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COUNTY LEGISLATIVE BODY  
January 23, 1996

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 23rd day of January, 1996, 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 Norman, Sr., Calvin Moore, Jr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. N. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin and Allen Yancey, Jr.

Absent: Commissioner Nyles Wilson.

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

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

The next matter before the Board was the request to establish a speed limit on Sinai Drive. This was reviewed by the Criminal Justice and Public Safety Committee and presented with their recommendation for passage. Such motion for adoption was made by Commissioner Fowler, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution setting the speed limit as presented:

R E S O L U T I O N

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 23rd day of January, 1996, it being the fourth Tuesday of said month and the regular monthly meeting date of the January term of said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amended thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of forty (40) miles per hour on Sinai Drive, beginning at State Route #59 and ending at Seay Drive, in its entirety, for a distance of approximately six and one-half (6½) miles, being located in the 5th and 6th Civil Districts 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.

The next speed limit request was for Terra Alta Lake Subdivision located in Civil District 15. Motion was made by Commissioner Kelley, seconded by Commissioner Brewer and unanimously carried by the Board adopting the following Resolution setting the speed limit as follows:

R E S O L U T I O N

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 23rd day of January, 1996, it being the fourth Tuesday of said month and the regular monthly meeting date of the January term of said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amendment thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Heaven Hill Drive, beginning at Armour Drive, and ending at the lake, for a distance of .99 mile; Brookline Cove, beginning at Heaven Hill Drive and ending at dead end, for a distance of .10 mile; Westminster Road, beginning at Rolling Brook Drive and ending at dead end, for a distance of .37 mile; Round Hill Cove, beginning at Londonderry Drive and ending at dead end, for a distance of .09 mile; Londonderry Drive, beginning at Armour Drive and ending at Armour Drive, for a distance of 1.15 mile; Rolling Brook Cove, beginning at Londonderry Drive, and ending at dead end, for a distance of approximately .06 mile; Rolling Brook Drive, beginning at Londonderry Drive and ending at the lake, for a distance of approximately .81 mile; and Holly Hill Road, beginning at Londonderry Drive and ending at dead end, for a distance of approximately .43 mile, in their entirety, for a distance of approximately four (4) miles, being located in the 15th 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.

The next matter before the Board was to establish the salary for the County Attorney. Having been reviewed by the Budget Committee and presented with their recommendation, motion was made by Commissioner Kelley, seconded by Commissioner Oglesby, and unanimously carried by the Board setting the salary of the County Attorney at \$17,500.00 per year.

The matter now before the Board was the election of a County Attorney. Motion was made by Commissioner Kelley, seconded by Commissioner Sullivan, placing TROY W. TOMLIN in nomination for election. With no other nominations being offered, motion was made by Commissioner Oglesby, seconded by Commissioner Sullivan, and unanimously carried by the Board that the nominations cease and that the nominee TROY W. TOMLIN be elected by acclamation. Thereupon, TROY W. TOMLIN was elected as County Attorney.

Having been submitted by the Agricultural Committee, motion was made by Commissioner Sullivan, seconded by Commissioner Harris, and unanimously carried by the Board appointing the following to serve a four year term with the County Agricultural Committee: Robert W. Hurdle, Carolyn Powers, Gordon Tomlin and Willie German.

Motion was made by Commissioner Robison, seconded by Commissioner Fowler, and unanimously carried by the Board appointing the following as Notaries Public: District 1: J. B. Bowling; District 2: Richard G. Rosser; District 4: Rebecca N. Atkelson; District 6: Mrs. Layton Watson; District 8: Dorothy L. Rogers; and District 10: Kimberly Dawn Hill.

Having been recommended by the Criminal Justice and Public Safety Committee, motion was made by Commissioner Kelley, seconded by Commissioner Oglesby, and unanimously carried by the Board appointing the following to the E-911 Board: Pat Tate and Jerry Payton.

Motion was made by Commissioner Robison, seconded by Commissioner Arnett, and unanimously carried by the Board appointing BOB OSBURN to the Regional Planning Commission.

Presented with the recommendation of the Development Committee, motion was made by Commissioner Sullivan, seconded by Commissioner Brewer, and unanimously carried by the Board appointing JOE MASON as a member of the Beer Board.

Having received the recommendation of the Development Committee, motion was made by Commissioner Oglesby, seconded by Commissioner Kelley, and unanimously carried by the Board appointing VERNON DOLLAHITE to the "Stop Memphis Annexation" Committee.

Presented with the recommendation of the Health and Welfare Committee, motion was made by Commissioner Robison, seconded by Commissioner Taylor, and unanimously carried by the Board appointing the following to the Solid Waste Board: **MAYNORD STILES**, at large, and **WILLIE GERMAN**, County Representative.

