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FAYETTE COUNTY LEGISLATIVE BODY

NOVEMBER 23, 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 23<sup>rd</sup> day of November, 2010. Present and presiding was Chairman Rhea Taylor. Also present were Sue W. Culver, County Clerk, and James R. "Bobby" Riles, Sheriff, and the following County Commissioners: Ed Allen, Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Willie German, Jr., Ronald Harris, Reggie Howard, Tom Karcher, Bill Kelley, Terry Leggett, David Lillard, Sylvester Logan, Claude Oglesby, Steve Reeves, Raymond Seals, Larry Watkins, and Myles Wilson.

Lee "Sissy" Dowdle was absent. With a quorum being present the meeting was called to order.

The floor was opened to the public for comments on non-agenda items. John Bragorgas, 155 Nicholas St., Somerville, addressed the Board regarding construction of the new school. Mr. Bragorgas was concerned about the building of a two story school as opposed to a one story construction for elementary students. He stated that there are 38 acres on which to build the school, and that there would be no problem situating the school on that kind of acreage, and building one story which he feels would be safer for students. He stated that the Dan Buckley gym is used everyday, and he hated to see it torn down. He suggested building a one story structure, not closing Hiawatha street and moving the structure to the back of the property, which would save a great deal of money on dirt work. He questioned the liability of sharing a drive way with public works. Commissioner Howard asked Mr. Bragorgas if he had proposed these ideas to the School Board, and, if so, did he get an answer. Mr. Bragorgas stated that he had not been able to present his plans to the Board. Mr Bragorgas stated that it would only take seven acres to build a one story school.

Patty Crepella of the Fayette County for Public Schools organization addressed the Board stating that the County Legislative Body could provide funds for public schools, but could not dictate how those funds are used. She questioned the appointment of Dana Pitman by the County Legislative Body to do a study regarding a solution to the desegregation law suit filed by the Department of Justice against the County. Ms. Crepella stated that Ms. Pittman rezoned twenty-four children without the approval of the School Board, the Legal Defense Fund, or the Department of Justice, and that she had no authority to do so. The families of these children received no notification and were unaware of the change until the day of registration. Ms. Crepella stated that the County Legislative Body owed Dr Gray an apology, as well as every public school child. She further stated that the people of Fayette County had elected the School Board to run the

schools, and not the County Commission, and certainly not Dana Pitman, and that the County could face numerous class action lawsuits from every side because of her actions.

The first item on the agenda was the approval of the minutes. Commissioner Logan moved that both the minutes from the special called meeting on October 28, 2010 and the regular session on October 26, 2010 be approved. The motion was seconded by Commissioner Leggett and passed unanimously.

The next item on the agenda was a resolution to establish a speed limit in the Cedars Subdivision. Chairman Taylor declared a public hearing. With no one speaking "For" or "Against" the public hearing was closed. Commissioner Joann Allen moved that the resolution establishing a 30 M.P.H. speed limit be approved. The motion was seconded by Commissioner Kelley 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 23<sup>rd</sup> day of November, 2010, being the fourth Tuesday of said month and the regular monthly meeting date of the November 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 1967-1968, and amendments thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty(30) miles per hour on the following streets in the Cedars Subdivision: the entire length of Allenby Drive, a distance of .46 miles, the entire length of Cedar Trace Drive, a distance of .41 miles, the entire length of Hanover Drive, a distance of .23 miles and the entire length of Lancaster Drive, a distance of .14 miles, 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.

John Pitner of the Planning and Development office presented a "Resolution to Amend The Fayette County Zoning Resolution To Better Assure The Proper Use of Special Activity Districts". After some discussion, Chairman Taylor declared a public hearing. With no one speaking "For" or "Against", the public hearing was declared closed. Commissioner Wilson moved that the amendment be adopted. Commissioner Oglesby seconded the motion which passed unanimously as follows:

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 Section 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 on the proposed Amendment by the Fayette County Regional Planning

Commission on November 1, 2010, 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

NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 23<sup>RD</sup> DAY OF NOVEMBER, 2010:

SECTION 1. That there be revised Article VII – “Provisions For Land Use Districts” - in Section 5. “Special Activity,” by adding the following clause to the end of the second paragraph of Article VII, Section 5.1.4: “and no site plan shall be approved except for the specific use and scale for which the special activity district was established.”

SECTION 2. This amendment shall become effective the day following its adoption, the public welfare requiring it.

