Larry Cook, David Owens, Curan Williams, and Ronnie McCarty. The motion was seconded by Commissioner Jo Ann Allen and passed by the Board, with Commissioners Gant and Cook recusing.

Chairman Taylor pointed out that the monthly financial reports from the County, the Board of Education, and Public Works were sent out in the Commissioners' packets, and that any questions should be directed to the appropriate official.

Chairman Taylor then reported for the County Mayor's Office, stating that there is a vacancy on the Public Works Board. Ricky McQueen has turned in a letter of resignation, effective April 28, 2010, and has accepted a position with the Public Works Department as a heavy equipment operator. The normal election time for the Public Works Board is in July, so the most we can do is give notice, which we are doing tonight. The earliest we can vote on this is next month, which means a replacement could only serve one month. I'm asking that we just hold off on this until the normal election time in July, and we can elect the whole board at one time.

A week or so ago we had a meeting here to discuss the proposed Southwest Tennessee Community College Campus for our area. About forty or fifty people were present for this meeting. All the city aldermen for both Somerville and Oakland were invited, as were all the City Mayors. The interest in this project is appreciated. We have now reached the point that we need to start moving forward. There is a resolution on the table tonight which basically says that you want me to keep moving forward with this project, research and investigate, and report back to you. This needs to be a Fayette County Project, not the County Mayor's project. This is a mild resolution but it says to everyone that Fayette County is serious about locating this facility here. I should have more information as we move forward into committee meetings this month. If we can get to a point where we can move forward we want to have everything in place to do so. Chairman Taylor then presented the following amendment for discussion and approval. Commissioner Wilson moved that the resolution be approved. Commissioner Gant seconded the motion, which was approved unanimously:

WHEREAS, Fayette County has seen the need for more educational opportunities for our citizens and our workforce; and

WHEREAS, Southwest Tennessee Community College, the University of Memphis, the University of Tennessee at Martin, and the Tennessee Technology Center have expressed interest in providing classes and degrees at a Fayette County Higher Education Facility; and

WHEREAS, a facility would be a catalyst for growth, which would bring jobs and investment in a area that has planned and been built for growth, and

WHEREAS, Fayette County has a unique opportunity to have a novel facility where regardless of your current educational level, a citizen may receive additional training.

NOW THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the concept of a Higher Educational Facility is a worthwhile goal, and we direct the County Mayor to investigate and research the possibilities, and report back to us in a timely manner.

Adopted this 25th day of May, 2010.

Chairman Taylor then gave an update on the recent flood.. "We had bridges knocked out, and in talking with Mr. Smith of Public Works, I was advised that we had somewhere in the vicinity of \$600,000 in damages. Tipton County had \$26,000,000. We dodged a bullet." FEMA was out last week and approximately 230 people were signing up for aid. They will be back on Wednesday, and again on Friday of this week. People from other areas may sign up for aid here, and Fayette County's citizens may sign up in other areas as well. The Federal Government is in our area trying to take care of everyone who was affected by this flood. I would like to let the Sheriff's Department, EMA, fire departments, all the cities know how much we appreciate the service they did for the county during the flood. They were out in full force trying to make sure everyone was safe and that no one got hurt. We owe them a lot. A round of applause was given as a show of appreciation.

I have instructed Richard Rosser, our county attorney, to send out letters to department heads and other candidates that during election time there are procedures that you do not do. In the past the county has been sued over these things, so we just want to make sure everyone is aware of what is permissible and what is not allowed.

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

Commissioner Wilson reported for the Development Committee. Commissioner Wilson stated that the speed limit proposal for Fredonia Road was discussed, approved, and forwarded to the full Commission for approval. Budgets were discussed for the Agricultural Extension Office, the Development Office, Building Office, Beer Board, Airport, other General Administration, Industrial Development, and Miscellaneous accounts, and were approved and forwarded to budget. The Public Works budget amendment was also discussed.

Commissioner German reported for the Health and Welfare Committee. One of the items discussed was the nomination of members for the Health and Safety Board which was voted on earlier in this meeting. Budgets discussed were the Rabies/Animal

Control budget, Solid Waste budget, Health Department, Ambulance budget, and several appropriations to different agencies. Also discussed was the sale of some salvage Solid Waste equipment to be placed in the Public Works Auction, which was approved and sent to budget. The Ambulance budget was not forwarded, but will be discussed at the next meeting.

The Personnel, and Education Committees did not meet.

