

1 (S)
FILE COPY

COUNTY LEGISLATIVE BODY

October 28, 1997

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 28th day of October, 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 all members being present, the following proceedings were had and entered of record, to-wit:

The minutes of the September 1997 meeting were presented for approval. Commissioner Taylor asked for a correction to these minutes for the **Criminal Justice and Public Safety Committee** to include the name of Rhea "Skip" Taylor and to delete the name of Thomas H. Fowler. With this correction, motion was made by Commissioner Kelley, seconded by Commissioner Brewer, and unanimously carried by the Board approving said minutes.

Motion was made by Commissioner Wilson, seconded by Commissioner Arnett, and unanimously carried by the Board appointing the following as Notaries Public: District 1: Malvis D. Wilson; District 7: Barry Harris; District 10: Ida Mae Patrick.

The combined summary financial statement for July 1, 1997 through September 30, 1997 and a combined Schedule of bonds and notes payable were available for each Commissioner.

Motion was made by Commissioner Brewer, seconded by Commissioner Taylor and unanimously carried by the Board allowing the County Mayor to sign the reappraisal plan budget totaling \$245,090.00.

Erwin Kee reported orally for the Board of Public Works.

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

Written reviews from the Ambulance Service, Fayette County Commission on Aging, Juvenile Court, General Sessions Court, Sheriff's Department, Development Office and Rabies Control were available and filed with the Clerk.

Report from the Emergency Management Agency was called for, but none available.

Activity of the County Development Committee was now before the Board. Commissioner Sullivan reviewed the recommendation of this Committee to apply for a grant of \$400,000.00 for taxiway at the airport. This will be addressed under the Budget Committee report and action.

Motion was made by Commissioner Sullivan, seconded by Commissioner Thomas and unanimously carried by the Board accepting the following 1.24 miles as roads: Woodmont Drive 0.41 mi; Bent Creek Drive 0.20 mi; Coach Trail 0.36 mi; Creek View Cove 0.06 mi; High Plains Cove 0.10 mi; and Brockford Drive 0.11 mi.

Motion was made by Commissioner Sullivan, seconded by Commissioner Fowler and unanimously carried by the Board approving bridge rebuilding on Russell Road with the County to be completely reimbursed by the City of Piperton.

Motion was made by Commissioner Sullivan, seconded by Commissioner Robison, and unanimously carried by the Board to abide by the laws of the Tennessee Code regarding work on city streets.

Motion was made by Commissioner Kelley, seconded by Commissioner Robison and unanimously carried by the Board approving road work in Oakland with disclaimer on damage that might occur.

Motion was made by Commissioner Harris, seconded by Commissioner Thomas and unanimously carried by the Board that road and/or bridge construction for cities be addressed by the Board of Public Works before approval is requested by this Board.

Commissioner Sullivan then advised that his committee had again discussed the Collierville-Arlington Parkway contact in Fayette County and continued to stand in opposition of this being in Fayette County.

Reports from the Education Committee and the Health & Welfare Committee were called for, but none presented.

Commissioner Kelley reported for the Criminal Justice & Public Safety Committee and addressed his dissatisfaction with the point system for our various fire departments. Motion was made by commissioner Robison, seconded by Commissioner Tomlin that this item go back before the Criminal Justice & Public Safety Committee. Discussion followed. Said motion passed.

Report from the Personnel Committee was called for, but none given.

Commissioner Harris reviewed the recommendation of the County Development Committee and the Budget Committee and moved to apply for a \$400,000.00 grant for extension of the taxiway at the airport, and that the 5% (\$20,000.00) county matching fund be taken from the designated fund that was allowed for that purpose. Motion was seconded by Commissioner Wilson. Roll call vote was called for.

Voting YES on the motion were Commissioners Arnett, Brewer, Cox, Crawford, German, Hayslett, Morman, Morris, Robison, Sullivan, Taylor, Wilson and Yancey. (13)

Voting NO were Commissioners Fowler, Harris, Kelley, Oglesby, Thomas and Tomlin. (6)

Thereupon, said motion carried.

Having been reviewed by the Budget Committee and presented with their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Oglesby, and carried by the Board adopting the following Resolution allowing retirement credit for certain periods of military service:

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.