Next, Mr. Pitner addressed a “Resolution To Amend The Fayette County Zoning Resolution To Protect The Continuity and Proper Functioning in Subdivisions of Drainage Detention Basins Required To Be Installed By The Fayette County Regional Planning Commission”. After some discussion, it was determined that this resolution would be presented again at the January meeting, when more information is available.

The next item on the agenda was a resolution to rezone from R-3 to Special Activity a piece of property owned by the Victory Community Church for the purpose of establishing a cemetery for the members of the Church. Chairman Taylor declared a public hearing on the matter.

Speaking “For” the rezoning was the pastor of the church, who stated that it would be a small cemetery for church members.

Speaking “Against” the rezoning was Dana Taylor, who owns the adjoining property, who stated that she was concerned that there are no laws regulating cemeteries or how people are buried. Ms. Taylor expressed concern about how cemeteries contaminate the land over a period of time. One of her concerns was that everyone in the area uses well water, and research she has done shows there is danger of contamination long term. She asked that the rezoning not be allowed for the safety of those living in the area.

With no one else coming forward the public hearing was closed.

After a great deal of discussion Commissioner Wilson moved that the rezoning be approved. The motion was seconded by Commissioner Brewer and a roll call vote was taken with the following results:

Voting “YES” for the rezoning were the following: Commissioners Anderson, Brewer, Cox, Harris, Kelley, Lillard, Logan, Oglesby, Reeves, and Wilson.(11)

Upon its passage, THE PUBLIC WELFARE REQUIRING IT.

BE IT FURTHER RESOLVED, that this Amendment shall become effective immediately

of Beginning and containing 1.48 acres of land.

47 minutes 08 seconds West along an east line of the said church tract 220.00 feet to the Point  
northwest corner of the above-described Lot 4 of Holden Subdivision; thence South 88 degrees  
church tract 328.42 feet to an east corner of the said church tract, this point being also the  
thence South 48 degrees 03 minutes 54 seconds East along the northeastern line of the said  
line of the said church tract 407.81 feet to the northern-most corner of the said church tract;  
said church tract thence North 47 degrees 32 minutes 26 seconds East along the northwestern  
West along a west line of the said church tract 112.17 feet to the western-most corner of the  
corner in the west side of the said church tract thence North 80 degrees 18 minutes 25 seconds  
71 degrees 25 minutes 13 seconds West across the said church tract 321.19 feet to an interior  
791, Page 223, in the Office of the Fayette County Register, from said Point of Beginning North  
east side of a 5.00 acre tract owned by Victory Community Church as recorded in Deed Book  
Page 102, in the Office of the Fayette County Register, said point being an interior corner in the  
Beginning at the southwest corner of Lot 4 of Holden Subdivision as recorded in Plat Book 4,  
SECTION 1. That the following associated tract of land of 1.48 acres owned by Victory  
Community Church (Instrument Number 0804092 in the Office of the Fayette County Register)  
north of Holden Drive (identified as part of Parcel 9.17 on Tax Map 98 be rezoned from R-3  
RESTRICTED RESIDENTIAL TO SA-CEMENTERY.

Beginning at the southwest corner of Lot 4 of Holden Subdivision as recorded in Plat Book 4,  
Page 102, in the Office of the Fayette County Register, said point being an interior corner in the  
east side of a 5.00 acre tract owned by Victory Community Church as recorded in Deed Book  
791, Page 223, in the Office of the Fayette County Register, from said Point of Beginning North  
71 degrees 25 minutes 13 seconds West across the said church tract 321.19 feet to an interior  
corner in the west side of the said church tract thence North 80 degrees 18 minutes 25 seconds  
West along a west line of the said church tract 112.17 feet to the western-most corner of the  
said church tract thence North 47 degrees 32 minutes 26 seconds East along the northwestern  
line of the said church tract 407.81 feet to the northern-most corner of the said church tract;  
thence South 48 degrees 03 minutes 54 seconds East along the northeastern line of the said  
church tract 328.42 feet to an east corner of the said church tract, this point being also the  
northwest corner of the above-described Lot 4 of Holden Subdivision; thence South 88 degrees  
47 minutes 08 seconds West along an east line of the said church tract 220.00 feet to the Point  
of Beginning and containing 1.48 acres of land.

BE IT FURTHER RESOLVED, that this Amendment shall become effective immediately

Upon its passage, THE PUBLIC WELFARE REQUIRING IT.

