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COUNTY LEGISLATIVE BODY

February 28, 1995

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee on the 28th day of February, 1995, same being the fourth Tuesday in said month.

Present and presiding the Honorable Jim Voss, also present, Dell T. Graham, County Clerk, and the following County Commissioners: John W. Arnett, Charles D. Brewer, Sr., Odis Cox, Thomas H. Fowler, Willie L. German, Jr., Ronald R. Harris, William Hayslett, David Kelley, Alonzo Morman, Sr., Calvin Moore, Jr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Gordon Tomlin.

With a quorum being present, the following proceedings were had and entered of record, to-wit:

Motion was made by Commissioner Kelley, seconded by Commissioner Robison and unanimously carried by the Board approving the minutes of the January 1995 meeting.

At this time Tod Williams with the Planning Commission presented and reviewed the rezoning request from the Estate of Agnes Whitworth seeking rezoning of property in Civil District 7 from R-3 to B-3.

Chairman Voss opened the floor for public comments in favor of and in opposition of the rezoning request. With no comments being offered, the floor was closed for public hearing.

Motion was then made by Commissioner Kelley, seconded by Commissioner Harris and unanimously carried by the Board, adopting the following Resolution:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Petition of Estate of Agnes Whitworth, by William A. Whitworth, Jr., to rezone a certain tract situated in the 7th Civil District of Fayette County, Tennessee, from R-3 to B-3, for the purpose of establishing a site for future commercial development along a 4-lane highway be, and the same is hereby, approved.

## TRACT 1:

BEGINNING at the intersection of the west line of the Whitworth property and the south line of U.S. Highway 64 as widened, said point being 5,899.02 feet west of the intersection of said south line of U.S. Highway 64 with the west line of Highway 196 as measured along said south line; thence along the south line of said Highway 64 the following 7 courses: (1) north 76 28'24" east 35.57 feet, (2) north 76 49'53" east 200.06 feet, (3) north 73 58'01" east 200.06 feet, (4) north 61 21'47" east 103.08 feet (5) north 75 23'57" east 300.0 feet, (6) north 85 19'31" east 203.04 feet, (7) north 77 39'09" east 163.14 feet; thence south 11 37'13" east leaving said highway 1,133.49 feet to a point; thence south 78 22'47" west 1,396.56 feet to a point on the said west line of the Whitworth property; thence north 1 16'17" west along said west line 1,106.22 feet to the point of beginning containing 33.40 acres.

## TRACT 2:

BEGINNING at a point on the south line of U.S. Highway 64 a distance of 4,634.07 feet west of the intersection of said south line with the west line of Highway 196: thence along the south line of said Highway 64 the following 5 courses: (1) north 77 39'09" east 172.96 feet, (2) north 76 06'09" east 597.04 feet, (3) north 78 22'47" east 446.31 feet, (4) north 69 50'56" east 101.12 feet (5) north 78 22'47" east 614.97 feet; thence south 0 55'50" east leaving Highway 64 a distance of 1,195.92 feet to a point; thence south 78 22'47" west a distance of 1,708.96 feet to a point; thence north 11 37'13" west a distance 1,134.25 feet to the point of beginning containing 48.40 acres.

## TRACT 3:

BEGINNING at a point on the east line of Highway 196 a distance of 260.66 feet south of the intersection of said east line with the south line of U. S. Highway 64 as widened; thence north 78 22'47" east a distance of 475.54 feet to a point; thence south 0 55'50" east a distance of 920.0 feet to a point; thence south 78 22'47" west a distance of 475.54 feet to a point on said east line of Highway 196: thence north 0 55'50" west along said east line 920.0 feet to the point of beginning containing 9.87 acres.

## TRACT 4:

BEGINNING at a point on the south line of U. S. Highway 64 as widened 479.37 feet east of the intersection of said south line with the east line of Highway 196, as measured along said south line; thence north 78 22'47" east along said south line 531.08 feet to a point; thence north 87 50'31" east along said south line 194.23 feet to a point on the east line of the Whitworth property; thence south 0 44'19" west along said east line 244.80 feet to a point; thence south 78 22'47" west a distance of 721.44 feet to point; thence north 0 55'50" west 275.85 feet to the point of beginning containing 4.44

Mr. Williams then presented the recommendation of the Planning Commission for rezoning of property of Edward J. Carnathan, Agnes Elizabeth W. Carnathan and William A. Whitworth from R-3 to B-3, said property located in Civil District 7.

Chairman Voss then opened the floor to the public for comments in favor of or in opposition of the rezoning request. With no one addressing the board, the floor was declared closed. Motion was then made by Commissioner Kelley, seconded by Commissioner Brewer, and unanimously carried by the Board, adopting the following rezoning Resolution:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Petition of Edward J. Carnathan, Agnes Elizabeth W. Carnathan and William A. Whitworth, to rezone a certain tract identified situated in the 7th Civil District of Fayette County, Tennessee, from R-3 to B-3, for the purpose of establishing a site for future commercial development, be, and the same is hereby, approved.

