

COUNTY LEGISLATIVE BODY

March 26, 1996

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BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 26th day of March, 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. Robinson, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson and Allen Yancey, Jr.

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

Motion was made by Commissioner Kelley, seconded by Commissioner Sullivan, and unanimously carried by the Board approving the minutes of the February 1996 meeting.

With recommendation of the County Development Committee and the Chairman of this Body, motion was made by Commissioner Robinson, seconded by Commissioner Kelley, and unanimously carried by the Board appointing the following to the Beer Board: Iris Wilburn and Albert Lee.

Motion was made by Commissioner Norman, seconded by Commissioner Wilson, and unanimously carried by the Board appointing the following as Notaries Public: E. Lisa Bebee, Lorraine Ross, District 1; District 6: Gloria Granderson Douglas; District 7: Linda K. Walsh.

Motion was made by Commissioner Sullivan, seconded by Commissioner Hayslett, and unanimously carried by the Board approving the personal Notary Bond of WILLIAM B. COWAN, Jr.

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

Commissioner Sullivan presented the recommendation of the County Development Committee with the approval of the Board of Public Works for the acceptance of the following as County Roads: Country Ridge Circle, Kimberly Cove, Schaeffer Loop and Schaeffer Cove. Motion was made by Commissioner Sullivan, seconded by Commissioner Robison, and unanimously carried by the Board approving the acceptance of the roads as recommended.

The next matter before the Board was the approval of a subdivision on a narrow county road (Hughes Subdivision on Warr Road). After much discussion concerning the road sizes on which subdivisions are to be established, motion was made by Commissioner Robison, that this board adopt the policy that subdivisions not be developed on a road that is not blacktopped or does not have at least a 50 ft. right-of-way.

After further discussion, motion was made by Commissioner Taylor, seconded by Commissioner Tomlin, and unanimously carried by the Board tabling this matter until the next meeting of this Board.

Motion was made by Commissioner Robison, seconded by Commissioner Morris and unanimously carried by the Board adopting the Standard Building Code to be effective April 1, 1996.

Commissioner Sullivan with the recommendation of the County Development Committee, presented and moved for the adopting of the following amendment to the Building Code:

I. Framing member spacing in one and two family dwellings

- a. Members shall be placed no more than sixteen inches on center.

Exception:

1. Rafters may be placed twenty-four inches on center provided that:
- a. Roof sheathing is no less than 5/6 in. plywood with approved clips or 3/4 in. nominal thickness boards,
  - b. Rafters not nailed directly to ceiling joist must be installed at the top plate with approved metal fastening straps (hurricane clips).

II. Lumber Grade

- a. Utility grade will not be allowed for wall construction.

Motion was seconded by Commissioner German, and unanimously carried by the Board.

Motion was made by Commissioner Robison, seconded by Commissioner Taylor, and unanimously carried by the Board adopting the following Resolution creating a Construction Board of Adjustment and Appeals:

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 26th. day of March 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 pursuant to the Standard Building Code of 1994 a board to be called the Construction Board of Adjustment and Appeals is hereby established in and for Fayette County, Tennessee, which shall consist of seven (7) members and two (2) alternates.

BE IT FURTHER RESOLVED that the County Executive, pursuant to the authority in Section 5.6.106 of the Tennessee Code Annotated, shall appoint said members and alternates subject to confirmation by the Legislative Body, to wit: members of the County Commission of Fayette County, Tennessee.

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Motion was made by Commissioner Kelley, seconded by Commissioner Robison, and unanimously carried by the Board appointing the following to the Board of Adjustment and Appeals: 4 year term - Arthur Rhea Glover; 3 year term - Jimmy Hilliard and John Jones; 2 year term - Bobby Cannon and Tommy Johnson; 1 year term - Jimmy Claunch and Mike Jones. Two additional At-Large positions will be recommended at a later date.

Reports from the Education Committee, Health and Welfare Committee and Criminal Justice & Public Safety Committee were called for, but none available.

Commissioner Harris, Chairman of the Budget Committee, presented the following Resolution concerning the procedures for the Fiscal Year 1996/97 budget preparation and with the recommendation of that Committee for approval, moved for the adoption of same:

RESOLUTION OF THE FAYETTE COUNTY BOARD  
OF COUNTY COMMISSIONERS RELATIVE TO THE  
ANNUAL BUDGETING PROCESS

WHEREAS, it is the intent of the Fayette County Board of County Commissioners to provide for a budgeting process which allows a full overview of the services provided by the County.

