

FILE COPY

COUNTY LEGISLATIVE BODY

August 26, 1997

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 26th day of August, 1997, 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, Robert L. Crawford, Thomas H. Fowler, Willie L. German, Jr., Ronald R. Harris, William Hayslett, David Kelley, Alonzo Norman, Sr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Nyles Wilson and Allen Yancey, Jr.

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

Motion was made by Commissioner Kelley, seconded by Commissioner Brewer, and unanimously carried by the Board approving the minutes of the July 1997 meeting.

At this time Commissioner Harris presented the following Resolution in recognition of Troy W. Tomlin, as long time attorney for Fayette County. Motion was made by Commissioner Sullivan, seconded by Commissioner Fowler and unanimously carried by the Board adopting the Resolution as follows:

**A TRIBUTE OF RESPECT**

**WHEREAS**, Troy Washington Tomlin was born in Warren, Tennessee on July 10, 1906 and

**WHEREAS**, he attended public schools in Fayette County and preparatory at McTyler in McKenzie, Tennessee and he also attended the West Tennessee State Teachers College and the University of Memphis Law School where he earned an LLB degree in 1937 and has been engaged in the general practice of law in the State and Federal Courts of West Tennessee since said time and

**WHEREAS**, Troy W. Tomlin was elected County Attorney on August 19, 1947 and has held said office until the present time and

**WHEREAS**, he has served as Oakland City Attorney since 1937 and also City of Galloway attorney for many years and

**WHEREAS**, in 1932 Troy W. Tomlin became postmaster in Oakland and served until 1947; he was appointed a member of the Tennessee Local Draft Board in No 26 on February 24, 1953, where he served as a member for fifteen years and chairman for ten years and

**WHEREAS**, he was a delegate to the State Constitutional Convention for two terms in 1959 and in 1965 and

**WHEREAS** he is a director of the Somerville Bank and Trust Company and a past president of the Somerville Lions Club and

**WHEREAS**, he has been an active member of the United Methodist Church of Oakland serving as church steward, lay leader, certified lay speaker, Sunday School Superintendent and Sunday School Teacher and

**WHEREAS**, he has been a member of the Somerville Masonic Lodge for fifty years and is a 32nd Degree Mason and

**WHEREAS**, he graduated from the University of Memphis Law School which was a superior law school with a faculty second to none; some of those who taught and inspired young men and women to become lawyers were Judge Wightman W. Hughes, Judge Hamner, Chancellor L. D. Bejach, John A. Barley, and the School's Dean was Professor S. W. Jones also a fine teacher and

**WHEREAS**, he has been a fan and supporter of the University of Tennessee since 1928 when William E. Murrell, a friend of his from Oakland, Tennessee became an assistant coach of football at the University of Tennessee, Knoxville. He has continued to support the University of Tennessee and attends their football games often.

**WHEREAS**, when Troy W. Tomlin became County Attorney he followed in the steps of Mr. Will Mayo, a fine attorney; the County Attorney's office was in the Clerk and Master's Office at the time as the Court's work was very light. In 1947 Mr. Troy W. Tomlin began his work as County Attorney. In the following year he sought out space for his offices upstairs next to the Courthouse library, and later he had an office adjoining it and continued to serve the County in the upstairs office since the Chancery Court later became a very busy office and

**WHEREAS**, Mr. Troy W. Tomlin kept himself in good physical condition walking up and down stairs, usually going up the stairs two steps at a time and coming down one step at a time whereas he did a lot of work in the Register's Office and was very interested in land titles and related county records and he did however continue to do all kinds of Court work in all the Courts of the County both civil and criminal and

**WHEREAS**, Troy W. Tomlin has also had an active practice in the Courts of adjoining counties in Probate Court, including Shelby County, and

**WHEREAS**, from 1947 until almost the present time Mr. Troy W. Tomlin has been the chairman of the Democratic Executive Committee and during most of those years before computers came available he saw to all the ballot boxes and ballots being delivered to the various precincts and

**WHEREAS**, in addition to Mr. Troy W. Tomlin's work as County Attorney and his regular extensive practice in all of the other Courts he tried to do things for the public convenience and