WHEREAS, T.C.A. § 8-34-605 authorizes a political subdivision participating in the Tennessee Consolidated Retirement System ("TCRS") 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 TCRS, who served in the armed forces of the United States at any time from 10/15/40 through 5/7/75, to establish retirement credit for such military service on the basis of 1 day of creditable service for each 2 days of military service rendered. The member must pay the employee contributions to establish the service based upon 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, said Section also allows any such member who establishes the above military service to establish an additional 6 months of retirement credit for any military service rendered in the armed forces of the United States during the periods specified above for which the employee did not receive credit in TCRS. To receive such additional credit, the member must pay employee contributions for the service based upon a contribution rate of 12% 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 such member who served in the armed forces of the United States during a period of armed conflict to establish retirement credit for such service without charge. Said Section defines "period of armed conflict" as: WW I 4/7/17 - 11/11/18; WW II 12/7/41 - 12/31/46; Korean Conflict 6/27/50 - 1/31/55; and Vietnam Era 2/28/61 - 5/7/75; and

WHEREAS, credit for any of the above 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 is granted conditionally upon the member becoming vested; prior to vesting, the credit may not be used to establish any rights under TCRS; and (4) the total amount of credit granted for such military service cannot exceed an aggregate of 4 years.

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

of Fayette County, Tennessee hereby authorizes its employees to establish retirement credit
(Name of Employer)

for the above military service under the foregoing provisions and agrees to accept the associated liability.

Motion was made by Commissioner Harris, seconded by Commissioner Morris and unanimously carried by the Board adopting the following Resolution challenging the distribution of sales tax in the county:

A RESOLUTION AUTHORIZING A LAW SUIT,
INDIVIDUAL OR IN CONJUNCTION WITH OTHER COUNTIES
TO CHALLENGE THE DISTRIBUTION OF THE LOCAL
SALES TAX BETWEEN MUNICIPALITIES AND THE COUNTY

WHEREAS, the Tennessee General Assembly has authorized and allowed counties and municipalities to share in the local option sales tax and has determined certain formulas by which municipalities and counties share in the revenues received as a result of that sales tax; and

WHEREAS, because of that distribution scheme and because of annexation, the County's portion of the local option sales tax has eroded severely and continues to erode causing financial hardships on the County's financial condition; and

WHEREAS, in order to more equitably divide the sales tax it appears that a legal challenge may be required to in fact challenge the fairness of the present local option sales tax distribution between Fayette County and the municipalities within the geographic confine of the county.

NOW, THEREFORE, BE IT RESOLVED by the Fayette County Legislative Body, meeting in regular session on October 28, 1997, a quorum being present and a majority voting in the affirmative, that the County Attorney be hereby authorized to explore with other counties in the state to see their interest in joining Greene County to challenge the formula as it relates the distribution of the local option sales tax and to seek a judicial determination that would more equitably distribute the local sales tax between the County and the municipalities within the county.

Motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolutions regarding school funds:

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 October, 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.

That the General Purpose School Fund #141 Budget Amendment for the fiscal year ending June 30, 1998 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
OCTOBER, 1997