Report from the Trustee's Office on combined statement of cash receipts and disbursements was available.

Motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board allowing the burial of a Time Capsule on the southeast courthouse lawn in commemoration of the Bicentennial of the State of Tennessee.

Reports were called for from the Board of Public Works and the Board of Education, but none presented.

Upon recommendation of the County Highway Department, and after discussion, motion was made by Commissioner Robison, seconded by Commissioner Sullivan, and unanimously carried by the Board accepting **SCHAFFER WAY** as a County Road.

Having been reviewed by the County Development Committee and with their recommendation, motion was made by Commissioner Sullivan, seconded by Commissioner Harris and unanimously carried by the Board allowing the title change from County Executive to **COUNTY MAYOR** and that this be submitted for a change by Private Act if necessary.

Presented with the recommendation of the County Development Committee, motion was made by Commissioner Sullivan, seconded by Commissioner Norris, and unanimously carried by the Board accepting **WOODWIND COVE** as a County Road.

Report from the Education Committee was called for, but none available.

Having been reviewed by the Health and Welfare Committee and receiving their recommendation for passage, motion was made by Commissioner Tomlin, seconded by Commissioner Robison, and unanimously carried by the Board to enter into a contract for the construction of a convenience center at the cost of \$317,000.00 with \$125,000.00 of that amount to be under a state grant.

Report from the Criminal Justice and Public Safety Committee was called for, but none available.

Having been reviewed by the Budget Committee and with their recommendation, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board setting the Back Tax Attorney Fee at 5%.

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 Resolutions concerning the General Purpose School Fund and the Federal Projects Fund #142 Budget Amendment, Subfund #671 - Title I:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or Board of County Commissioners of Fayette County, Tennessee, in regular session on this 23rd day of January, 1996, it being the fourth (4th) 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 for the fiscal year ending June 30, 1996, be, and the same is hereby amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

GENERAL PURPOSE FUND

FUND 141

JANUARY, 1996

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 117	Career Ladder Program		\$16,000.00
71100 127	Career Ladder Extended Contracts		6,000.00
71100 201	Social Security		1,364.00
71100 204	State Retirement		1,872.20
71100 207	Medical Insurance		3,352.00
71100 212	Medicare		319.00
TOTAL:			\$28,907.20

71200	SPECIAL EDUCATION PROGRAM	
71200 117	Career Ladder Program	\$1,000.00
71200 201	Social Security	62.00
71200 204	State Retirement	85.10
71200 212	Medicare	14.50
	TOTAL:	\$1,161.60

71300	VOCATIONAL EDUCATION PROGRAM	
71300 117	Career Ladder Program	\$500.00
71300 201	Social Security	31.00
71300 204	State Retirement	42.55
71300 212	Medicare	7.25
	TOTAL:	\$580.80

71600	ADULT EDUCATION PROGRAM	
71600 116 ABL	Teachers	\$5,060.00
71600 189 ABL	Other Salaries and Wages	\$760.00
71600 201 ABL	Social Security	266.00
71600 204 ABL	State Retirement	367.00
71600 212 ABL	Medicare	62.00
71600 429 ABL	Instructional Supplies and Materials	648.00
71600 116 ABS	Teachers	2,574.00
71600 201 ABS	Social Security	160.00
71600 204 ABS	State Retirement	86.00
71600 212 ABS	Medicare	37.00
71600 299 ABS	Other Fringe Benefits	15.00
71600 429 ABS	Instructional Supplies and Materials	\$1,519.00
	TOTAL:	\$3,632.00    \$7,922.00

72000	SUPPORT SERVICES	
72110	ATTENDANCE	
72110 117	Career Ladder Program	\$2,000.00
72110 127	Career Ladder Extended Contracts	2,000.00
72110 201	Social Security	248.00
72110 204	State Retirement	340.40
72110 212	Medicare	58.00
72110 207	Medical Insurance	\$2,355.00
	TOTAL:	\$2,355.00    \$4,646.40

		INCREASE	DECREASE
72120	HEALTH SERVICES		
72120 207	Medical Insurance	\$940.00	
	TOTAL:	\$940.00	
72130	OTHER STUDENT SUPPORT		
72130 117	Career Ladder Program		\$1,000.00
72130 201	Social Security		62.00
72130 204	State Retirement		85.00
72130 212	Medicare		14.50
	TOTAL:		\$1,161.60
72210	REGULAR INSTRUCTION PROGRAM		
72210 457 HLTH	In-Service/Staff Development		\$1,575.00
72210 499 HLTH	Other Supplies and Materials	\$1,575.00	
	TOTAL:	\$1,575.00	\$1,575.00
72220	SPECIAL EDUCATION PROGRAM		
72220 127	Career Ladder Extended Contract	\$2,000.00	
72220 201	Social Security	124.00	
72220 204	State Retirement	170.20	
72220 212	Medicare	29.00	
	TOTAL:	\$2,323.20	
72260	ADULT EDUCATION		