**WHEREAS**, for any years when the Courthouse was closed on Thursday, Mr. Troy W. Tomlin did not take this Thursday closing as a time to relax but instead would visit a prominent law office and catch up with what was going on in the "legal world". His favorite place of visit was the law offices of Burch, Porter and Johnson; he enjoyed the association with, in particular, Lucias Burch and John H. Porter; he managed to visit without inconvenience to them. This was one of the finest law offices in the Country. Later, Mr. Tomlin enjoyed the company of Joel Porter; John Porter and Mr. Tomlin several years ago sponsored and worked together to develop a subdivision in the southwestern part of Fayette County and

**WHEREAS**, Troy W. Tomlin has kept his mind sharp and has continued to be a valuable asset to the County Court and

**WHEREAS**, he married Mary Evelyn Murrell, the daughter of Mary Matthews and Amos Gordon Murrell in 1928 having three children, Gordon Murrell Tomlin, William Mayo Tomlin and Mary Evelyn Tomlin Jenness and

**WHEREAS**, his son Gordon Tomlin married Sara Ann Walters of Somerville and had four children, Mary Ester Tomlin, Margaret Ann Tomlin, Janet Murrell Tomlin and Gordon Walters Tomlin and

**WHEREAS**, Margaret Ann Tomlin having married Ruben Scott Rhea, Jr. and having two children, Ruben Scott Rhea, III and Gordon Matthew Rhea and

**WHEREAS**, Janet Tomlin having married Thomas Earl Griffin and has had one child, Mabone Ivy Griffin and

**WHEREAS**, Gordon Tomlin having married Mary Lynn Wilson and they have two children named Gordon Wilson Tomlin and Mary Adelyn Tomlin and

**WHEREAS**, Troy W. Tomlin's sons, William Tomlin having married Ruth Lockhart Jones of LaGrange and they have two children, Tara Ann Tomlin and William Troy Tomlin and

**WHEREAS**, Troy W. Tomlin's child, Mary Evelyn Tomlin married Joseph Jenness and has two children, Amy Jo Jenness and Michael Allen Jenness and

**WHEREAS**, Michael Allen Jenness married Margaret Geiger of Cocoa Beach, Florida;

**WHEREAS**, a life so long and so filled with activity and accomplishments can only be sketched on brief outlines; that he is generous and charitable is a matter of course; that he is an affectionate, tender and indulgent husband and father is natural and normal; that he is remarkable in the length of days allotted to him to this point in time and in his physical vigor; remarkable for a mentality unimpaired long beyond that of most mortals; remarkable in his power of application, his genius for taking pains and his grasp of details; remarkable for his indomitable will, his fortitude and his unfaltering resolution and remarkable for his cheerful, philosophic spirit with which he has met reverses and misfortunes of life.

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Lawyers build no material monuments to recall their labors of their careers; their life work lays hidden in the evanescent records of the Courts in which his accomplishments and the story of his career is recorded.

**NOW THEREFORE**, it is resolved that the County Board of Commissioners wish to honor Troy W. Tomlin for his fifty years of service to Fayette County as County Attorney and for his other accomplishments mentioned hereinabove and for his seventieth wedding anniversary; it is hereby moved that a resolution commending Troy W. Tomlin be approved; and that it be directed that said resolution be spread upon the minutes of the Fayette County Board of Commissioners.

Motion was then made by Commissioner Kelley, seconded by Commissioner Oglesby, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Alma E. Day, Karen Fletcher, Wanda Mae Glover, Deborah R. Robertson; District 7: Janet A. Tucker; District 9: Kimberlee D. Kee; District 13: Barbara Maddox.

Motion was made by Commissioner Brewer, seconded by Commissioner Oglesby and unanimously carried by the Board appointing Troy W. Tomlin as attorney on Personnel Policy.

Combined summary financial statement for the period from April 1, 1997 through June 30, 1997 and a combined schedule of bonds and notes payable were available for the Commissioners.

No report presented from the County Mayor's office.

Erwin Kee with James E. Smith reported orally for the Board of Public Works.

Reports were called for from the Board of Education, County Development Committee, Education Committee and the Health and Welfare Committee, but none presented.