		INCREASE	DECREASE
71000	INSTRUCTION		
71600	ADULT EDUCATION PROGRAM		
71600 116 AB1	Teachers	\$17,424.00	
71600 189 AB1	Other Salaries and Wages	\$4,626.00	
71600 201 AB1	Social Security	\$1,368.00	
71600 204 AB1	State Retirement	\$743.00	
71600 212 AB1	Medicare	\$330.00	
71600 299 AB1	Other Fringe Benefits	\$283.00	
71600 429 AB1	Instructional Supplies and Materials	\$6,266.00	
71600 429 FRC	Instructional Supplies and Materials	\$3,696.00	
71600 722 FRC	Regular Instruction Equipment	\$2,700.00	
71600 429 PIC	Instructional Supplies and Materials	\$13,346.00	
	TOTAL:	\$50,782.00	\$0.00
72000	SUPPORT SERVICES		
72260	ADULT EDUCATION PROGRAM		
72260 105 AB1	Supervisor/Director		\$33,795.00
72260 189 AB1	Other Salaries and Wages		\$121,786.00
72260 201 AB1	Social Security	\$485.00	
72260 204 AB1	State Retirement		\$4,186.00
72260 207 AB1	Medical Insurance		\$2,137.00
72260 212 AB1	Medicare		\$2,612.00
72260 355 AB1	Travel		\$31,479.00
72260 399 AB1	Other Contracted Services		\$30,000.00
72260 499 AB1	Other Supplies and Materials		\$12,500.00
72260 599 AB1	Other Charges		\$13,500.00
72260 105 FRC	Supervisor/Director	\$19,425.00	
72260 189 FRC	Other Salaries and Wages	\$308.00	
72260 201 FRC	Social Security	\$1,224.00	
72260 204 FRC	State Retirement	\$661.00	
72260 207 FRC	Medical Insurance	\$1,887.00	
72260 212 FRC	Medicare	\$287.00	
72260 299 FRC	Other Fringe Benefits	\$112.00	
72260 355 FRC	Travel	\$2,000.00	
72260 599 FRC	Other Charges	\$1,000.00	
72260 189 PIC	Other Salaries and Wages	\$129,715.00	
72260 201 PIC	Social Security	\$8,046.00	
72260 204 PIC	State Retirement	\$4,416.00	
72260 207 PIC	Medical Insurance	\$12,018.00	
72260 212 PIC	Medicare	\$1,884.00	
72260 299 PIC	Other Fringe Benefits	\$3,151.00	
72260 355 PIC	Travel	\$149,743.00	
72260 399 PIC	Other Contracted Services	\$63,700.00	
72260 499 PIC	Other Supplies and Materials	\$17,795.00	
72260 599 PIC	Other Charges	\$20,443.00	
	TOTAL:	\$438,300.00	\$251,995.00
72610	OPERATION OF PLANT		
72610 351	Rentals		\$25,580.00
	TOTAL:	\$0.00	\$25,580.00
76000	CAPITAL OUTLAY		
76100	REGULAR CAPITAL OUTLAY		
76100 799	Other Capital Outlay	\$82,692.00	
	TOTAL:	\$82,692.00	\$0.00
	GRAND TOTAL:	\$571,774.00	\$277,575.00

Total Increase: \$294,199.00

Revenues:	46511	Basic Education Program	(\$45,783.00)
	46590	FRC Other State Education Funds	\$33,300.00
	46590	AB1 Other State Education Funds	\$95,775.00
	46990	AB1 Other State Revenues	\$2,886.00
	47120	AB1 Adult Basic Education	\$8,264.00
	47210	AB1 Job Training Partnership Act.	(\$224,500.00)
	47210	PIC Job Training Partnership Act	\$424,257.00
	Total:		\$294,199.00

Revenue:	Prior Total Available Funds	\$18,297,184.92
	Total Increase This Amendment	\$294,199.00
	Total Available Funds This Amendment	\$18,591,383.92

Expenditure:	Prior Total Estimated Expenditures	\$16,755,163.00
	Total Increase This Amendment	\$294,199.00
	Total Est. Expenditures This Amendment	\$17,049,362.00

9.3.6.9.2

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 October, 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.

That the Federal Project Fund #142 Budget Amendment- Subfund 856, Single Parent Program for the fiscal year ending June 30, 1998 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 856 - SINGLE PARENT PROGRAM
 OCTOBER, 1997

		INCREASE	DECREASE
71000	INSTRUCTION		
71300	VOCATIONAL EDUCATION PROGRAM		
71300 189	Other Salaries and Wages	\$656.00	
71300 164	Attendants		\$6,017.00
71300 201	Social Security		\$333.00
71300 204	State Retirement		\$183.00
71300 212	Medicare		\$78.00
71300 307	Communications	\$27.00	
71300 355	Travel		\$973.00
71300 429	Instructional Supplies and Materials		\$200.00
71300 499	Supplies and Materials		\$799.00
		\$607.00	\$8,503.00

99000	OTHER USES		
99100	OPERATING TRANSFERS		
99100 590	Transfers to Other Funds		\$900.00
	TOTAL:		\$900.00
	GRAND TOTAL:	\$683.00	\$9,483.00

Total Decrease: (\$8,800.00)

Revenue:	47134 Vocational Displaced Homemakers	(\$8,800.00)
Revenue:	Prior Total Available Funds	\$1,928,162.22
	Total Decrease This Amendment	(\$8,800.00)
	Total Available Funds This Amendment	\$1,919,362.22
Expenditures	Prior Total Estimated Expenditures	\$1,871,982.58
	Total Decrease This Amendment	(\$8,800.00)
	Total Estimated Expenditures This Amendment	\$1,863,182.58

9.3.6.9.3

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 October, 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.