Voting "NO" against the rezoning were the following Commissioners Ed Allen, Joann  
Allen, Gertman, Howard, Karcher, Leggett, Seals, and Watkins. (8)

There upon the motion to rezone passed as follows:

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP TO REZONE FROM R-3  
RURAL RESIDENTIAL TO SA-CEMENTERY A CERTAIN TRACT OF LAND LOCATED  
NORTH OF HOLDEN DRIVE IN CIVIL DISTRICT NUMBER 1

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 13-7-103 the Fayette  
County Board of Commissioners is empowered to amend the number, name, 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 November 1, 2010, the time and place of which was published with at least five  
(5) days advance notice in the Fayette Facon 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 November 23, 2010, the time and place of  
which was published with at least fifteen (15) days advance notice in the Fayette Facon  
newspaper of general circulation in Fayette County;

NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF  
COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 22ND DAY OF NOVEMBER,  
2010:

Commissioner Logan moved that the following be approved as notaries public: Julie C. Bartholomew, Margaret B. Browning, Shanna N. Greer, Kathleen R. Huff, Angela Leifer, Margaret A. McElroy, Thomas M. Minor, Mary Ann Peete, Mary L. Thompson, and Allen Yancey, Jr. The motion was seconded by Commissioner Reeves and passed unanimously.

Commissioner Karcher nominated Commissioner Steve Reeves to the Fayette County Agriculture Committee to replace Joe Burnette, Jr. who is no longer a Commissioner, and the position requires the holder to be a County Commissioner. The nomination was seconded by Commissioner Kelley. Commissioner Ogiesby moved that the nomination cease and that Commissioner Reeves be elected by acclamation. The motion was seconded by Commissioner Brewer and passed unanimously.

Chairman Taylor stated that financial reports were included in the Commissioner's packets. He then reported for the Mayor's Office. He stated that most of the Commissioner's I. D. badges were complete, and if anyone did not have one to stay for a picture at the end of the meeting.

Chairman Taylor introduced a "Memorandum of Understanding" between the County and Southwest Tennessee Community College, University of Memphis, Tennessee Technology Center at Whiteville, and the University of Tennessee at Martin, regarding the post secondary educational facility for this area that has previously been discussed. He stated that County Attorney Richard Rosser had studied the document, and made a few changes for clarification. He further stated that this MOU basically lays out who is responsible for what as far as the building and funding of the institution, and it is not a lease or a contract, and is not written in stone. It does lay out a general time line, which says the fund-raising portion will come first. The fund raising will take from a few months to a year. The MOU will allow anyone trying to raise funds to be able to present specifics to potential donors regarding which organization will do what, and the size and construction of the facility. Chairman Taylor also stated that he did not have a motion for a fund raiser to put in front of the Commissioners yet. Commissioner Joann Allen asked if there was a means to refund money to contributors if the money was collected in advance and then the project fell through. The Chairman stated there would be a record of all contributions for that reason. Several Commissioners stated that their constituents have no problem with an institution of higher learning being in the community, but there are things a little higher up on their wish list at this time, such as the new elementary school that has to be built, a new community center, more park and recreational amenities, and an animal shelter. Chairman Taylor stated that all these things would be taken care of through tax dollars, but funds for this facility would be raised from the private sector prior to it being built. Chairman Taylor stated that prior to the meeting

Commissioner Anderson had looked over the memorandum and critiqued some areas of it. Commissioner Anderson reviewed the changes for the Commission.

Commissioner Reeves moved that the Commission move forward and adopt the Memorandum of Understanding with the changes incorporated in the language of same. The motion was seconded by Commissioner Wilson. Commissioner Ed Allen moved that the matter be tabled, at least until the January meeting, to allow clarification of the language and feed back of his constituents. The motion was seconded by Commissioner Lillard. Chairman Taylor stated that the motion to table takes precedent over the original motion and called for a roll call vote.

Voting to table the motion were the following Commissioners: Ed Allen, Joann Allen, Brewer, Cox, Harris, Leggett, Lillard, Oglesby and Watkins.(9)

Voting Not to table the motion were the following: Commissioners German, Howard, Karcher, Kelley, Logan, Reeves, Seals, and Wilson.(8)

The motion failed without the proper ten vote majority, and the original motion to move forward was again presented for a roll call vote.