BEGINNING at a point in the north line of U.S. Highway No. 64 (110.0 feet north of centerline), said point being the southeast corner of the Whitworth tract in the west line of the Norris Grove Doyle tract (Book 209, Page 463); thence south 79 degrees 20 minutes west along the north line of U.S. Highway 64 a distance of 568.37 feet; thence south 89 degrees 14 minutes 37 seconds west along the north line of U.S. Highway No. 64 a distance of 203.26 feet; thence south 79 degrees 02 minutes 02 seconds west a distance of 75.76 feet to the southeast corner of the Eddie Jones tract (Book 200, Page 567); thence north 0 degrees 04 minutes 05 seconds east along the east line of the Jones tract a distance of 343.94 feet to the northeast corner of the Jones tract, the southeast corner of the Annie Bell Morris tract (Book 127, Page 403); thence north 0 degrees 23 minutes 28 seconds west along the east line of the Bell tract a distance of 345 feet; thence north 89 degrees 36 minutes 32 seconds east a distance of 1110.69 feet to the northwest corner of the G. R. Chandler tract (Book 200, Page 605); thence south 41 degrees west along the west line of the Chandler tract a distance of 18.80 feet; thence south 33 degrees west along the west line of the Chandler tract and the west line of the Doyle tract a distance of 220.0 feet; thence south 19 degrees 31 minutes 39 seconds west along the west line of the Doyle tract a distance of 247.21 feet; thence south 22 degrees west along the west line of the Doyle tract a distance of 154.18 feet to the point of beginning, containing 13.8668 acres of land.

Mr. Williams then presented the recommendation of the Planning Commission for rezoning of property of Charles Henley located in Civil District 8 from R-3 to B-3.

Chairman Voss then opened the floor to the public for comments in favor of or in opposition to the rezoning request. With no comments being offered, motion was made by Commissioner Sullivan, seconded by Commissioner Fowler, and unanimously carried by the Board, adopting the following rezoning Resolution:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Petition of Charles Henley to rezone a certain tract identified situated in the 8th Civil District of Fayette County, Tennessee, from R-3 to B-3, for the purpose of expanding existing business district to provide sites for commercial development be, and the same is hereby, approved.

## TRACT 1:

BEGINNING at a point on the south right-of-way line of U.S. Highway 64, said point being 215. feet west of the point of intersection of the centerline of the centerline of Warren Road with the south right-of-way of U.S. Highway 64, from said point of beginning South 77 35'25" West 100.0 feet to a point, thence south 440.0 feet to a point, thence North 80 23'41" East 100.0 feet to a point, thence North 0 20'00" West 444.53 feet to the point of beginning and containing 1.0 acre.

This being 1.0 acre out of a 130.0 acre tract owned by Charles Henley in Civil District #8 of Fayette County, Tennessee identified as part of Parcel #30, Tax Map #88 in the Office of the Fayette County Assessor of Property.

## TRACT 2:

BEGINNING at a point on the south right-of-way of U.S. Highway 64, said point being 315.0 feet west of the point of intersection of the centerline of Warren Road with the south right-of-way of U.S. Highway from said point of beginning South 80 23'41" West 123.0 feet to a point, thence South 440.0 feet to a point, thence North 80 23'41" East 123.0 feet to a point, thence North 440.0 feet to the point of beginning and containing 1.24 acre.

This being 1.24 acre out of a 130.0 acre tract owned by Charles Henley in Civil District #8 of Fayette County, Tennessee identified as part of Parcel #30, Tax Map #88 in the Office of the Fayette County Assessor of Property.

## TRACT 3:

BEGINNING at a point being 204.0 feet south of the intersection of the south right-of-way of U.S. Highway 64 and the centerline of Warren Road from said point of beginning South 255.0 feet to a point, thence South 00 23'41" West 216.0 feet to a point, thence North 00 20'00" West 268.96 feet to a point, thence North 84 00'00" East 215.0 feet to the point of beginning and containing 1.28 acre.

This being 1.28 acre out of a 130.0 acre tract owned by Charles Henley in Civil District #8 of Fayette County, Tennessee identified as part of Parcel #30, Tax Map #88 in the Office of the Fayette County Assessor of Property.

Motion was made by Commissioner Sullivan, seconded by Commissioner Oglesby, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Margaret B. Browning, Kathi Crawford, James F. Goodwin; District 2: Brenda S. Springer; District 4: Judy B. Russell; District 12: Patricia Ann Tate.

Printed reports on Combined Schedule of bonds and notes payable, and a combined summary financial statement were before the Commissioners for their review.

Chairman Voss addressed the Board concerning the status of the proposed Justice Center. He reminded the Commissioners of the item included in their agenda suggesting their recommendation for location of this facility.

