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COUNTY LEGISLATIVE BODY

February 25, 1997

**BE IT REMEMBERED** That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of February, 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 Morman, Sr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson and Allen Yancey, Jr.

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 Brewer, and unanimously carried by the Board approving the minutes of the January 1997 meeting of this Board.

The matter now before the Board was the rezoning request of Arthur Rhea concerning the rezoning of property located in Civil District 1 from R - 3 to SA for the purpose of establishing a firing range. Todd Williams with the Planning Commission reviewed this matter and presented it with the recommendation of the Planning Commission for passage.

Chairman Voss then opened the floor to the public for comments in favor of or in opposition to the rezoning. With no comments being presented, the floor was closed.

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

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 25th day of February, 1997, 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.

000576

That the Petition of Arthur Rhea, to rezone 1.93 acres of land identified as Parcel No. 11.01 on Tax Map No. 96, identified further as 2290 Jernigan Drive, and situated in the 1st Civil District of Fayette County, Tennessee, from R-3 (Restrictive Residential) to SA (Special Activity) for the purpose of allowing use of existing private pistol range as handgun qualification firing range for state issue gun carrying permits, be adopted and approved and upon consideration thereof, the said resolution was adopted by a majority vote of the Court.

Beginning at a stake in south margin of right-of-way of Somerville Hickory Valley Road, this point being South 78 degrees 30 minutes East 1118 feet and South 12 degrees West 25 feet from northwest corner of Thomas Griffin 191.35 acre tract, from said point of beginning South 78 degrees East, along margin of right-of-way of said Somerville Hickory Valley Road, 200 feet, northwest corner of Lot No. 2, 420 feet to a stake southwest corner of Lot No. 2, thence North 78 degrees West 200 feet to a stake, internal corner of Thomas Griffin land; thence North 12 degrees East 420 feet to the beginning and containing 1.93 acres.

This being the west one half of a 3.86 acre tract, said 3.86 acre tract being out of a tract of land conveyed to T. L. Griffin and wife, by deed recorded in Book 100, page 501, Registers Office of Fayette County.

Now before the Board was the approval of relocation of a previously approved business operation of CAPL Industries from Moscow to re-zoned property on Hwy 18.

Chairman Voss then opened the floor for comments in favor of and in opposition to the relocation of this business.

Speaking in favor of the relocation was Mary Ann Bodley. With no other comments being offered, the floor was declared closed.

Motion was then made by Commissioner Oglesby, seconded by Commissioner Crawford, and unanimously carried by the Board approving the relocation of the business.

At this time Chairman Voss presented the recommendation of Barbra Parker, Trustee, for appointment of J. Payson Matthews as Back-Tax Attorney. Motion was made by Commissioner Fowler, seconded by Commissioner Tomlin, placing the name of J. Payson Matthews in nomination for election as Back Tax Attorney. Motion was then made by Commissioner Tomlin, seconded by Commissioner Taylor and unanimously carried by the Board that the nominations cease, and that Mr. Matthews be elected by acclamation.

Motion was made by Commissioner Kelley, seconded by Commissioner Sullivan, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Nell R. Atkeison; District 3: Frances C.A. Morrow; District 5: Linda McNabb Dollahite, Doris C. Green, Minnie Lou Parker, Ava M. Wilder; District 6: Pamela C. Sinuefield; District 8: Linda D. Fahr; District 12: Sandra Simmons, Brenda P. Blankenship; District 14: Ricky Taylor.

Combined schedule of bonds and notes payable and summary financial statements were available with the commissioners.

At this time Chairman Voss yielded the floor to Gallaway Mayor Fisher who addressed the Board in opposition to a landfill in his area.

Commissioner Wilson addressed the Board and asked that the Board be equal in allowing individuals to address this Board.

Report was called for from the Board of Education, but none presented.

Erwin Kee reported orally for the Board of Public Works.

Reports from the Fayette County Commission on Aging, Planning and Development Commission, Juvenile Court, General Sessions Court, Sheriff's Department and the Ambulance Service were filed.

Commissioner Sullivan, chairman of the County Development Committee, advised that this committee had met and recommended the adoption of the overall airport plans and approval of Phase I and Phase II improvements, less any runway extension, as funds become available.