Voting to move forward and adopt the Memorandum of Understanding were the following: Commissioners Joann Allen, Anderson, Brewer, Cox, German, Harris, Howard, Karcher, Kelley, Logan, Reeves, Seals, and Wilson(13)

Voting against the motion were the following: Commissioners Ed Allen, Leggett, Lillard, Oglesby and Watkins (5)

Thereupon the motion passed as follows:

MEMORANDUM

OF

UNDERSTANDING

Between

FAYETTE COUNTY, TENNESSEE

And

SOUTHWEST TENNESSEE COMMUNITY COLLEGE, UNIVERSITY OF MEMPHIS,  
TENNESSEE TECHNOLOGY CENTER at WHITEVILLE, AND UNIVERSITY OF  
TENNESSEE at MARTIN

This Understanding made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2010 by and between the County of Fayette, Tennessee, herein after referred to as the "Owner" and the educational institutions, Southwest Tennessee Community College, University of Memphis, Tennessee Technology Center at Whiteville, and University of Tennessee at Martin herein after referred to as the "Institutions".

Whereas, the Owner hopes to build a post secondary educational facility to support their existing industrial and business base, as well as a tool to recruit new industry and business; and

Whereas, the Owner and the Institutions recognize the value of a post secondary educational facility in the County for post secondary education as well as developing an educated workforce, and providing continuing education; and

Whereas, Fayette County will work diligently to secure grants and appropriations, work with professional fundraising organizations, and will approve local monies, for the building of a local post secondary educational facility;

Whereas, the parties have agreed that a facility is needed in Fayette County and the following is a summation of the desires and goals of the participants; it is also

the conclusion of the participants that a contract governing this facility be the outcome of this Understanding at the proper place in the included timeline;

Therefore, the parties hereby set forth the current understanding of the parties thus far and our plans for the future for the facility:

- A. The Owner will attempt to raise private and/or public funding for:
  1. Construction of a training facility (herein the "Facility") to be located on property to be acquired, if adequate funding is obtained, on Highway 64 West in Somerville, Tennessee, and having approximately 25,000 square feet. The County will retain sole Ownership of the building and the property of which the Facility will be comprised.
  2. Equipping and furnishing the facility using Architectural recommendations, including office space, computer labs classroom space and labs, etc. All equipment, machinery, materials, hardware and software provided by the Owner (Fayette County) for this purpose shall remain the property of the Owner. The facility will meet 21<sup>st</sup> century classroom Specifications. The Owner would assume responsibility for all grounds keeping and facility maintenance. The institutions will identify grants for the facility and notify the Owner of all grants for which the facility is eligible.
- B. Upon notification by the Owner that it has raised private and/or public funds that it deems sufficient for the above-described facility, the Institutions will contribute to the project with, Southwest Tennessee Community College as the coordinating and lead institution for this effort:
  1. Leasing the Facility from Fayette County government. The Institutions (SWTCC, U of M, TTC at W, and UT at M) will pay to the Owner a pre-determined annual lease of a total of \$175,000 annually for a minimum of ten years.

- 2. Staffing, managing, and coordinating all activities at the new Facility, including providing an on Campus Coordinator for the duration of the occupancy of the facility.
- 3. Assuming financial responsibility for all utility charges, including gas, electric, telephone, and data lines incurred during the course of this occupancy of the facility, after assuming administrative control of the Facility. All equipment, materials, machinery, hardware/software provided by the institutions for this purpose shall remain the property of the institutions, and may be removed from the Facility at the completion of termination their occupancy of the facility.
- 4. Equipping, managing, and coordinating all programs and activities located in the new Facility. All equipment, machinery, hardware/software provided by the institutions for this purpose shall remain the property of the institutions and may be removed from the Facility at the completion of the occupancy of the facility.
- 5. Assuming the daily janitorial activities of the Facility after assuming administrative control of the Facility. All equipment, materials provided by the institutions for this purpose shall remain the property of the institutions and may be removed from the Facility at the completion of the occupancy of the facility.
- c. The Parties further agree on the following conditions concerning both parties:
  - 1. The Facility will be the sole property of Fayette County and will be named the Fayette County Higher Education Center, or other name as designated by the Fayette County Commission.
  - 2. Southwest Tennessee Community College and Fayette County Government will, to their fullest ability, encourage, promote, and recruit students to attend and study at the Higher Education Facility.
  - 3. The timeline concerning contracts and agreements will follow thus:
    - a. All parties will sign this Memorandum of Understanding.
    - b. Fayette County will solicit the cooperation and financial participation of public and private donors.