Courthouse Committee with the Sheriff had met with suggestions and recommendations for the study. Chairman Voss also noted that he did not feel that a meeting facility for this Board of Commissioners should be included in the newly considered building.

At this time Chairman Voss addressed the Board with a Resolution, the intent to clarify a Resolution adopted by this Body on June 28, 1994. Resolution as presented in part "clarifies the intention and meaning of the Resolution adopted June 28, 1994, to exclude any museum site and in particular, the 'Rhea Apartments'." Motion was made by Commissioner Kelley, seconded by Commissioner Sullivan to adopt this Resolution as presented. After much discussion with the Commissioners and concerned citizens, the following roll call vote was taken: Voting YES: Commissioners Fowler, Harris, Kelley, Moore, Morris, Oglesby, Robison, Sullivan and Thomas. (9).

Voting NO: Commissioners Arnett (changed from "P" vote), Brewer, Cox (changed from "P" vote), German, Taylor, Wilson and Yancey (7).

Passed, with no vote: Commissioners Hayslett and Morman. (2)

Thereupon, said motion to adopt a new Resolution failed.

Chairman Voss then brought to the attention of the Board Members the Committee Meeting Schedule included in their packet for their convenience.

Chairman Voss then reviewed the proposed location of the Dog Pound at the Industrial Park showing the location with the building to be a block building with metal sides complying with other buildings in the park.

Reports were called for, but none given for the County Development Committee, Election Committee, Health & Welfare Committee and the Criminal Justice & Public Safety Committee. However, Commissioner Kelley did announce that the Emergency Management was holding a severe weather exercise on Thursday, March 9th, 1995, and the number of Commissioners present at this exercise affects the points issued on a state level. He also advised that after the meeting the Emergency Management Staff would be set in the basement to take pictures for Commissioner ID cards.

Chairman Voss then announced the coming capability on cable T.V. for emergency weather warning to be broadcast at 6:00 on Saturday mornings as a practice warning. There will be weather warning when necessary for cable T.V. covered stations.

At this time Commissioner Harris, Chairman of the Budget Committee, presented the following Resolution amending the General Purpose School Fund, and with the approval and recommendation of the Budget Committee, moved for the adoption of same as follows:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Purpose School Fund #141 Budget Amendment, for the fiscal year ending June 30, 1995 be, and the same is hereby, amended in the following words and figures, to-wit:

EXPLANATION

GENERAL PURPOSE AMENDMENT - FEBRUARY, 1995

- 71100 REGULAR INSTRUCTION PROGRAM  
All HT1 - To budget for salary and matching fringes for teachers for homebound pregnant students. Money to be reimbursed by the state.
- All 21ST - Adjustments being made on monies already budgeted for 21ST century classrooms. More was needed for substitute teacher salaries and fringes used while regular teachers attended workshops. And to show more equipment money being used for 21st century tech. No overall change.
- 72130 OTHER STUDENT SUPPORT  
All JAR - Adjusting Juvenile-at-Risk budget to match approved contract line items. No overall change.
- 72210 REGULAR INSTRUCTION PROGRAM  
To budget travel for Library Internet training. \$845.67 being received from the state and 40.57 local match being budgeted.
- 72310 BOARD OF EDUCATION  
To budget \$2,500 needed for contracted service for superintendent search. Had budgeted more in liability insurance than was actually needed.

FAYETTE COUNTY BOARD OF EDUCATION

GENERAL PURPOSE FUND

FUND 141

FEBRUARY, 1995

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 128 HT1	Homebound Teachers	\$6,000.00	
71100 195 21ST	Substitute Teachers	1,085.00	
71100 201 HT1	Social Security	372.00	
71100 201 21ST	Social Security	67.27	
71100 204 HT1	State Retirement	511.00	
71100 212 HT1	Medicare	87.00	
71100 212 21ST	Medicare	15.74	
71100 429 21ST	Instructional Supplies and Materials		\$1,168.01
71100 722	Regular Instruction Equipment		1,500.00
71100 722 21ST	Regular Instruction Equipment	1,500.00	
	TOTAL:	\$9,638.01	\$2,668.01
72000	SUPPORT SERVICES		
72130	OTHER STUDENT SUPPORT		
72130 204 JAR	State Retirement		\$1.00
72130 307 JAR	Communications	\$61.00	
72130 355 JAR	Travel		96.00
72130 513 JAR	Workers' Compensation Insurance	36.00	
	TOTAL:	\$97.00	\$97.00
72210	REGULAR INSTRUCTION PROGRAM		
72210 355	Travel		\$40.57
72210 355 LIB	Travel	\$875.14	
	TOTAL:	\$875.14	\$40.57
72310	BOARD OF EDUCATION		
72310 399	Other Contracted Services	\$2,500.00	
72310 506	Liability Insurance		\$2,500.00
	TOTAL:	\$2,500.00	\$2,500.00
	GRAND TOTAL:	\$13,110.15	\$5,305.58