NOW, THEREFORE, BE IT RESOLVED, by the County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 26th day of March, 1996, in the Courthouse, in Somerville, Tennessee, that the following budgeting procedures for the FY 96-97 Budget be adopted by the Fayette County Board of Commissioners:

GENERAL POLICIES RELATIVE TO BUDGETING PROCESS.

1. In estimating ending fund balances for the various funds as of June 30th, 1997, a maximum of ten (10%) per cent of all local revenues shall be projected.
2. The Budget Committee will allocate all local revenues.
3. Each Department and/or Board will prepare a monthly cash flow report to be submitted to the County Trustee by the first day of each calendar month.

PROCEDURES FOR PREPARATION OF ADDITIONAL INFORMATION FOR DEPARTMENTAL BUDGETS.

1. Each department shall review and follow the approved budget calendar.
2. Each department shall submit its budget request on an approved format.
3. In addition to the budget request form, each department is requested to provide the following list or schedules:
  - A. Schedule of all capital outlay expenditures.
  - B. Vehicle Replacement Schedule.
  - C. Number of positions by account code in the FY 95-96 Budget compared with the number of positions included in the 1996-97 budget request. This schedule should show part-time as well as full-time positions but not substitute teachers.
  - D. The departments shall make available a schedule for each building, showing all utilities used during the last twelve month period. The schedule should include quantity used and cost. Also, each department should maintain a record by building and month for constant review of utility usage.
  - E. A schedule should be prepared showing purchases by month for gasoline and diesel fuel for the last 24 month period showing gallons, price per gallon, and total cost.

F. Each department shall estimate the cost of a one (1%) per cent salary increase. Salary increases funded from local revenue shall not be included in the proposed budget.

COMMITTEE REVIEW PROCEDURES.

1. Approved budgets shall be submitted to the County Executive's Office for hearing by the assigned Standing Committee.
2. The Standing Committees shall review the budgets and make recommendations on the expenditures needed to provide the requested services. The Committees should recommend reduction or elimination of services they view as unnecessary or uneconomical. The Standing Committees should not attempt to allocate funds to the departments.
3. The Budget Committee shall consolidate all budget information and prepare a revenue schedule including property tax rate necessary to fund the proposed budget.
4. The Board of Commissioners shall review in Informal Session all budget information as compiled by the Budget Committee and hear from each Chairman of the appropriate Committees and Department Heads relative to the FY 96-97 Budget.
5. After consideration of all the information and recommendations, the Board of Commissioners shall approve or revise the budget request of each department.
6. When budget revisions are complete, the Budget Committee along with the County Executive's Office, shall prepare in final form the FY 95-96 Budget for final approval by the Board of Commissioners.
7. A property tax rate resolution and appropriation resolution reflecting the approved budget shall be prepared by the County Executive.

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

With the recommendation of the Budget Committee for passage, Commissioner Harris presented and moved for the adoption of the following Resolution concerning eligibility of Commissioners in 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, Fayette County 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. 8-36-102, 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, Fayette County accepts the additional accrued liability associated with such membership and prior service in the amount of \$35,559.00 as determined by an actuarial study;

(Name of Political Subdivision)

NOW THEREFORE, BE IT RESOLVED, That the Board of County Commissioners of

(Name of the Governing Body)

Fayette County 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.

Motion for adoption was seconded by Commissioner Kelley, and unanimously carried 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 the Federal Projects Fund #142:

#### 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 26th. day of March 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 Federal Projects Fund 142, Subfund 685, Drug-free Schools, be amended in the following words and figures, to wit:

FAYETTE COUNTY BOARD OF EDUCATION

FEDERAL PROJECTS FUND

FUND 142

SUBFUND 685 - DRUG FREE SCHOOLS

MARCH, 1996

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72130	OTHER STUDENT SUPPORT		
72130 189 PUB	Other Salaries and Wages	\$6,000.00	
72130 201 PUB	Social Security	465.00	
72130 204 PUB	State Retirement	1,074.00	
72130 207 PUB	Medical Insurance		\$1,715.00
72130 212 PUB	Medicare	109.00	
72130 355 PUB	Travel	3,520.00	
72130 355 ROA	Travel	400.00	
72130 355 FAA	Travel	600.00	
72130 399 PUB	Other Contracted Services	14,104.00	
72130 399 ROA	Other Contracted Services	2,800.00	
72130 399 FAA	Other Contracted Services	1,762.00	
72130 499 PUB	Other Supplies and Materials	10,288.00	
72130 499 ROA	Other Supplies and Materials	1,038.00	
72130 499 FAA	Other Supplies and Materials	1,290.00	
72130 722 PUB	Regular Instruction Equipment	3,600.00	
	TOTAL:	\$47,050.00	\$1,715.00

Revenue: 47590 Other Federal Thru State \$45,335.00

Revenue: Prior Total Available Funds	\$1,910,660.05
Total Increase This Amendment	45,335.00
Total Available Funds This Amendment	<u>\$1,955,995.05</u>

Expenditures: Prior Total Estimated Expenditures	\$1,910,660.05
Total Increase This Amendment	45,335.00
Total Estimated Expenditures This Amendment	<u>\$1,955,995.05</u>

Having been reviewed by the Budget Committee and received their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Oglesby, and unanimously carried by the Board adopting the following Resolution concerning Central Cafeteria Fund 143:

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 26th. day of March 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 Central Cafeteria Fund 143 of the Fayette County Board of Education be amended in the following words and figures, to wit:

FAYETTE COUNTY BOARD OF EDUCATION

CENTRAL CAFETERIA FUND

FUND 143

MARCH, 1996

		INCREASE	DECREASE
73000	OPERATION OF NON-INSTRUCTIONAL SERVICES		
73100	FOOD SERVICE		
73100 119	Accountants/Bookkeepers	\$3,600.00	
73100 710	Food Service Equipment		\$3,600.00
	TOTAL:	\$3,600.00	\$3,600.00

Total Increase/Decrease: \$0.00

Having been reviewed by the Budget Committee and received their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution amending the County General Fund 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 26th. day of March 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 Budget be amended in the following words and figures, to wit:

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

Total Funds Available This Amendment	\$5,518,127.74
<u>Adjustments to Expenditure Accounts:</u>	
51500 <u>Election Commission</u>	
307 Communication	\$+ 300.00
348 Postal Charges	- 300.00
Total Estimated Expenditures This Amendment	\$5,068,614.25
Estimated Ending Fund Balance as of June 30th, 1996	\$ 449,513.49
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Presented with the recommendation of the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Kelley, and unanimously carried by the Board approving the following budget procedure:

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

That all requests for additional personnel 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.

Reviewed and presented with the recommendation of the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution amending the previously adopted Resolution concerning the wording of the Dog License Fee:

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 26th day of March, 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 dog license fee under Fayette County Rabies Control adopted by the County Commission on February 27th, 1996, and of record in the Clerk's Office of Fayette County, Tennessee, in Book 4, Page 408, be amended in the following words and figures, to-wit:

By deleting the words "privilege tax" appearing in all places in said Resolution and substituting, therefore, the words "license fee".

THEREUPON, THE RESOLUTION was adopted by a majority vote of the Commission.

Commissioner Harris then presented and moved for the adoption of the following Resolution concerning a Litter and Trash Collecting Grant:

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A LITTER AND TRASH COLLECTING GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ACCEPTANCE OF SAID GRANT.

WHEREAS, the County of Fayette intends to apply for the aforementioned grant, from the Tennessee Department of Transportation; and

WHEREAS, the contract for the grant will impose certain legal obligations upon the County of Fayette.

NOW, THEREFORE, 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 26th day of March, 1996, in the Courthouse in Somerville, Tennessee.

1. That Jim Voss is authorized to apply on behalf of Fayette County, for a litter and trash collecting grant from the Tennessee Department of Transportation.

2. That should said application be approved by the Tennessee Department of Transportation, then Jim Voss is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the litter and trash collecting grant by Fayette County.

Said motion was seconded by Commissioner Kelley, and unanimously carried by the Board adopting the Resolution as presented.

With no other matters to be brought before the Board, said meeting adjourned.

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**JIM VOSS -- MAYOR**  
**Chairman of County Legislative Body**

**ATTEST:**

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**Dell T. Graham, County Clerk**