- c. Fayette County Commission will have the option, at its sole discretion, to fund, obligate debt, and raise the needed funds for the project.
  - d. Southwest will be the lead institution and coordinate facility use.
  - e. Fayette County will coordinate the design of the facility with an architect firm, which will be chosen with consultation of the Institutions.
4. This agreement signifies a commitment by all the signed parties to move forward with the project and each party is hereby relying on the other as they move forward. Each party shall keep the other signed parties informed of their individual progress.
  5. This agreement anticipates the receipt of donations and grants by the Owner to cover the projects costs not covered by the Institutions. The Fayette County Commission retains the discretion to move forward with the project, or abandon the project, if the needed funds are not found.

IN WITNESSETH WHEREOF, the parties have by their duly authorized representatives set their signature.

FAYETTE COUNTY

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

BY: \_\_\_\_\_

BY: \_\_\_\_\_

COUNTY MAYOR

PRESIDENT

UNIVERSITY OF MEMPHIS

UNIVERSITY TENNESSEE @ MARTIN

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TENNESSEE TECHNOLOGY CENTER @ WHITEVILLE

BY: \_\_\_\_\_

DIRECTOR

TENNESSEE BOARD OF REGENTS, OFFICE OF THE VICE-CHANCELLOR

BY: \_\_\_\_\_ VICE CHANCELLOR FOR  
TECHNOLOGY CENTERS

Chairman Taylor introduced a resolution from the Board of Education to provide funding for building a new school in an amount not to exceed \$18,000,000, but no action was to be taken on it right now. The minutes just need to reflect that it was presented.

There were no reports from the Sheriff's Department, Juvenile Court, The Board of Public Works, Trustee, or Planning and Development.

Dr. Cedrick Gray reported for the Board of Education stating that he would file a comprehensive report in January, after the end of the first semester covering the academic progress for the period. He stated that preliminary tests look good. Commissioner Leggett asked Dr. Gray if a two story elementary school was a good idea in his opinion. Dr. Gray stated that it was very common in the Memphis City Schools and Shelby County School System, and that this type building is conducive to the location that has been chosen. Dr. Gray said that he would present a power point presentation in January which would explain where the Board of Education is regarding some of these decisions. A great deal of discussion followed regarding the design and cost of the school. Dr. Gray stated that the Board was committed to pinching every penny. Also discussed was the possibility of sharing a driveway with the Department of Public Works currently located on that property. Commissioners were assured that everything is still in the planning stage at this point. Chairman Taylor suggested that the Joint Advisory Council which was established for the purpose of gathering information regarding the desegregation lawsuit, and is made up of four school board members and four county commissioners, meet with Dr. Gray, along with representatives from the City of Somerville, to get an understanding of where the project now stands. Perhaps this will answer questions from both sides, even if they meet only once.

Commissioner Wilson then reported for the Development Committee, stating they had met on November 8, 2010. The Committee had elected Commissioner Howard as co-chairman. They also discussed the speed limit resolution for Cedar Subdivision and the zoning resolutions already discussed in this meeting. The Committee also discussed a budget amendment request for the Public Works Board, which they forwarded to the Budget Committee with recommendation for approval.

Commissioner German reported for the Health and Welfare Committee, stating that the committee met on November 8, 2010. The Committee discussed several items, including the nomination of Commissioner Steve Reeves to the Agricultural Board. They also discussed the fee for disposing of tires at the landfill. The County is coming out in the hole on the disposal of tires, and the fees need to be increased. A resolution will be presented at the next meeting recommending a fee increase to \$100 per ton to cover the County's expenses. The Committee also heard a proposal for the County employee's health insurance by representatives Will Fuisseil and Stan Addison who are with the insurance department at the Bank of Fayette County. Several employees were present in the audience, and after some discussion the matter was tabled until November 15, 2010, for more information. On November 15, 2010, the Committee met again and discussed further options for the health plan. The Committee then moved to send the plan to the Budget Committee with no recommendation for approval.

Chairman Taylor addressed the insurance issue, stating that no action could be taken at this time. He stated that changing the insurance carrier could possibly save the county \$60,000, but the plan had not been completely worked out in time. He feels that in June or July of next year the Commission should begin working on a similar plan to see if it can be worked out for next year. Commissioner German thanked Will Fuisseil and Stan Addison for their time spent working on the plan and presenting it to the different committees. He stated that the committee was not going to give up on securing a better plan for county employees.