Total Increase: \$7,804.57

Revenue:	46590 HTL Other State Education Funds	\$6,970.00
	46590 LIB Other State Education Funds	<u>834.57</u>
	Total:	\$7,804.57

Revenue:	Prior Total Available Funds	\$15,633,703.70
	Total Increase This Amendment	7,804.57
	Adj. to Beginning Balance (EXT Pgm)	<u>(104.20)</u>
	Total Available Funds This Amendment	\$15,641,404.07

Expenditures:	Prior Total Estimated Expenditures	\$14,885,755.41
	Total Increase This Amendment	<u>7,804.57</u>
	Total Estimated Expenditures This Amendment	\$14,893,559.98

Motion for adoption was seconded by Commissioner Oglesby, and unanimously adopted by the Board.

Commissioner Harris then presented, and with the recommendation of the Budget Committee, moved for the adoption of the following Resolution concerning the Public Works Solid Waste Fund No. 116:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Public Works Solid Waste Fund #116 Budget Amendment for the fiscal year ending June 30, 1995 be, and the same is hereby, amended in the following words and figures, to-wit:

RE: Solid Waste Fund 116, 1994-1995  
Budget Amendment # 1

The following amendment is respectfully requested in the subject fund in order to prepare for the anticipated cost of a Solid Waste building:

<u>Item</u>	<u>Amendment</u>	<u>Amended Total</u>
55732 Convenience Centers		
399 Other Contracted Services	- \$ 30,000	\$ 20,000
724 Site Development	- 15,000	50,000
706 Building Construction	<u>+ 95,000</u>	<u>270,000</u>
Total 55732 Convenience Centers	+ 50,000	370,000
55754 Landfill		
724 Site Development	- 50,000	41,000
Total 55754 Landfill	<u>- 50,000</u>	<u>41,000</u>
Total Solid Waste Expenditures & Transfers	- 0 -	730,488

Motion for adoption was seconded by Commissioner Kelley, and unanimously carried by the Board adopting the Resolution as presented.

Commissioner Harris then presented the following proposed amendment to the County General Fund, and with the recommendation of the Budget Committee, moved for the adoption of same:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the County General Fund #101 Budget Amendment, for the fiscal year ending June 30, 1995 be, and the same is hereby amended in the following words and figures,

COUNTY GENERAL FUND  
BUDGET AMENDMENT  
FY 94/95  
February, 1995

Total Funds This Amendment	\$5,069,704.07
<u>Adjustments to Expenditure Accounts:</u>	
52400 <u>County Trustee's Office</u>	
106 Deputies	\$+ 4,824.00
188 Temporary/Part-Time Personnel	- 770.00
58600 <u>Employee Benefits</u>	
201 Social Security	+ 369.00
205 Employee and Dependent Health Insurance	+ 706.00
Total Increase This Amendment	\$ 5,129.00
Prior Estimated Expenditures This Amendment	\$4,667,332.00
Total Estimated Expenditures This Amendment	\$4,672,461.00
Estimated Ending Fund Balance as of June 30, 1995	\$ 397,243.07

Motion for adoption was seconded by Commissioner Oglesby, and same was unanimously adopted by the Board.

Having been reviewed and recommended by the Budget Committee, Commissioner Harris presented for approval a renewal and extension of lease agreement and guaranty with Allison Corporation until the year May 31, 2000. Motion to approve was made by Commissioner Harris, seconded by Commissioner Fowler and unanimously carried by the Board, same being as follows:

**NOTICE OF RENEWAL AND EXTENSION OF LEASE AGREEMENT  
AND GUARANTY**

This is to serve as a written Memorandum of the renewal and extension of a certain Lease Agreement and Guaranty dated May 7, 1960 (the "Lease") by and between Fayette County, Tennessee, as Lessor, and the Sommerville Manufacturing Company, Inc. as Lessee, and Salant and Salant, Incorporated, as Guarantor, of record in Book 123, Page 373 of the Register's Office of Fayette County, Tennessee, as previously extended to May 31, 1995 by mesne notices of extension all of which were duly filed in the Register's Office of Fayette County, Tennessee. Allison Corporation, the present tenant, who took by assignment from Fayette Automotive Specialties, Inc. dated October 20, 1989, hereby exercises its option to renew and extend the lease and by this Notice hereby extends such lease to May 31, 2000. This Notice shall, in accordance with Provision 19 of said Lease, serve as Notice of the extension, and shall be duly recorded in the Register's Office of Fayette County, Tennessee.

Fayette County, Tennessee, does, by these presents, reaffirm the Lease, as previously extended (together with all future renewal and extension options contained therein), and confirm that such lease shall be in full force and effect for the renewal period beginning June 1, 1995 and ending May 31, 2000, upon the filing of this Notice with the Register's Office of Fayette County, Tennessee.