Motion was made by Commissioner Sullivan, seconded by Commissioner Hayslett, and unanimously carried by roll call vote approving our present landfill sight for the opening of Class 3-4 landfill.

Reports from the Criminal Justice and Public Safety Committee and the Personnel Committee were called for, but none presented.

The matter concerning road work within city limits was reviewed by Chairman Voss, and with motion made by commissioner Fowler, seconded by Commissioner German, and unanimously carried by the Board, action on this matter was delayed for sixty (60) days.

Having been reviewed by the Budget Committee and receiving their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Norman, and unanimously carried by the Board accepting \$12,000.00 from the Warr Road subdivision developer to be held in the subdivision fund for Warr Road.

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 approving the funding of \$45,464.00 for bridge construction over Wolf River on McKinstry Road.

With the recommendation of the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Taylor, and carried by the Board approving the following to be part of the budget for the 1997/1998 year:

- Delete Travel \$2,000
- Delete Office Equipment \$10,450
- Delete Interest \$10,000
- Restore Designated \$35,000 for Fire Equipment
- Restore Designated \$44,750. for Courthouse Grant
- \$3,000 Part-time at Library
- \$4,000 for Fire Coordinator
- \$6,000 for Part-time Secretary
- \$19,700 Jail Matron
- \$17,000 Clerical Personnel at Public Works' Garage

One Commissioner voted "no" on this motion.

With the recommendation of the Joint Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Robison, and carried by the Board making the following part of the 1997/1998 Budget:

GENERAL FUND:

- Building Inspector \$2,000
- Development Office Investigator \$2,000
- Assistant to the building Inspector \$3,052
- Reserve for Community Development \$90,000

Commissioner Harris then presented for action the \$200,000.00 lump sum salary increase for teacher salaries as recommended by the Joint Committee. Commissioner Robison made the original motion in the Joint Committee and asked that his motion to amended to read \$175,000.00 lump sum for teacher salaries. Motion was seconded by Commissioner Arnett. Much discussion followed.

Upon roll call, the following voted YES: Commissioner Arnett, Brewer, Cox, Hayslett, Norman, Robison, Wilson and Yancey. (8)

Voting NO: Commissioner Crawford, Fowler, German, Harris, Kelley, Morris, Oglesby, Sullivan, Taylor, Thomas and Tomlin. (11)

Thereupon, said motion failed.

Motion was then made by Commissioner Wilson, seconded by Commissioner Brewer, to set the lump sum teacher increase at \$150,000.00.

Motion was made by Commissioner Taylor, seconded by Commissioner Morris, to amend the original motion to show a lump sum teacher salary increase of \$110,000.00.

First vote was taken on the amended motion of \$110,000.00. Said motion failed.

Vote was then taken on the original motion of \$150,000.00. This motion also failed.

Motion was then made by Commissioner Brewer, seconded by Commissioner Wilson, to set the teacher increase at a lump sum of \$100,000.00.

Commissioner Thomas then made motion to amend the motion presented to \$30,000.00 and then changed his motion for the teacher increase to be "0". Motion was seconded by Commissioner Kelley.

Upon roll call vote, the following voted YES on the "0" increase: Commissioner Crawford, Fowler, German, Harris, Kelley, Oglesby, Sullivan, Thomas and Tomlin. (9)

Voting NO: Commissioner Arnett, Brewer, Cox, Hayslett, Norman, Morris, Robison, Taylor, Wilson and Yancey. (10)

Motion was then made by Commissioner Wilson, seconded by Commissioner Norman, and unanimously carried by the Board allowing a five minute recess.

Motion was made by Commissioners Kelley and Morris to bring the meeting back to order.

Commissioner Taylor asked that it be noted that he had an indirect conflict of interest on that matter to be voted on. Also acknowledging an indirect conflict of interest were Commissioners Wilson, Harris, Cox, Yancey and Arnett.

Now the roll call vote on the original motion to set the lump sum of teacher salary increase at \$100,000.00 was held. Voting YES: Commissioner Arnett, Brewer, Cox, Hayslett, Norman, Robison, Taylor, Wilson and Yancey. (9)

Voting NO: Commissioner Crawford, Fowler, German, Harris, Kelley, Morris, Oglesby, Sullivan, Thomas and Tomlin. (10)

Thereupon, said motion failed.