The Personnel Committee did not meet.

Commissioner Anderson reported for the Criminal Justice and Public Safety Committee, stating that the Committee met on November 9, 2010. Among the topics discussed at the meeting was information regarding the discharge of firearms in the Metro Farms Subdivision. Evidence was presented that an attorney general's opinion allows the Sheriff's Department to enforce safe handling of weapons, so the Committee recommended no change to the current regulations. Chief Jerry Ray gave a report on the current status of the fire department and its goals for the future. Oakland Fire Chief Rudy Doyie asked that the County replace a tanker that the County gave the city with a new or

used pumper/tanker. Also discussed was the Justice Complex Security System Contract at a cost of \$8,040 yearly. Motion was made to forward this item to the Budget Committee with recommendation for approval. An attorney general opinion was reviewed which stated that courtroom security must be POST certified, which is not currently the case at the Justice Complex. The committee was told that it would take three full time employees to comply with the opinion. Commissioner Kelley was elected vice-chairman of the Committee.

Commissioner Lillard reported for the Education Committee which met on November 9, 2010, and was given an update on the new Edulog software. Dana Pittman gave a presentation on the economics of her study on the location of students. Commissioner Lillard read a list of requirements that he suggested the Commission adopt these before moving forward with funding for a new school. These requirements are as follows:

1. All schools desegregated
2. All schools being utilized at 75-80% of capacity
3. Savings to be set aside annually for the payment on debt of the schools
4. A new school to have an initial build of 600 students with a core for a maximum of 1000 students.

After a great deal of discussion a motion to adopt the proposed list of requirements died. The committee then discussed sending a letter with these suggestions to the school board. The Committee reviewed the draft MOU written by Mayor Taylor, and another version written by Ms. Pittman, but no action was taken on the matter. However, at the full Commission meeting Commissioner Anderson moved that the Commission send a letter to the School Board highlighting these issues. The motion was seconded by Commissioner Howard, and passed with a majority of Commissioners voting for the measure. Commissioner Leggett voted "NO".

Commissioner Harris reported for the Budget Committee, which met on November 9, 2010. The Committee discussed using Morgan Keegan as the bond counsel and moving forward with scheduling a meeting.

Commissioner Harris also moved that the General Fund budget amendment be approved as follows. The motion was seconded by Commissioner Brewer and passed unanimously.

15.3.6.2

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 23<sup>rd</sup> day of November, 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 10/11  
November, 2010

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
57100 <u>Agriculture Extension Service</u>		
335 Maint. & Repairs Building	\$ 900.00	
399 Other Contracted Services		<u>\$ 900.00</u>
Subtotal-57100	\$ 900.00	\$ 900.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$ 900.00	\$ 900.00
Prior Estimated Expenditures		\$12,968,137.00
Total Estimated Expenditures this Amendment		\$12,968,137.00
Projected Fund Balance before Amendment		\$ 1,351,981.00
Change in Fund Balance this Amendment		\$ 00.00
Estimated Ending Fund Balance as of June 30, 2011		\$ 1,351,981.00

Commissioner Harris moved that the General Fund budget amendment amending the Drug Fund be approved. The motion was seconded by Commissioner Seals and passed unanimously as follows:

**RESOLUTION**

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 23<sup>rd</sup> day of November, 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 Drug Fund #122 Budget Amendment be amended in the following words and figures, to wit:

**COUNTY DRUG FUND  
BUDGET AMENDMENT  
F/Y 10/11  
November, 2010**

<u>Adjustment to Revenue Account:</u>	INCREASE	DECREASE
42910 Proceeds from Confiscated Property		<u>\$100,271.07</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT:</b>		<b>\$100,271.07</b>
 <u>Adjustment to Fund Balance:</u>		
39000 Undesignated Fund Balance		<u>\$ 49,728.93</u>
<b>TOTAL INCREASE/DECREASE TO FUND BALANCE:</b>		<b>\$ 49,728.93</b>
 <u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>54150 Drug Enforcement</u>		
790 Other Equipment	<u>\$150,000.00</u>	
Subtotal-54150	\$150,000.00	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$ 150,000.00</b>	
Prior Estimated Expenditures		\$ 94,000.00
Total Estimated Expenditures this Amendment		\$ 244,000.00
Projected Fund Balance before Amendment		\$ 189,902.00
Change in Fund Balance this Amendment		\$ 49,728.93
Estimated Ending Fund Balance as of June 30, 2011		\$ 140,173.07