IN WITNESS WHEREOF, Fayette County, Tennessee has executed this instrument by causing its corporate name to be hereunto subscribed by its County Executive, and its corporate seal to be affixed hereto and attested by its County Clerk and Allison Corporation has executed this instrument by causing its corporate name to be hereunto subscribed by its President.

Dated:

Fayette County, Tennessee

\_\_\_\_\_  
ALLISON CORPORATION:  
\_\_\_\_\_

Commissioner Harris then presented a Resolution allowing participation and military service credit during peace time for retirement purposes. This having been reviewed by the Budget Committee and having received their recommendation for adoption, Commissioner Harris moved for the adoption of same. Said motion was seconded by Commissioner Sullivan, and same was unanimously carried by the Board adopting the following Resolution:

**Tennessee Consolidated Retirement System**

A RESOLUTION to allow credit in the Tennessee Consolidated Retirement System for certain periods of military service rendered in the armed forces of the United States in accordance with Tennessee Code Annotated, Section 8-34-605

WHEREAS, Tennessee Code Annotated, Section 8-34-605 authorizes a political subdivision participating in the Tennessee Consolidated Retirement System ("the System") to allow its employees to establish retirement credit for certain military service rendered in the armed forces of the United States; and

WHEREAS, said Section allows any such employee who is a member or retired member of the System, who served in the armed forces of the United States at any time from October 15, 1940 through May 7, 1975, to establish retirement credit for such military service on the basis of one (1) day of creditable service for each two (2) days of military service rendered; and

WHEREAS, the member must pay the employee contributions to establish the service based on a contribution rate of 9% which is applied to the member's earnable compensation at the time of the claim or, if not in service at the time of the claim, the member's earnable compensation at termination of employment; and

WHEREAS, Section 8-34-605 further allows any member or retired member of the System who served in the armed forces of the United States during a period of armed conflict, as defined in said Section, to establish retirement credit for such service without charge; and

WHEREAS, credit for the above peacetime and armed conflict military service is conditioned upon the following:

1. The credit cannot be established in any other retirement system;
2. The member was honorably discharged from such military service;
3. The credit shall be granted conditionally upon the member becoming vested; prior to vesting, the credit may not be used to establish any rights under the system; and
4. In no case shall the total amount of retirement credit granted for such military service exceed an aggregate of four (4) years.

NOW THEREFORE, BE IT RESOLVED, that the Fayette County Legislative Body  
(Name of Governing Body)

of Fayette County, Tennessee  
(Name of Employer) hereby authorizes its employees to establish retirement credit in the System for military service rendered in the armed forces of the United States under the above provisions and agrees to accept the associated liability.

The next Resolution presented for adoption by Commissioner Harris was reviewed by the Budget Committee and presented with their recommendation for adoption. This item concerns retirement for Commissioners and presented as follows:

Tennessee Consolidated  
Retirement System

A RESOLUTION to authorize and appropriate funds for an actuarial study of the cost associated with allowing elected city, county or special school district board members to participate in the Tennessee Consolidated Retirement System in accordance with Title 8 Section 34 through 37 of the Tennessee Code Annotated.

WHEREAS, Tennessee Code Annotated Section 8-35-226 provides that members of city or county boards, commissions, committees, and councils and the like, by whatever name known, who are elected by popular vote and whose duties are performed intermittently or periodically for the purposes of fixing rates, issuing permits or licenses, regulating trades or professions, or who serve in an advisory, study or planning capacity and the like, shall be eligible for membership in the Tennessee Consolidated Retirement System under the terms and conditions of said act upon approval by the chief legislative body by a two-thirds (2/3) majority vote, and

WHEREAS, prior to such approval an actuarial study to determine the liability associated with such membership and prior service under said act is required; now, therefore,

NOW, THEREFORE, BE IT RESOLVED, that the \_\_\_\_\_ Legislative Body \_\_\_\_\_ of  
(Name of Governing Body)

\_\_\_\_\_ Fayette County \_\_\_\_\_, Tennessee hereby agrees to pay for the cost of an actuarial study associated with membership and prior service pursuant to Tennessee Code Annotated Section 8-35-226.

Motion for adoption was made by Commissioner Harris, seconded by Commissioner Sullivan, and upon roll call vote, same passed with (17) seventeen "YES" votes, and one "Pass" vote by Commissioner Robison.