Commissioner Harris then presented the request of the Trustee and that of the Clerk & Master to elevate an employee in each office. Motion was made by Commissioner Morris, seconded by Commissioner Tomlin to deny this request. Said motion carried with one Commissioner voting "no".

Commissioner Harris then presented the request from the County Clerk for adjustments in two employee positions. Motion was made by Commissioner Yancey, seconded by Commissioner Morris to allow the adjustment from one Clerical position to a Deputy II position.

Upon roll call, the following voted YES: Commissioner Brewer, Crawford, Harris, Morris, Taylor and Yancey. (6)

Voting NO: Commissioner Arnett, Cox, Fowler, German, Hayslett, Kelley, Morman, Oglesby, Sullivan, Thomas, Tomlin, Wilson. (12)

Passed: Commissioner Robison. (1)

Thereupon, said motion failed.

Motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board to approve the Public Works Department Budget with the exception of capital improvements.

Motion was made by Commissioner Harris, seconded by Commissioner Tomlin and unanimously carried by the Board approving the School Board Budget including the General Purpose, Federal and Cafeteria Funds.

Commissioner Harris then opened the floor for discussion on cost-of-living raises.

Motion was made by Commissioner Wilson, seconded by Commissioner Brewer to set raises for all county employees at 8%.

Motion was then made by Commissioner Fowler, seconded by Commissioner German, that the motion be amended to a 4% salary increase for all county employees.

Roll call vote was called for. Voting YES on the amended motion for a 4% increase were Commissioners Fowler, German, Harris, Kelley, Oglesby, Sullivan, Thomas and Tomlin. (8)

Voting NO: Commissioners Arnett, Brewer, Cox, Crawford, Hayslett, Morman, Morris, Robison, Taylor, Wilson and Yancey. (11)

Roll call vote was then called for on the original motion for an 8% salary increase for all county employees. Voting YES: Commissioners Arnett, Brewer, Cox, Crawford, Hayslett, Morman, Wilson and Yancey. (8)

Voting NO: Commissioners Fowler, German, Harris, Kelley, Morris, Oglesby, Robison, Sullivan, Taylor, Thomas and Tomlin. (11)

Said motion failed.

Motion was then made by Commissioner Tomlin, seconded by Commissioner Sullivan, to set the salary increase rate at 5%.

Motion was made by Commissioner Yancey, seconded by Commissioner Brewer, to amend the prior motion and to set the county employee raise at 6%.

Roll call vote was called for. Voting YES on the amended motion of 6% were Commissioners Arnett, Brewer, Cox, Crawford, Hayslett, Norman, Wilson, and Yancey. (8)

Voting NO: Commissioners Fowler, German, Harris, Kelley, Morris, Oglesby, Robison, Sullivan, Taylor, Thomas, Tomlin. (11)

This motion failed.

Voting YES on the 5% salary increase motion were Commissioners Arnett, Brewer, Cox, Crawford, Fowler, German, Harris, Hayslett, Kelley, Norman, Morris, Oglesby, Robison, Sullivan, Taylor, Thomas, Tomlin. (17)

Voting NO: None.

PASSING: Commissioners Wilson and Yancey. (2)

Thereupon, said motion carried setting the salary increase for all county employees at 5%.

Motion was then made by Commissioner Harris, seconded by Commissioner Taylor, and unanimously carried by the Board approving the submitted budget of the Solid Waste Fund.

Chairman Voss gave notice to the Commissioners that an election would be held at the next meeting of this Board to fill the vacancy created by the resignation of Joyce Schimenti from the School Board.

Discussion was held on the meeting date to adopt the Budget and set the tax rate. Motion was made by Commissioner Tomlin, seconded by Commissioner Taylor to hold a special meeting. Motion was then withdrawn.

Commissioner Harris then asked a change be made on the TRIBUTE OF RESPECT adopted in honor of Troy W. Tomlin to show that Mr. Tomlin had never missed a meeting of the County Commission and that he never arrived late for a meeting.

Thereupon, said meeting adjourned.

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JIM VOSS - Chairman  
County Attorney

ATTEST:

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Dell T. Graham, County Clerk