Commissioner Harris moved that the Public Works budget amendment be approved. The motion was seconded by Commission Oglesby and passed unanimously as follows:

## 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  
WAYNE BURCH

WESLEY PARKS  
RUSSELL WICKER  
JIM SMITH, Superintendent

### BUDGET AMENDMENT NO.1

### 2010-2011 HIGHWAY FUND 131

<u>EXPENDITURES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
 <u>62000 HWY. &amp; BR. MAINT.</u>			
327 Freight Expenses	\$105,000.00		\$ 197,000.00
Net Change 62000:	\$105,000.00		\$ 1,492,176.00
 <u>65000 OTHER CHARGES</u>			
506 Liability Insurance		\$ (2,454.00)	\$ 137,546.00
Net Change 65000:		\$ (2,454.00)	\$ 216,046.00
 <u>66000 EMPLOYEE BENEFITS</u>			
205 Employee Insurance		\$ (21,000.00)	\$ 253,000.00
513 Worker's Comp.		\$ (3,322.00)	\$ 139,078.00
Net Change 66000:		\$ (24,322.00)	\$ 628,578.00

<u>EXPENDITURES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
<u>68000 CAPITAL OUTLAY</u>			
705 Bridge Construction	\$ 20,000.00		\$ 120,000.00
728 State Aid Projects	\$ 50,000.00		\$ 350,000.00
791 Other Construction		\$ (105,000.00)	\$ 870,000.00
Net Change 68000:		\$ (85,000.00)	\$ 1,540,000.00
<u>91200 HWY. CAPITAL PROJ.</u>			
799 Other Capital Outlay		\$ (43,224.00)	\$ 197,776.00
Net Change 91200:		\$ (43,224.00)	\$ 197,776.00
<b>NET CHANGE EXPENDITURES:</b>	<b>\$105,000.00</b>	<b>\$ (105,000.00)</b>	<b>NO CHANGE</b>

Commissioner Harris moved that the Justice Complex Security Contract be approved at a cost of \$8040 yearly. The motion was seconded by Commissioner Kelley and passed unanimously.

Commissioner Harris then moved that the City of Somerville be allowed to use the Courtroom at the Courthouse for City Court. It would be needed three days per month on Tuesdays during the day time hours. Commissioner Wilson seconded the motion. After some discussion Commissioner Anderson moved to table the matter until the January meeting. That motion was seconded by Commissioner Kelley, but failed on a majority vote. The original motion was then amended by Commissioner Lillard to charge the City a fee of \$50 per meeting, and was seconded by Commissioner Oglesby. This motion and amendment passed on a majority vote.

Commissioner Harris stated that during the Budget Committee's regular monthly meeting, the committee had elected Commissioner German as vice-chairman.

Commissioner Leggett moved to cancel the December meeting of the County Commission. The motion was seconded by Commissioner Kelley and passed unanimously.

RESOLUTION TO CANCEL DECEMBER 2010 COUNTY COMMISSION MEETING  
FOR FAYETTE COUNTY

WHEREAS, *Tennessee Code Annotated*, §§ 5-5-104, permits counties, upon a majority vote of their respective county legislative bodies, to enact a resolution stipulating the time, day and place of their county legislative body's regular meeting; and,

WHEREAS, Fayette County is required to have at least four meetings per year, and has fulfilled the requirement;

WHEREAS, the December Fayette County Commission meeting would occur during the busy holiday season surrounding Christmas and New Year's;

WHEREAS, there being no urgent business of the Fayette County Commission, or business that cannot be resolved by a special called meeting of the Fayette County Commission;

NOW, THEREFORE, BE IT RESOLVED by the county legislative body of Fayette County that the December 28, 2010 meeting of the Fayette County Commission is cancelled.

Adopted this 23<sup>rd</sup> day of November, 2010.

Chairman Taylor stated that Fayette County Animal Rescue had filed all the reports that were required for the dispersal of the funds allotted to them in the annual budget for the fiscal year 2010-2011, so a check would be sent to them in the near future.

With no further business before the Board Commissioner Logan moved that the meeting be adjourned. The motion was seconded by Commissioner Brewer, and passed unanimously.

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Rhea Taylor, County Mayor

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Sue Culver, County Clerk