Having received the recommendation of the Budget Committee for approval, Commissioner Harris presented and moved for the adoption of the following Resolution Authorizing the Submission of a TIIP Grant Application and Matching Funds:

**RESOLUTION AUTHORIZING THE  
SUBMISSION OF A TIIP GRANT  
APPLICATION AND MATCHING FUNDS**

WHEREAS, the City of Moscow and the Fayette County Chamber of Commerce have worked jointly and diligently towards the recruitment of an industrial prospect willing to develop business in the Moscow - J. B. Burnson Industrial Park; and,

WHEREAS, a commitment to develop has been secured from the said prospect, provided that adequate infrastructure can be put into place to accomodate their needs; and,

WHEREAS, among other infrastructure needs will be a railroad spur tied to the Norfolk-Southern Railway, adjoining the Moscow - J. B. Brunson Industrial Park; and,

WHEREAS, funds are available to aid cities and counties in providing such infrastructure needs as this through the State of Tennessee, Department of Economic and Community Development, by way of a program known as the Tennessee Industrial Infrastructure Program (TIIP); and,

WHEREAS, said TIIP funding is available to local governments on a matching basis, which would be approximately 83% state - 17% county, but the local match would be much higher if applied for by the City of Moscow, rather than Fayette County; and,

WHEREAS, the City of Moscow has agreed to be responsible for providing the local match (\$32,592) for the TIIP Grant, and other related costs, if Fayette County will be the applicant; and,

WHEREAS, the Board of County Commissioners is desirous of improving the local economy through job creation projects such as this;

NOW, THEREFORE, be it resolved by the Board of County Commissioners for Fayette County, Tennessee, meeting in regular session on Tuesday, February 28, 1995 at the Courthouse in Somerville, that the County Executive and County Clerk are hereby authorized to execute a matching grant application and other necessary paperwork related to a Tennessee Industrial Infrastructure Program (TIIP) Grant, for the use and benefit of the City of Moscow, on the industrial project above described. Approved this 28th day of February, 1995

Motion for adoption was seconded by Commissioner Sullivan, and unanimously carried by the Board adopting said Resolution as adopted.

Motion was made by Commissioner Harris, seconded by Commissioner Kelley, and unanimously carried by the Board adopting the following Agreement between the City of Moscow and the County of Fayette for TIIP Grant Administration:

AGREEMENT

This agreement entered into by and between the City of Moscow, Tennessee and The County of Fayette, Tennessee, hereinafter referred to as the City and the County.

WHEREAS, the City of Moscow desires to construct railroad spurs to its J.B. Brunson Industrial Park and seeks available funds under the Tennessee Industrial Infrastructure Program (TIIP); and,

WHEREAS, the County Fayette has a superior ability to pay index of 83% resulting in lower overall costs for the project;

NOW, THEREFORE in consideration of the premises and of the mutual advantages hereto including Economic and Community Development for a grant for the construction of a railroad spur.

The City of Moscow, Tennessee agrees to pay all costs and expenses and be solely responsible for all liability resulting to or from the project and further agrees to hold the County of Fayette harmless from any liability.

The County of Fayette agrees to transfer and convey any interest it may have in the subject project, including easements and accesses to the City of Moscow upon the completion of the project without compensation, other than the City's acceptance of full responsibility for any and all financial indebtedness or liability.

ACCEPTED FOR FAYETTE COUNTY:

Fayette County Executive  
February 28th, 1995

ACCEPTED FOR THE CITY OF MOSCOW

Calvin E. Oliver  
Mayor of Moscow

Feb. 13, 1995

Chairman Voss addressed the Board concerning the recommendation of the Budget Committee and the County Executive's Office regarding repair to an Ambulance unit. It was advised that bids received for repair/replacement parts would be approximately \$35,000.00. A purchase on a new unit would be approximately \$45,000.00. It was the recommendation to decline the bids received and that this matter be included in next year's budget. Motion was made by Commissioner Harris, seconded by Commissioner Kelley, and unanimously carried by the Board taking no action at this time abiding by the recommendation of the Budget Committee.

Having been reviewed by the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board, that all requests for organization funding be reviewed by the County Executive with recommendations to be made to the Budget Committee. Printed request as follows:

RECOMMENDATION

Each year, numerous requests for funding from many various groups and agencies are received by Fayette County. In the past, these requests have been presented to the most appropriate standing committee for consideration.

This recommendation is that all such requests for funding be directed to the County Executive for the following reasons:

1. He can evaluate need, how many people served.
2. He can determine if the County is the best, or among the best, appropriate sources of funding.
3. He can check with other agencies which may be better able to supply the need. i.e. All agencies are not able to maintain a sufficient number of clients to obtain the necessary State or Federal funds needed to properly operate their agency. By combining the census of two or more like service agencies, their funding from State and Federal sources may be enhanced.
4. Verify if the requesting agency is what they represent themselves to be. Check with some of their other funding sources.
5. Evaluate if the request produces the proper return of services to the Citizens of Fayette County.
6. Other considerations as may become necessary.

The County Executive be authorized to screen the requests and determine what the most appropriate action for the Citizens of Fayette County should be.

With the recommendation of the Budget Committee, Commissioner Harris presented and moved for the adoption of the Budget Calendar for the Fiscal Year 1995-96. Said motion was seconded by Commissioner Fowler, and unanimously adopted by the Board.