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72260 106 ABl	Supervisor/Director	\$5,057.00	
72260 355 ABl	Travel		\$258.00
72260 599 ABl	Other Charges	900.00	
72260 189 ABS	Other Salaries and Wages	38,076.00	
72260 201 ABS	Social Security	2,361.00	
72260 204 ABS	State Retirement	1,269.00	
72260 207 ABS	Medical Insurance	1,130.00	
72260 212 ABS	Medicare	553.00	
72260 299 ABS	Other Fringe Benefits	646.00	
72260 355 ABS	Travel		408.00
72260 399 ABS	Other Contracted Services		1,000.00
72260 499 ABS	Other Supplies and Materials	7,625.00	
72260 599 ABS	Other Charges	3,000.00	
72260 105 VL1	Supervisor/Director		5,056.60
72260 207 VL1	Medical Insurance		24.00
	TOTAL:	\$60,617.00	\$6,746.60

72410	OFFICE OF THE PRINCIPAL		
72410 117	Career Ladder Program	\$5,000.00	
72410 127	Career Ladder Extended Contracts	5,000.00	
72410 201	Social Security	620.00	
72410 204	State Retirement	851.00	
72410 212	Medicare	145.00	
	TOTAL:	\$11,616.00	

72810	CENTRAL & OTHER		
72810 207	Medical Insurance	\$57.00	
	TOTAL:	\$57.00	
	GRAND TOTAL:	\$83,696.00	\$52,120.40

Total Increase: \$31,575.60

Revenue:	46590 VL1	Other State Education Funds	\$652.52
	46610	Career Ladder Program	(16,843.20)
	46612	Career Ladder-Extended Contract	(1,161.60)
	47120 ABl	Adult Basic Education	56.00
	47210 VL1	Job Training Partnership Act	(5,733.12)
	47210 ABS	Job Training Partnership Act	54,605.00
		Total:	\$31,575.60

Revenue:	Prior Total Available Funds	\$16,970,973.84
	Adjustment of Prior Year Receivables	(2,722.30)
	Total Increase This Amendment	<u>31,575.60</u>
	Total Available Funds This Amendment	\$16,999,827.14
Expenditures:	Prior Total Estimated Expenditures	\$16,253,081.91
	Total Increase This Amendment	<u>31,575.60</u>
	Total Estimated Expenditures This Amendment	\$16,284,657.51

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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 23rd day of January, 1996, it being the fourth (4th) Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Court-house in Somerville, Tennessee.

That the Federal Projects Fund #142 Budget Subfund #671 - Title I, for the fiscal year ending June 30, 1996, be, and the same is hereby amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

FEDERAL PROJECTS FUND

FUND 142

SUBFUND 671 - TITLE I

JANUARY, 1996

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 399	Other Contracted Services	\$450.00	
71100 429	Instructional Supplies and Materials	9,490.00	
71100 336	Maintenance and Repair Services-Eq.	3,249.00	
71100 599	Other Charges	1,415.00	
71100 722	Regular Instruction Equipment	4,549.00	
71100 513	Workers' Compensation Insurance	38.00	
	TOTAL:	\$19,191.00	
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 336	Maintenance and Repair Services-Eq.	\$3,000.00	
72210 599	Other Charges	1,600.00	
72210 790	Other Equipment	1,550.00	
	TOTAL:	\$6,150.00	

		INCREASE	DECREASE
99000	OTHER USES		
99100	OPERATING TRANSFERS		
99100 590	Transfers to Other Funds	\$597.00	
	TOTAL:	\$597.00	
	GRAND TOTAL:	\$25,938.00	

Total Increase: \$25,938.00

Revenue: 47141 Esea Title I \$25,938.00

Revenue:	Prior Total Available Funds	\$1,884,722.05	
	Total Increase This Amendment	25,938.00	
	Total Available Funds This Amendment	\$1,910,660.05	
Expenditures:	Prior Total Estimated Expenditures	\$1,884,722.05	
	Total Increase This Amendment	25,938.00	
	Total Estimated Expenditures This Amendment	\$1,910,660.05	

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With the recommendation of the Budget Committee for approval, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution amending the General Fund #101 Budget:

### 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 23rd day of January, 1996, it being the fourth (4th) 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 for the fiscal year ending June 30th, 1996, be, and the same is hereby amended in the following works and figures, to-wit:

COUNTY GENERAL FUND  
BUDGET AMENDMENT  
FY 95/96  
January, 1996

Total Funds This Amendment	\$5,498,127.74
<u>Adjustments to Revenue Accounts:</u>	
41520 Building Permits	\$+ 20,000.00
Total Increase This Amendment	\$ 20,000.00
Total Funds Available This Amendment	\$5,518,127.74