Commissioner Anderson reported for the Criminal Justice/Public Safety Committee. This Committee reviewed and approved the following budgets: Sheriff's Department, EMA, Circuit Court-General Sessions, Fire Department, Chancery Court, General Sessions Judge, and Juvenile Court.

Commissioner Harris then reported for the Budget Committee. He moved that the following amendment to the General Fund be approved. The motion was seconded by Commissioner Brewer and passed unanimously.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 25th day of May, 2010, 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
May, 2010**

<u>Adjustment to Reserve Accounts:</u>	INCREASE	DECREASE
34164 Reserved for Automation Purposes		<u>\$ 1,955.00</u>
TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS		\$ 1,955.00
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>53300 General Sessions Court</u>		
317 Data Processing Services	<u>\$ 1,955.00</u>	
Subtotal-53300	\$ 1,955.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$ 1,955.00	
Prior Estimated Expenditures		\$13,264,624.18
Total Estimated Expenditures this Amendment		\$13,264,624.18
Projected Fund Balance before Amendment		\$ 1,915,666.82
Change in Fund Balance this Amendment	\$	00.00
Estimated Ending Fund Balance as of June 30, 2010		\$ 1,915,666.82

Commissioner Harris moved that the following amendment to the County General Fund 101 be approved to add \$17,000 to the Ambulance Expenditure Account. The motion was seconded by Commissioner Dowdle and passed unanimously.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 25th day of May, 2010, 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
May, 2010**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>55130 Ambulance Service</u>		
718 Motor Vehicles	<u>\$17,000.00</u>	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$17,000.00	
Prior Estimated Expenditures		\$13,264,624.18
Total Estimated Expenditures this Amendment		\$13,281,624.18
Projected Fund Balance before Amendment		\$ 1,915,666.82
Change in Fund Balance this Amendment		\$ 17,000.00
Estimated Ending Fund Balance as of June 30, 2010		\$ 1,898,666.82

Commissioner Harris moved that the following Resolution be adopted as an amendment to the County Solid Waste Fund 116. The motion was seconded by Commissioner Anderson and passed unanimously.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 25th day of May, 2010, 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 Solid Waste Fund #116 Budget Amendment be amended in the following words and figures, to wit:

**COUNTY SOLID WASTE FUND
BUDGET AMENDMENT
F/Y 09/10
May, 2010**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
44170 Miscellaneous Refunds		\$ 4,330.56
46170 Solid Waste Grants		<u>\$12,387.00</u>
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:		\$16,717.56
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>55732 Convenience Centers</u>		
314 Contracts with Public Carriers	<u>\$20,000.00</u>	
Subtotal-55732	\$20,000.00	
<u>55754 Landfill Operation & Maintenance</u>		
144 Heavy Equipment Operators		\$15,000.00
168 Temporary Personnel	\$15,000.00	
186 Longevity	200.00	
187 Overtime Pay	17,330.56	
204 State Retirement		6,000.00
332 Legal Notices	5,000.00	
333 Licenses		
335 Maint. & Repair-Buildings	15,000.00	
336 Maint. & Repair-Equipment		1,250.00
399 Other Contracted Services	300.00	
412 Diesel Fuel	2,500.00	

418	Equipment & Machinery Parts		7,500.00
425	Gasoline	2,500.00	
499	Other Supplies	1,000.00	
513	Workman's Compensation Insurance	2,000.00	
599	Other Charges	2,000.00	
733	Solid Waste Equipment	<u> </u>	<u>36,363.00</u>

Subtotal-55754		\$62,830.56	\$66,113.00
-----------------------	--	--------------------	--------------------

TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:		\$82,830.56	\$66,113.00
---	--	--------------------	--------------------

Prior Estimated Expenditures	\$ 1,000,354.00
Total Estimated Expenditures this Amendment	\$ 1,000,354.00
Projected Fund Balance before Amendment	\$ 774,575.00
Change in Fund Balance this Amendment	\$ 00.00
Estimated Ending Fund Balance as of June 30, 2010	\$ 774,575.00

Commissioner Harris moved that the following amendment to the schools budget be approved to cover a \$19,604 penalty incurred from the IRS when payments for employees' taxes were not made in a timely fashion, and to cover the salary of Louise Holloway, acting superintendent. The motion was seconded by Commissioner Kelley, and passed with Commissioner Wilson abstaining.