Having been received by the Budget Committee and received their recommendation for adoption, motion was made by Commissioner Harris, seconded by Commissioner Robison, and unanimously carried by the Board, adopting the following motion as presented concerning employees and raises:

MOTION FOR BUDGET HEARING PROCESS FOR REQUESTS FOR  
NEW EMPLOYEES AND EMPLOYEE RAISES

THAT ALL REQUESTS FOR ADDITIONAL PERSONAL MERIT PAY INCREASES, SALARY ADJUSTMENTS, LONGEVITY PAY, AND COST OF LIVING RAISES BE HEARD BY THE BUDGET COMMITTEE ONLY, AND NOT THE STANDING COMMITTEES, AND THAT ALL COMMITTEE CHAIRMEN AGREE TO ADHERE TO THIS MOTION.

Motion was made by Commissioner Harris, seconded by Commissioner Robison, and unanimously carried by the Board adopting the following Resolution supporting House Bill No. 544 concerning the County Commission's confirmation of appointments made by the County Executive. Same being as follows:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That pursuant to the recommendation of the Budget Committee for Fayette County, Tennessee, that the County Commission support House Bill No. 544 by Representative Callicott, as long as the Bill requires the confirmation of any County Executive appointments by the County Commission.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Representative Callicott in his legislative office in Nashville, Tennessee.

Having been reviewed by the Budget Committee and received their recommendation for adoption, Commissioner Harris presented and moved for the adoption of the following Resolution concerning mineral severance tax:

22  
R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session assembled on this 28th day of February, 1995, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That pursuant to the authority granted in T.C.A. Code Sections [67-7-201 through [67-7-212, a tax is hereby levied on all sand, gravel, sandstone, chert and limestone severed from the ground in Fayette County, Tennessee, from and after the first day of the month occurring at least thirty (30) days after receipt of a copy of the action by the Department.

BE IT FURTHER RESOLVED that the County Executive of Fayette County, Tennessee, shall certify copies of this Resolution and mail same to the Secretary of State and Commissioner of Revenue provided said Resolution is adopted by a two-thirds (2/3rd) vote of the Legislative Body.

BE IT FURTHER RESOLVED that the rate of tax shall be 0.15 ¢ per ton on all sand, gravel, sandstone, chert or limestone severed from the ground in the County but shall not exceed 15¢ per ton.

BE IT FURTHER RESOLVED that the administration and collection of said tax shall be by the Department which has the power to promulgate all rules and regulations necessary and reasonable for the administration of the provisions of T.C.A. [67-7-201.

Motion for adoption was seconded by Commissioner Oglesby, and unanimously adopted by the Board of Commissioners.

Chairman Voss advised that the matter of considering an Airport Lease Agreement would not be presented at this time and reviewed the advantage of accepting bids for the Macon Pumper.

Having been reviewed by the Budget Committee and received their recommendation for passage, Commissioner Harris presented and moved for the adoption of the following concerning nondiscrimination assurance on State Surplus Property Purchases:

NONDISCRIMINATION ASSURANCE

Assurance to be executed by authorized representative of donee activity prior to receiving donations of surplus personal property from the State Surplus Property Agency on and after October 17, 1977.

Assurance of Compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

\_\_\_\_\_, hereinafter called the "donee," hereby agrees that  
(Name of donee)

the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2, or 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received federal assistance from the General Services Administration; and Hereby Gives Assurance That it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement in interest of the donee and the word "donee" as used herein includes any such successor in interest.

Dated \_\_\_\_\_

\_\_\_\_\_  
Donee

BY \_\_\_\_\_

(President/Chairman of the Board  
or comparable authorized official)

\_\_\_\_\_  
Donee mailing address

Return to:  
Department of General Services  
Federal Property Section  
6500 Centennial Blvd.  
Nashville, TN 37209

GS-0433

Motion for adoption was seconded by Commissioner Sullivan, and same was  
unanimously adopted by the Board.

With the recommendation of the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Oglesby, and unanimously carried by the Board adopting the following Resolution concerning election workers and election officials:

RESOLUTION  
TO AUTHORIZE AMENDMENT TO SECTION 218  
SOCIAL SECURITY COVERAGE AGREEMENT WITH  
RESPECT TO EXCLUSION OF SERVICES PERFORMED  
BY ELECTION WORKERS AND ELECTION OFFICIALS

WHEREAS, Section 218 (c)(8) of the Social Security Act (42 USC 418 (c)(8)), as amended, authorizes states to modify agreements to exclude from Social Security/Medicare coverage, services performed by election workers and election officials if remuneration paid for such services in a calendar year is less than \$1,000.00 with respect to services performed during any calendar year on or after January 1st, 1995, ending on or before December 31st, 1999, and, the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1st, 2000, with respect to services performed during any such calendar year, and

WHEREAS, Acting under authority of an Emergency Resolution passed and approved February 28th, 1995, the Fayette County Board of County Commissioners authorized and directed the County Executive to execute an agreement with the Old Age and Survivors Insurance Agency, State of Tennessee, to extend the benefits of the Federal System of Old Age, Survivors, Disability, Health Insurance to include employees and officials thereof, except those excluded by applicable Federal and State laws or regulations, or said Resolution, and

