

FAYETTE COUNTY LEGISLATIVE BODY

APRIL 24, 2012

**BE IT REMEMBERED** that the Fayette County Legislative Board met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 24<sup>th</sup> day of April, 2012. 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, Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Lee "Sissy" Dowdle, Willie German, Ronald Harris, Reggie Howard, Judy Karcher, Bill Kelley, Terry Leggett, David Lillard, Sylvester Logan, Claude Oglesby, Steve Reeves, Ray Seals, Myles Wilson, and Larry Watkins.

A quorum was declared with nineteen 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 to approve the minutes from March 23, 2012. The motion was seconded by Commissioner Logan and approved unanimously by the Board.

Commissioner Harris moved that the following be approved at notaries public: Nicholas D. Hubbard, Amanda Hungerford, Janet A. Jaeger, Dorothy A. Payne, Carla Poindexter, and Lathan E. Sowell. The motion was seconded by Commissioner Oglesby and passed unanimously.

Chairman Taylor stated that the financial statements are in Commissioners' packets and any questions should be addressed to the appropriate official.

Chairman Taylor then reported for the County Mayor's Office. He stated that he had packets for Commissioners from the Morman Church and that they could be picked up following the meeting. He stated that in the next month he would be bringing a proposal to the Development Committee to work with the City of Piperton in bringing a warehouse development to the area. It would bring needed employment to the area, and would require some "out of the box" thinking, but would bring revenue to the county. The Chairman also introduced the "Leadership Fayette" class in attendance and congratulated the members. Commissioner Howard asked about Moody's bond rating for the county, which he stated is good, but has a negative outlook. He questioned what could be done to improve the negative outlook on the report. The Mayor stated that it was because of the fund balance, which has been dropping over the last few years. Once the fund balance can be built up and remain stable the negative outlook will be removed.

There were no reports from the Sheriff's Department, Board of Education, Juvenile Court, Trustee's Office, or Planning and Development. Jim Smith of Public

Works stated that the restoration of the Gervasi's property that was used for a temporary road when the only entrance to Belle Meade subdivision was flooded and the culvert was washed out is in progress and is nearing completion.

Commissioner Wilson reported for the Development Committee which met on April 9, 2012, The first item discussed by the Committee was concerning railroad easements. The City of Oakland is interested in building a greenway along the old railroad property. The committee discussed placing a deadline on the transfer of the property back to the original property owner, and if the owner does not respond within the time limit the property would go back to the City of Oakland to be used as part of the Greenway project. Commissioner Wilson then moved that after November of this year a deadline of six months be put in place to allow owners to respond. Commissioner Dowdle seconded the motion which passed unanimously.

Commissioner Wilson also stated that Commissioner Howard had introduced a resolution to the Committee regarding "Agenda 21". The Committee voted to bring it to the full Commission. Commissioner Wilson yielded to Commissioner Howard to shed some light on the Resolution which has already been passed by the State Senate and House of Representatives. Commissioner Howard moved that the resolution be approved as follows. After a second by Commissioner Leggett the motion was passed unanimously by the Board.

**WHEREAS**, the United Nations Agenda 21 is a comprehensive plan of extreme environmentalism, social engineering, and global political control that was initiated at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, in 1992: and

**WHEREAS**, the United Nations Agenda 21 is being covertly pushed into local communities throughout the United States of America through the International Council of Local Environmental Initiatives (ICLEI) through "sustainable development" policies such as Smart Growth, Wildlands Projects, Resilient Cities, Regional Visioning Projects, and other "Green" or "Alternative" projects: and,

**WHEREAS**, this United Nations Agenda 21 plan of radical so-called "sustainable development" views the American way of life, of private property ownership, single family homes, private car ownership, individual travel choices, and privately owned farms; as destructive to the environment; and

**WHEREAS**, according to the United Nations Agenda 21 policy, social justice is described as the right and opportunity of all people to benefit equally from the resources afforded us by society and the environment which would be accomplished by socialist/communist redistribution of wealth; and

**WHEREAS**, according to the United Nations Agenda 21 policy National sovereignty is deemed a social injustice; now therefore be it

**RESOLVED**, the Fayette County Commission recognizes the destructive and insidious nature of United Nations Agenda 21 and hereby exposes to the public and public policy makers the dangerous intent of the plan; and therefore be it further

**RESOLVED**, that the U.S. Government and no state or local government is legally bound by the United Nations Agenda 21 treaty in that it has never been endorsed by the (U.S.) Senate, and therefore be it further

**RESOLVED**, that the federal and state and local governments across the country be well informed of the underlying harmful implications of implementation of United Nations Agenda 21's destructive strategies for "sustainable development" and we hereby endorse rejection of its radical policies and rejection of any grant monies attached to it, and therefore be it further

**RESOLVED**, that upon approval of this resolution that the Fayette County Commission shall deliver a copy of this resolution to all 95 Counties in the state of Tennessee, Senator Dolores Gresham, Representative Barrett Rich, and Governor Bill Haslam. We respectfully ask Senator Gresham and Representative Rich to share this Resolution with their respective chambers.