Adjustments to Expenditure Accounts:

51100	<u>County Commission</u>		
204	State Retirement	\$+	2,700.00
51720	<u>Planning &amp; Zoning</u>		
189	Other Salaries and Wages	+	14,500.00
599	Other Charges	+	500.00
58600	<u>Employee Benefits</u>		
201	Social Security	+	899.00
204	State Retirement	+	483.00
205	Employee & Dependent Insurance	+	815.00
212	Employee Medicare	+	211.00
513	Workman's Compensation Insurance	+	667.00
Total Increase This Amendment		\$	20,775.00
Prior Estimated Expenditures This Amendment			\$5,050,091.25
Total Estimated Expenditures This Amendment			\$5,070,866.25
Estimated Ending Fund Balance as of June 30th, 1996		\$	447,261.49

Included in this motion and passage was the following Resolution concerning the ~~Tennessee~~ Consolidated Retirement System:

**Tennessee Consolidated Retirement System**

A RESOLUTION to allow 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, the Tennessee Code Annotated, Section 8-35-226 allows 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 purpose of fixing rates, issuing permits of licensed, regulating trades or professions, or who serve in an advisory, study or planning capacity and the like, to be eligible for membership and prior service in the Tennessee Retirement System; and

WHEREAS, \_\_\_\_\_ shall approve such membership and prior service for such  
(Name of Political Subdivision)  
employees and accept the liability by two-thirds (2/3) majority of the chief legislative body; and

WHEREAS, an employee establishing such prior service must make a lump sum payment equal to the employee contributions he would have made had he been a member of the system during the period claimed, plus interest at the rate of seven and one-half percent (7 1/2%) per annum; and

WHEREAS, membership in the retirement system shall be permitted only if the chief legislative body that has authorized retirement participation for its departments or instrumentalities extends such coverage to all nonparticipating departments and instrumentalities. If such option is elected, the remaining departments and instrumentalities shall participate under the conditions of T.C.A. 8-35-201; and

WHEREAS, retirement benefits payable on service established shall be computed in accordance with the provisions of Chapter 36 of this title. Provided, however, in no event shall the benefit payable on such service exceed that provided under T.C.A. 8-36-209(a)(1)(A) or (B), depending upon which option is exercised by chief legislative body and, provided further, that such benefit is subject to the limitations of T.C.A. 8-36-102; and

WHEREAS, service shall be independent of all other creditable service for the purpose of calculating the member's average final compensation; and

WHEREAS, for the purpose of determining the limitations on the amount of the retirement allowance as provided in T.C.A. 8-16-102, the average final compensation for service granted shall be independent of the average final compensation calculation on any other creditable service in the retirement system; and

WHEREAS, all liabilities resulting from this Resolution shall be the responsibility of the political subdivision and not the State of Tennessee; and

WHEREAS, \_\_\_\_\_ accepts the additional accrued liability associated with  
(Name of Political Subdivision)

such membership and prior service in the amount of \$ \_\_\_\_\_ as determined by an actuarial study;

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

\_\_\_\_\_ hereby authorizes certain elected city or county government personnel to participate  
(Name of Political Subdivision)

in the Tennessee Consolidated Retirement System pursuant to Tennessee Code Annotated, Section 8-35-226.

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, clerk of the \_\_\_\_\_ of  
(Name of Governing Body)

\_\_\_\_\_, Tennessee do hereby certify that this is a true and exact copy of the foregoing  
(County and Town or City)

resolution that was approved and adopted at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the original of which is on file in this office. I further certify that \_\_\_\_\_ members voted in favor of the resolution and that \_\_\_\_\_ members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the \_\_\_\_\_  
(Name of Political Subdivision)

\_\_\_\_\_  
As Clerk of the Board, as aforesaid

SEAL  
R054FS38

Having been presented to the Criminal Justice and Public Safety Committee by Sheriff Kelley and recommended by the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board that Holiday Pay for Road Deputies be rescinded.

Motion was made by Commissioner Kelley, seconded by Commissioner German, and unanimously carried by the Board approving the following Lease Agreement with Morris Rental Properties and Fayette County Agricultural Extension Services.

Lease Agreement  
from  
Mrs. T.  
will be entered  
here

Motion was made by Commissioner Tomlin, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution authorizing the County Attorney to file suit against Fisher Garbage Service, 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 23rd day of January, 1996, it being the fourth (4th) Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the County Attorney be authorized and directed to file a civil suit against Fisher Garbage Service of Gallaway, Tennessee, for a past due debt due the County in the amount of \$4,317.00.

Thereupon, said meeting adjourned.

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JIM VOSS - Chairman  
County Executive

Attest:

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Dell T. Graham, County Clerk