WHEREAS,, notwithstanding any provisions of said Resolution, as amended, it is now deemed to be in the best interest of said County to exclude from its coverage group the services of election officials and election workers if the remuneration paid for such services in a calendar year is less than \$1,000.00, for services performed in any calendar year on or after January 1st, 1995, ending on or before December 31st, 1999, and, the adjusted amount determined under Section 218 (c)(8)(B) of the Social Security Act for any calendar year; commencing on or after January 1st, 2000, with respect to services performed during any such calendar year, to be effective in and after calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

NOW, THEREFORE, BE IT RESOLVED by the Fayette County Board of County Commissioners acting under authority of said Emergency Resolution, the County Executive is authorized and directed to execute an amendment to said Agreement dated January 1st, 1951, to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000.00 on or after January 1st, 1995, ending on or before December 31st, 1999, and, the adjusted amount determined under section 218 (c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1st, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

BE IT FURTHER RESOLVED, by the Fayette County Board of County Commissioners that this Resolution shall be in full force and effect as of the date of its passage and approval and shall be effective with respect to the date set forth herein above, the welfare of the citizens of Fayette County requiring it.

ADOPTED this 28th day of February, 1995.

Having been reviewed by the Budget Committee and received their recommendation for approval, Commissioner Harris moved for the adoption of the following AGREEMENT TO AMEND AGREEMENT :

AGREEMENT TO AMEND AGREEMENT

THIS AGREEMENT made and entered into this 28th day of February, 1995, by and between the undersigned Director of Old Age and Survivors Insurance Agency, State of Tennessee, acting under authority of Chapter 38, Title 8, and Section 4-3-2403, Tennessee Code Annotated, and the Fayette County Board of County Commissioners acting by and through its lawfully constituted and duly authorized officers.

WITNESSETH: THAT WHEREAS, the parties hereto in the same capacities are parties to an Agreement executed on the 1st day of January, 1951, to which Agreement reference is expressly made for the terms and provisions thereof, and

WHEREAS, by Resolution passed and approved the 28th day of February, 1995, the Fayette County Board of County Commissioners was authorized and directed to execute an amendment to said agreement so as to exclude from its coverage group under the Federal System of Old Age, Survivors, Disability, Health Insurance, services performed by election workers and election officials if the remuneration paid for such services in a calendar year is less than \$1,000.00 for services performed on or after January 1st, 1995, ending on or before December 31st, 1999, and the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1st, 2000, with respect to services performed during any such calendar year; the exclusion to be effective in and after the calendar year a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

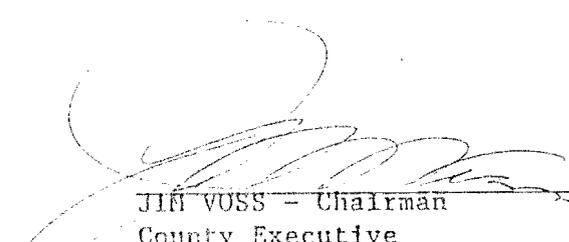
NOW, THEREFORE, in consideration of the aforementioned Resolution and the promises and provisions hereinafter set out, it is agreed and understood that the following provision shall replace and in lieu of any provision contained in the Social Security Agreement relative to the coverage status of services performed by an election official and election worker, under the terms and provisions of said Agreement and shall be included as excluded services in the Appendix of said Agreement, as follows:

Election workers and election officials shall be excluded from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance if remuneration paid for such services in a calendar year is less than \$1,000.00 for services performed in a calendar year on or after January 1st, 1995, ending on or before December 31st, 1999, and; the adjusted amount to be determined under Section 218 (c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1st, 2000, with respect to services performed during any such calendar year; the exclusion to be effective in and after the calendar year; in which the State's Modification to the Agreement is mailed, or delivered by other means, to the appropriate Federal Official.

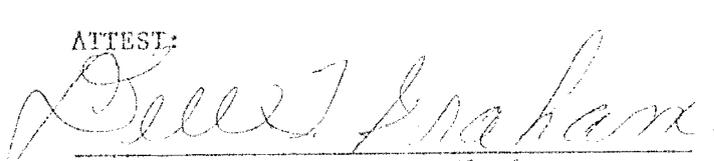
IN WITNESS WHEREOF, the Director of Old Age and Survivors Insurance, State of Tennessee, and the Fayette County Board of County Commissioners have caused this Agreement to be executed the 28th day of February, 1995.

Motion for adoption was seconded by Commissioner Kelley, and same was unanimously carried by the Board.

Thereupon, said meeting adjourned:

  
\_\_\_\_\_  
JIM VOSS - Chairman  
County Executive

ATTEST:

  
\_\_\_\_\_  
Dell T. Graham, County Clerk