		INCREASE	DECREASE
71000	INSTRUCTION		
71600	Adult Education		
71600 116 AE	Teachers	\$2,500.00	
71600 429 AE	Other Supplies and Materials	\$5,800.00	
	TOTAL:	\$8,300.00	\$0.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director		\$31,845.00
72210 201	Social Security		\$1,974.00
72210 204	State Retirement		\$2,044.00
72210 207	Health Insurance		\$2,466.00
72210 212	Medicare		\$462.00
72210 189 EIS	Other Salaries and Wages	\$8,550.00	
72210 193 EIS	Election Workers		\$18,500.00
72210 201 EIS	Social Security		\$617.00
72210 204 EIS	State Retirement		\$807.00
72210 212 EIS	Medicare		\$145.00
72210 299 EIS	Other Fringe Benefits	\$38.00	
72210 399 EIS	Other Contracted Services	\$9,255.20	
72210 524 EIS	In-Service Staff Development	\$2,225.80	
	TOTAL:	\$20,069.00	\$58,860.00
72230	VOCATIONAL EDUCATION PROGRAM		
72230 189 ISY	Other Salaries and Wages		\$11,015.00
72230 201 ISY	Social Security		\$683.00
72230 204 ISY	State Retirement		\$938.00
72230 207 ISY	Health Insurance		\$720.00
72230 212 ISY	Medicare		\$160.00
72230 299 ISY	Other Fringe Benefits		\$43.00
72230 307 ISY	Communications	\$172.00	
72230 336 ISY	Maintenance and Repair Services	\$735.00	
72230 355 ISY	Travel		\$4,350.00
72230 499 ISY	Other Supplies and Materials	\$1,200.00	
72230 599 ISY	Other Charges	\$14,194.00	
	TOTAL:	\$16,301.00	\$17,909.00

72260	ADULT EDUCATION			
72260 189 AE	Other Salaries and Wages		\$2,800.00	
72260 201 AE	Social Security		\$1,200.00	
72260 204 AE	State Retirement		\$1,800.00	
72260 207 AE	Health Insurance		\$500.00	
72260 599 AE	Other Charges		\$2,000.00	
72260 105 WICC	Supervisor/Director	\$2,000.00		
72260 189 WICC	Other Salaries and Wages		\$19,500.00	
72260 201 WICC	Social Security		\$1,000.00	
72260 204 WICC	State Retirement	\$3,500.00		
72260 207 WICC	Health Insurance	\$1,000.00		
72260 599 WICC	Other Charges	\$14,000.00		
	TOTAL:		\$20,500.00	\$28,800.00

72310	BOARD OF EDUCATION			
72310 505	Judgements	\$19,604.00		
72310 513	Worker's Compensation Insurance		\$30,890.00	
	TOTAL:	\$19,604.00	\$30,890.00	

72320	OFFICE OF THE SUPERINTENDENT			
72320 101 ACT	County Official/Administrative Officer	\$53,399.00		
72320 201 ACT	Social Security	\$3,311.00		
72320 204 ACT	State Retirement	\$3,428.00		
72320 207 ACT	Health Insurance	\$2,466.00		
72320 212 ACT	Medicare	\$774.00		
72320 103	Assistants		\$11,661.00	
72320 201	Social Security		\$723.00	
72320 204	State Retirement		\$748.00	
72320 212	Medicare		\$169.00	
	TOTAL:	\$63,378.00	\$13,301.00	

72710	TRANSPORTATION			
72710 146 ISY	Bus Driver	\$2,424.00		
72710 201 ISY	Social Security		\$554.00	
72710 204 ISY	State Retirement		\$808.00	
72710 212 ISY	Medicare		\$561.00	
72710 299 ISY	Other Fringe Benefits		\$693.00	
72710 412 ISY	Diesel Fuel	\$1,800.00		
	TOTAL:	\$4,224.00	\$2,616.00	

GRAND TOTAL: \$152,376.00 \$152,376.00

Total Decrease: \$.00

Early Intervening Services

EIS accounts reflect monies not budgeted or approved by the State Department

AE- Adult Education Program moving line items in order to cover the end of year expenditures

WICC - Career Center moving line items in order to cover the end of year expenditures

ISY - In School Youth program shifting excess funds to run program thru June

72310 505 Judgement - Payment of IRS penalty and interest on late tax deposits made March 09

72310 513 - Funds used to cover judgement and additional needed for superintendent cost

72210 105,201,204,207,212 Regular Instruction and 72320 Office of the Superintendent
These adjustments are being made to allow for the Acting Superintendent's contract.
Only \$9,556 had been amended last month. This will move the additional salary and benefit
amount in the line accounts. An additional \$11,286 is taken from 72310 513 to fund this.