That the Federal Project Fund #142 Budget Amendment- Subfund 876, Title VI for the fiscal year ending June 30, 1998 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 876 - TITLE VI
 OCTOBER, 1997

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	ES1 Teachers	\$13,288.00	
71100 201	ES1 Social Security	\$823.00	
71100 204	ES1 State Retirement	\$863.00	
71100 212	ES1 Medicare	\$192.50	
71100 429	ES1 Instructional Supplies and Materials	\$1,000.00	
71100 722	FFA Regular Instruction Equipment	\$3,951.99	
71100 722	ROA Regular Instruction Equipment	\$1,326.17	
	TOTAL:	\$21,444.66	\$0.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 355	ES1 Travel	\$773.34	
	TOTAL:	\$773.34	\$0.00
	GRAND TOTAL:	\$22,218.00	\$0.00

Total Increase: \$22,218.00

Revenue:	47142 ESEA Title VI	\$22,218.00
Revenue:	Prior Total Available Funds	\$1,919,362.22
	Total Increase This Amendment	\$22,218.00
	Total Available Funds This Amendment	\$1,941,580.22
Expenditures:	Prior Total Estimated Expenditures	\$1,863,182.58
	Total Increase This Amendment	\$22,218.00
	Total Estimated Expenditures This Amendment	\$1,885,400.58

9.3.6.9.4

RESOLUTION

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 October, 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.

That the Federal Project Fund #142 Budget Amendment- Subfund 880, Title II for the fiscal year ending June 30, 1998 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 880 - TITLE II
 OCTOBER, 1997

	INCREASE	DECREASE
1000	INSTRUCTION	
1100	REGULAR INSTRUCTION PROGRAM	
1100 195 PUB	Substitute Teachers	\$1,200.00
1100 201 PUB	Social Security	\$75.00
1100 212 PUB	Medicare	\$20.00
1100 429 PUB	Instructional Supplies and Materials	\$5,576.16
1100 429 FFA	Instructional Supplies and Materials	\$4,273.71
1100 429 ROA	Instructional Supplies and Materials	\$434.13
	TOTAL:	\$11,579.00 \$0.00
72000	SUPPORT SERVICES	
72210	REGULAR INSTRUCTION PROGRAM	
72210 308 PUB	Consultants	\$3,500.00
72210 355 PUB	Travel	\$6,000.00
72210 457 PUB	In-Service/Staff Development	\$9,000.00
72210 457 ROA	In-Service/Staff Development	\$1,000.00
	TOTAL:	\$19,500.00 \$0.00
	GRAND TOTAL:	\$31,079.00 \$0.00
Total Increase: \$31,079.00		
Revenue:	47189 Title II	\$31,079.00
Revenue:	Prior Total Available Funds	\$1,941,580.22
	Total Increase This Amendment	\$31,079.00
	Total Available Funds This Amendment	\$1,972,659.22
Expenditures:	Prior Total Estimated Expenditures	\$1,885,400.58
	Total Increase This Amendment	\$31,079.00
	Total Estimated Expenditures This Amendment	\$1,916,479.58

Having been reviewed by the Budget Committee and presented with their recommendation for passage, Commissioner Harris made motion, with second by Commissioner Kelley 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 28th day of October, 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.

That the General Fund #101 Budget Amendment for the fiscal year ending June 30, 1998 be, and the same is hereby, amended in the following words and figures, to-wit:

COUNTY GENERAL FUND
BUDGET AMENDMENT
 FY 97/98
 October, 1997

Total Funds Available This Amendment	\$6,160,383.51
<u>Adjustments to Expenditure Accounts:</u>	
52300 <u>Property Assessor's Office</u>	
308 Consultants	\$+ 19,000.00
52500 <u>County Clerk's Office</u>	
106 Deputies	+ 654.00
54900 <u>Other Public Safety</u>	
142 Mechanics	+ 19,800.00
205 Employee & Dependent Insurance	+ 1,306.00
	<u>+ 21,106.00</u>
58600 <u>Employee Benefits</u>	
201 Social Security	+ 1,269.00
204 State Retirement	+ 360.00
212 Employer Medicare	+ 297.00
	<u>+ 1,926.00</u>
Total Expenditure Increase This Amendment	\$+ 42,686.00
Prior Estimated Expenditures	\$5,480,280.00
Total Estimated Expenditures	\$5,522,966.00
Estimated Ending Fund Balance as of June 30th, 1998	\$ 637,417.51

Thereupon, said meeting adjourned.

JIM VOSS - Chairman
County Mayor

ATTEST:

Dett T. Graham, County Clerk