Commissioner German reported for the Health and Welfare Committee, which met on April 9, 2012. The first item of business was to review the monthly ambulance service report, which he highlighted for the Commission. Also the paramedic/EMT ratio was discussed. Right now there are 14 paramedics and 4 EMT's on the Ambulance service. Anyone who finishes paramedic school will not automatically be raised to the paramedics pay grade. The County Commission will have to approve any increases. The Committee also discussed nominees for the Agriculture Committee. There are two members whose terms are up, Gordon Tomlin Jr. and John Sidney Sullivan, but both are eligible and willing to serve another term. Commissioner German moved to approve their reappointment. The motion was seconded by Commissioner Leggett and passed unanimously.

The Personnel and Education Committees did not meet.

Commissioner Anderson reported for the Criminal Justice and Public Safety Committee which met on April 10, 2012, and discussed the fire contract update. Mayor Taylor reported that he had submitted a proposal to Oakland's Mayor Ferguson for fire protection outside of his city limits, details of which included \$25,000 annually to respond into the County, CPR and First Responder recertifications would be offered in County classes for free, with classes being set up on a regular basis, New first responders, up to 10 annually, may attend County classes for free, including books and supplies, Oakland First Responders who are EMT's and Paramedics can participate in the inservice training at the Fayette County Ambulance Department. As currently is the case in your fire district, you would bill for any insurance/fee in addition to this. Oakland shall be able to bill for responding to a fire call in an area that Oakland is not "first in" in the the run order and no response comes from a department higher on the run order. County would respond into the city as is currently being done. This agreement would be reviewed yearly by May 1<sup>st</sup>. A similar proposal has been forwarded to the town of Somerville, and a meeting is scheduled with the Town of Braden.

The Committee also discussed Chief Jerry Ray's request to allow funds collected for county fire department calls to be used for vehicles and equipment as well as

buildings. Commissioner Anderson moved to approve the request. The motion was seconded by Commissioner German and passed unanimously as follows:

**WHEREAS**, The Fayette County Fire Department bills for certain charges and deposits them into a reserve account; and

**WHEREAS**, the reserve account was set up to only be used for building improvements; and

**WHEREAS**, The collection of these funds are low enough and other uses are great enough that a request is made to broaden their use;

**NOW, THEREFORE, BE IT RESOLVED** by the County Commission of Fayette County that the Fire Department Billing Revenue which is deposited into Fund 101-34460 Fire Department Site Development, be allowed to be used for buildings and for vehicle and equipment purchases.

Adopted this 24<sup>th</sup> day of April, 2012.

The Budget Committee did not meet.

Under new business the Mayor distributed budget packets for 2012-2013 along with a schedule for meeting and passing the budget for the coming year. He pointed out that this is the earliest he has ever received a school budget.

The railroad Committee met on April 23, 2012 and reviewed a request from Attorney Bill Rhea and County Attorney Richard Rosser to Quitclaim deed on behalf of the County the railroad property belonging to Wayne and Mary Lou Thomas back to them. Motion was made to grant approval by Commissioner Reeves, seconded by Commissioner Karcher, and passed with a vote of 18 "YES" and 1 "NO". Commissioner Anderson voted no.

QUITCLAIM DEED

THIS INDENTURE MADE and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2012,  
by and between FAYETTE COUNTY, TENNESSEE acting by and through RHEA TAYLOR,  
County Mayor, and SUE CULVER, County Clerk, and pursuant to the adoption of the motion made  
by Commissioner Lillard and seconded by Commissioner German and adopted by the Fayette  
County Commission at its regular session of said county legislative body held in the Bill G. Kelley  
Criminal Justice Complex in Somerville, Tennessee on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and of  
record on the minutes of said body in Minute Book \_\_\_\_ Page \_\_\_\_\_, parties of the first part, and  
ALBERT WAYNE THOMAS and wf. MARY LOU THOMAS, party of the second part.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) cash in hand  
paid by the parties of the second part to the parties of the first part, and other good and valuable  
consideration, the receipt and sufficiency of which is hereby acknowledged, the said parties of the  
first part has bargained and conveyed and does hereby release, relinquish, quitclaim, transfer and  
convey all of his right, title and interest unto the party of the second part, their heirs and assigns, in  
and to that certain real estate A PARCEL OF LAND LOCATED SOUTH OF THE TOWN OF  
OAKLAND, TENNESSEE AND WEST OF STATE HIGHWAY NO. 196, Civil District 7,  
FAYETTE COUNTY, TENNESSEE, to wit:

Description of part of the abandoned right of way of the Paducah and Memphis  
Branch of the Nashville Division of the railroad between Jackson and Cordova,  
in the County of Fayette, between Valuation Stations 9266+58 and 10747+90  
recorded in Book 155, Page 710 and being more particularly described as follows:

Beginning a point forming the intersection of the west line of the Albert Wayne Thomas  
and wife, Mary Lous Thomas 30.94 acre tract (total) as found in Deed Book 345, Page  
669, and the south margin of the old L and N Railroad right-of-way (100 feet wide-  
now abandoned), said point also being the southwest corner of the parcel herein  
described; FROM SAID POINT OF BEGINNING in a Northwardly direction 50  
feet +/-, along the west line of the said Thomas tract, to a point in the centerline of  
said old Railroad right-of-way, the northwest corner of the parcel herein described,  
THENCE in a northeastwardly direction 913.8 feet +/- along the centerline of the  
said old Railroad right-of-way to a point in the west margin of State Highway 196  
(Chulahoma Road), the northeast corner of the parcel herein described; THENCE  
in a Southwardly direction 50 feet +/-, along the west margin of said Highway, to a  
point in the south margin of said old Railroad right-of-way, the southeast corner of  
the parcel herein described; THENCE in a southwesterly direction 913.8 feet +/-,  
along the south margin of said old Railroad right-of-way, THE POINT OF  
BEGINNING and containing 1.05 acres (by calculation of February 07,2012).

This being 1.05 acres (by calculation) out of what has been designated in the Fayette  
County Tax Assessor's Office as Parcel No. 003.00 on Tax Map No. 102.

The herein described 1.05 acres (by calculation) is part of that same real estate as conveyed to Albert Wayne Thomas and wife, Mary Lou Thomas as of record in the Register's Office of Fayette County, Tennessee in Deed Book 345, Page 669. A CONTROVERSY HAS ARISEN IN THE COUNTY OF FAYETTE WITH REGARD TO THE FEE SIMPLE OWNERSHIP OF THE ONE HUNDRED (100) FEET WIDE RAILROAD RIGHT-OF-WAY ABANDONED BY THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY IN 1968. THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY CONVEYED TO FAYETTE COUNTY ANY INTEREST THAT IT MIGHT HAVE TO SAID RIGHT-OF-WAY BY A QUITCLAIM DEED DATED AUGUST 19, 1968 AS OF RECORD IN THE REGISTER'S OFFICE OF FAYETTE COUNTY, TENNESSEE IN DEED BOOK 155, PAGE 710. THE GRANTEE IN THIS QUITCLAIM DEED OBTAINED TITLE TO A CERTAIN PARCEL OF REAL ESTATE WHICH IS MORE PARTICULARLY DESCRIBED IN DEED BOOK 345, PAGE 669, IN SAID REGISTER'S OFFICE. THE ABOVE MENTIONED ABANDONED RAILROAD RIGHT-OF-WAY IS CONTAINED WITHIN THE BOUNDS OF OR JOINS THE ABOVE REFERENCED DEED OR DEEDS OF THE GRANTEE. TO QUIET TITLE TO THE ABOVE MENTIONED ABANDONED RIGHT-OF-WAY. THE FAYETTE COUNTY COMMISSION VOTED TO SELL ANY INTEREST THAT IT MIGHT HAVE IN THE ABOVE MENTIONED ABANDONED RIGHT-OF-WAY TO THE ADJACENT LAND OWNERS TO SAID RIGHT-OF-WAY. THIS SALE WAS APPROVED BY THE FAYETTE COUNTY COMMISSION FOR THE APPROVAL OF THIS TRANSACTION; SEE THE MINUTES OF THE FAYETTE COUNTY COMMISSION FOR OCTOBER 23, 2007 AS OF RECORD IN THE COUNTY CLERK'S OFFICE OF FAYETTE COUNTY, TENNESSEE IN MINUTE BOOK 6 PAGES 592 & 593.

WITNESS the signature of the parties of the first part on the date first above written.

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RHEA V. TAYLOR  
Fayette County Mayor

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SUE CULVER  
County Clerk

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

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Rhea Taylor, County Mayor

ATTEST:

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Sue Culver, County Clerk