Commissioner Harris moved that the budget amendment to the schools Federal
Projects fund be approved. The motion was seconded by Commissioner Oglesby and
passed by the Board with Commissioner Wilson abstaining.

FAYETTE COUNTY BOARD OF EDUCATION
FEDERAL PROJECTS FUND
FUND 142
SUBFUND 101 - TITLE I
MAY, 2010

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers	\$14,500.00	
71100 163	Educational Assistants	\$17,000.00	
71100 189	Other Salaries and Wages		\$52,700.00
71100 198	Substitute Teachers	\$1,200.00	
71100 207	Health Insurance	\$2,000.00	
71100 299	Other Fringe Benefits	\$100.00	
71100 599	Other Charges	\$10,000.00	
	TOTAL:	\$44,800.00	\$52,700.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director		\$46,200.00
72210 189	Other Salaries and Wages	\$47,400.00	
72210 207	Health Insurance	\$8,500.00	
72210 212	Medicare	\$700.00	
72210 355	Travel	\$8,000.00	
72210 524	In-Service/Staff Development		\$10,500.00
	TOTAL:	\$64,600.00	\$56,700.00
	GRAND TOTAL:	\$109,400.00	\$109,400.00

Total Increase \$.00

Funds needed to cover costs of finishing current school year & Extended School year in June

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 10S - TITLE I ARRA
 MAY, 2010

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 163	Educational Assistants	\$2,600.00	
71100 189	Other Salaries and Wages		\$2,600.00
	TOTAL:	\$2,600.00	\$2,600.00

Total Increase \$.00

Funds needed to cover costs of Extended School in June.

FAYETTE COUNTY BOARD OF EDUCATION
 CENTRAL CAFETERIA FUND
 FUND 143
 MAY, 2010

		INCREASE	DECREASE
73000	OPERATION OF NON-INSTRUCTION SERVICES		
73100	FOOD SERVICE		
73100 105	Supervisor/Director		\$13,351.50
73100 201	Social Security		\$820.00
73100 204	State Retirement		\$667.00
73100 336	Maintenance and Repair Services		\$400.00
73100 355	Travel		\$788.24
73100 710	Food Service Equipment	\$16,026.74	
	TOTAL:	\$16,026.74	\$16,026.74

Total Decrease: .00

Moving excess funds into equipment line to purchase convection ovens ordered by director before she left

Commissioner Harris then moved that the following amendment to the Public Works budget be approved. The motion was seconded by Commissioner McCloud and passed unanimously.

FAYETTE COUNTY PUBLIC WORKS DEPARTMENT

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

901-465-5222
FAX 901-465-5214

HANK FRANCK, Chairman
ANDREW AVERY, Secretary
ROBERT MCQUEEN

WESLEY PARKS
RUSSELL WICKER
JIM SMITH, Superintendent

BUDGET AMENDMENT NO.2
2009-2010 HIGHWAY FUND 131

<u>EXPENDITURES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
<u>61000 ADMINISTRATION</u>			
317 Data Processing	\$ 100.00		\$ 12,100.00
435 Office Supplies	200.00		3,500.00
599 Other Charges		\$ (300.00)	12,700.00
Net Change 61000:	NONE		\$ 187,861.00
<u>62000 HWY. & BR. MAINT.</u>			
187 Overtime Pay	\$ 4,000.00		\$ 19,000.00
Net Change 62000:	\$ 4,000.00		\$ 1,383,176.00
<u>68000 CAPITAL OUTLAY</u>			
714 Highway Equipment	\$ 24,310.00		\$ 250,560.00
726 State Aid Projects		\$ (1,100.00)	\$ 793,900.00
Net Change 68000:	\$ 23,210.00		\$ 1,922,460.00
799 Other Capital Outlay		\$ (27,210.00)	\$ 5,790.00
Net Change 91200:		\$ (27,210.00)	\$ 5,790.00
NET CHANGE EXPENDITURES:	\$ 27,210.00	\$ (27,210.00)	NO CHANGE
EST. E.F.B., JUNE 30, 2010		NO CHANGE	

Chairman Taylor then introduced an amendment passed at the School Board meeting the night before for facility improvements at Somerville, Northwest, and West Jr. High. The Board of Education's fund balance after this request is \$741,887.89, less any deductions already discussed tonight. After some discussion as to whether the Federal Judge would accept these improvements to settle the lawsuit now held against the Board, Commissioner Harris moved that this amendment be approved. The motion was seconded by Commissioner German, and passed with Commissioner Wilson abstaining.

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

Rhea Taylor, County Mayor

Sue W. Culver, County Clerk