This matter being tabled at the last meeting of the Board. motion was made by Commissioner Robison, seconded by Commissioner Morris and carried by the Board taking the matter from the table.

Motion was then made by Commissioner Taylor, seconded by Commissioner Sullivan and carried allowing a ten minute recess to hear public opinions on the Airport matter.

Motion was then made by Commissioner Taylor, seconded by Commissioner Sullivan and carried by the Board to reconvene.

Commissioner Robison moved that the Commission approve the 20 year plan as prepared by the Espey, Huston Company.

Commissioner Sullivan, Chairman of the Community Development Committee, noted that the intent of his Committee on recommending this action was to specifically include in this Commission's action no runway extension and to only take action as funds become available, these funds not to be from the tax role. With this, Commissioner Sullivan seconded the motion.

After much discussion, motion was then made by Commissioner Robison, seconded by Commissioner Wilson, to amend this original motion to approve the 20 year plan which will not obligate future County Commissions or spend money on the airport unless voted on by the County Commission. Vote was then taken on this amended motion which passed unanimously.

Roll Call vote was then taken on the original motion. Voting "YES" : Commissioners Arnett, Brewer, Cox, Crawford, Hayslett, Morman, Morris, Robison, Sullivan, Taylor, Wilson, and Yancey. (12)

Voting "NO": Commissioners Fowler, German, Harris, Kelley, Oglesby, Thomas and Tomlin. (7).

Thereupon, said motion passed.

Commissioner Oglesby reported orally for the Education Committee.

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

Commissioner Harris, Chairman of the Budget Committee, presented the recommendations of that committee. Having been reviewed by the Budget Committee and received their recommendation for passage, Commissioner Harris moved that the Election Commission, the State Health Department Officials and the Planning and Development Office move to the old Health Department building. Said motion was seconded by Commissioner Sullivan. After discussion, Commissioner Crawford asked that it be recorded that he was against this recommendation.

Motion was then made by Commissioner Brewer, seconded by Commissioner Yancey and unanimously carried by the Board allowing a recess.

Motion was then made by Commissioner Taylor, seconded by Commissioner Brewer, and unanimously carried by the Commission to reconven.

Now before the Board was the original motion to relocating the Election Commission, the State Health Department Officials and the Planning and Development Office in the old Health Department building. This motion carried, with one (1) vote against the motion.

Having been reviewed by the Budget Committee and received their recommendation for passage, Commissioner Harris presented and moved for the adoption of the following Resolution concerning housing funds:

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR HOUSING FUNDS THROUGH THE TENNESSEE HOUSING DEVELOPMENT AGENCY**

**WHEREAS, the Board of Commissioners of Fayette County, Tennessee, have committed themselves to improve housing in tracts 601, 603, 605, and tract 606 they represent in Fayette County, Tennessee.**

**WHEREAS, the County of Fayette, Tennessee, has determined that the upgrading of housing and purchasing new homes are two of the most pressing needs of the community; and WHEREAS, the County wishes to make application for \$47,000.00 HOUSE Entitlement Funds to implement and complete this project; and**

**NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, Tennessee, meeting on the 28th day of January, 1997; that the County Executive is authorized to make and sign application for HOUSE ENTITLEMENT authorize any required environmental documental documentation, and enter into any and all necessary agreements and assurances to consummate the application and imolement the project.**

**The County Executive declared the Resolution duly adopted and effective from and after this 28th day of January, 1997.**

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

As reviewed by the Budget Committee, and presented with their recommendation for passage, Commissioner Harris moved for the adoption of the following Resolution concerning a personal property depreciation table:

**TO REQUEST THAT THE GENERAL ASSEMBLY ENACT LEGISLATION TO AMEND OR SUPERCEDE THE PERSONAL PROPERTY DEPRECIATION TABLES FOUND IN T.C.A. § 67-5-903(f) IN ORDER TO REMEDY THE INEQUITIES AND LOSS OF REVENUE CAUSED BY SUCH TABLES.**

**WHEREAS, the Tennessee General Assembly enacted statutory depreciation tables for personal property in 1991, which had the effect of immediately reducing the aggregate local personalty assessments by at least thirteen percent (13%), and**

**WHEREAS, this reduction has already triggered litigation by utility taxpayers, including the state's five largest airlines and second and third largest railroads, who have complained that these tables unfairly and unconstitutionally cause these utilities to pay taxes at a rate higher than other personalty taxpayers, and**

WHEREAS, such litigation has resulted in settlements which equalize the assessments of those taxpayers by 15%, with language specifically stating that such reductions will be effective for 1996 and future tax years until T.C.A. § 67-5-903(f) is amended or superceded by legislative action, thus potentially requiring local governments to raise local property taxes in order to refund large amounts of money to these litigants and to make up for the revenue shortfalls, and

WHEREAS, subsequent to these settlements, Bellsouth Telecommunications, the state's largest single taxpayer representing 30% of the total public utility assessment statewide, has also filed for equalization relief and other major taxpayers are expected to follow suit, and

WHEREAS, the depreciation tables and the litigation which has occurred as a direct result of these tables have reduced the tax burden of commercial enterprises and utilities, thus shifting the tax burden to the residential family homeowner, and

WHEREAS, the State of Tennessee and all its local governments are challenged daily to find the revenues to continue providing the services which are necessary and fundamental to the health, welfare, and safety of the residents of this state, and are facing especially difficult economic concerns at this time with the rising costs of programs such as the Basic Education Program, TennCare, and Families First, while also facing massive anticipated budgetary shortfalls,

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, meeting in regular session on this 25 day of February, 1997, that the Tennessee General Assembly is strongly urged to amend or supercede the personal property depreciation tables found in T.C.A. § 67-5-903(f), as soon as possible, in order to remedy the inequities and loss of revenue caused by such tables.

BE IT FURTHER RESOLVED, that the county clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of Fayette County.

Adopted this 25th day of Feb., 1997.

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

Now before the Board was the following Resolution concerning the right-of-way for telecommunication as reviewed and recommended by the Budget Committee. Commissioner Harris moved for the adoption with second by Commissioner Morris. Said motion was unanimously carried by the Board.

**A RESOLUTION TO REQUEST THAT THE GENERAL  
ASSEMBLY SUPPORT LOCAL GOVERNMENT'S  
LONG-STANDING RIGHT-OF-WAY AUTHORITY  
FOR LOCAL STREETS AND ROADS**

WHEREAS, local governments in Tennessee currently have the authority to manage the activity going on in their own streets and roads and,

WHEREAS, local governments in Tennessee are concerned about the impact that telecommunication deregulation will have on their streets and rights-of-way and,

WHEREAS, the 1996 telecommunications law swept away local monopoly service and generated a growing sense of concern about the cost of road and right-of-way repair and,

WHEREAS, clearly, the cost of street and road maintenance will escalate with the onslaught of telecommunication infrastructure construction

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Fayette County, meeting in regular session on this 25 day of Feb., 1997, that the Tennessee General Assembly is strongly urged to continue to allow local governments to manage their own street and road rights-of-way and be compensated for repairs caused by telecommunication infrastructure installations.

BE IT FURTHER RESOLVED, that the county clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of Fayette County.

Adopted this 25 day of Feb. 1997

Now before the Board was the request of the County Clerk for a transfer of part-time employee to full-time. This had been reviewed by the Budget Committee and presented with their recommendation for passage. Motion was made by Commissioner Harris, seconded by Commissioner Kelley and unanimously carried by the Board approving the following change:

COUNTY GENERAL FUND  
BUDGET AMENDMENT  
FY 96/97  
February, 1997

	<u>Debit</u>	<u>Cred:</u>
52500 <u>County Clerk's Office</u>		
188 Temporary/Part-time Personnel	\$1,325.00	
58600 <u>Employee Benefits</u>		
201 Social Security	83.00	
204 State Retirement	45.00	
205 Employee and Dependent Insurance	571.00	
212 Employer Medicare Liability	20.00	

Troy W. Tomlin, County Attorney, addressed the Board concerning the possibility of the County gaining funds on sales tax collected in other counties on the sale of motor vehicles to Fayette County residents and asked that this Commission consider contacting our Representatives to introduce such a bill. Motion was made by Commissioner Robison, seconded by Commissioner Sullivan and unanimously carried by the Board to contact our state legislators for a bill that would require taxes on sale of automobile and the purchase of license be paid to the county of which the owner is a resident.

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

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JIM VOSS - Chairman  
County Mayor

ATTEST:

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Dell T. Graham, County Clerk