

COUNTY LEGISLATIVE BODY

March 24, 1998

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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 24th day of March, 1998.

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 Morman, Sr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson,

Absent: Commissioners Robert L. Crawford 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 Sullivan and unanimously carried by the Board approving the minutes of the February 1998 meeting.

The matter now before the Board was the rezoning of property of Rama Prasad located in Civil District 11 from R-1 to I-L. Motion was made by Commissioner Sullivan, seconded by Commissioner Morris to deny the request for rezoning.

Chairman Voss then opened the floor to the public to hear opinions in favor of the rezoning. With none being offered, the floor was closed. Vote was then taken wherein all seventeen Commissioners present voted in favor of the motion to deny the rezoning request.

The next matter before the Board was the rezoning request of Wayne Dowdy of property located in Civil District 2 from R -1 to B - 3 for use similar to a convenience store with gas station. This was presented 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 request. With none presented, the floor was closed.

Motion was then made by Commissioner Morris, seconded by Commissioner Oglesby, and unanimously carried by the Board adopting the following Resolution:

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 of this 24th day of March, 1998, 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 Petition of Wayne Dowdy to rezone from R-1 (Rural Residential) to B-3 (Community Business) approximately 1.87 acres for the purpose for allowing a convenience store, gas station, or similar use on the following described property located on the northeast corner of the intersection of Highway 64 and Laconia Road in District 2 of Fayette County, Tennessee be adopted and approved and upon consideration thereof, the said resolution was unanimously carried by a majority vote of the Court.

Recommended for reappointment to the **Beer Road** was **Joe L. Mason**. Motion was made by Commissioner Wilson, seconded by Commissioner Brewer and unanimously carried by the Board making the appointment as recommended.

Motion was made by Commissioner Kelley, seconded by Commissioner Oglesby, and unanimously carried by the Board appointing the following as Notaries Public: District 11: James H. Prewitt; District 12: Linda D. Carneal, W. F. Carneal, Jr.; District 14: Angela K. Waldron.

Motion was made by Commissioner Taylor, seconded by Commissioner Arnett, and unanimously carried by the Board adopting the following **Resolution Acknowledging the Development of Apartments in Fayette County:**

RESOLUTION ACKNOWLEDGING THE DEVELOPMENT
OF APARTMENTS IN FAYETTE COUNTY

WHEREAS, Elected Officials of Fayette County, Tennessee, have committed themselves to improving and enhancing community livability for the citizens they represent; and

WHEREAS, said Public Officials have determined that the provision of quality affordable housing meets the above stated goal; and

WHEREAS, the application to the Tennessee Housing Development Agency under the Low Income Housing Tax Credit Program from Fayette County Citizens for Progress will provide quality affordable housing in this County.

NOW, THEREFORE, BE IT RESOLVED that the Legislative Body of Fayette County supports the above referenced application for eight (8) units of affordable housing in Fayette County.

APPROVED IN OPEN PUBLIC MEETING THIS *24th* TH DAY OF MARCH, 1998.

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

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

Reports were called for from the County Development Committee and the Education Committee, but none available.

Chairman Voss presented for approval a **Bond** to be posted with the State of Tennessee for closure of our Class 3-4 landfill. This \$154,113.00 bond will be deducted from our previous landfill closure bond. Motion was made by Commissioner Sullivan, seconded by Commissioner Fowler and unanimously carried by the Board approving the procedure.

Commissioner Kelley reported for the Criminal Justice & Public Safety Committee their recommendation to dis-allow the Amature Cycle Club of Memphis to hold bike races in Fayette County and made motion to this effect. Motion was seconded by Commissioner Morman and unanimously carried by the Board.

Commissioner Kelley also reported that his committee has met with the Development Committee and it would be their recommendation that a new building be erected for a Justice Complex Center rather than renovation of old buildings.

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

Commissioner Harris, Chairman of the Budget Committee, reviewed the recommendation of that committee on the Glover VS Fayette County case and moved for the adoption of the following resolution. Motion was seconded by Commissioner Fowler with a roll call vote taken.

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 24th day of March, 1998, 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 Fayette County, Tennessee, accept the settlement proposal offered by Ms. Dorothy Glover, individually, and as surviving spouse of John E. Glover, which is in the following words and figures, to-wit:

The sum of \$325,000.00 to be paid upon the acceptance of this proposal and the County's obligation to pay the sum of \$40,000.00 in seven (7) annual payments for a total of \$280,000.00, with no interest, with the first payment to be made February 20th, 1999, and on the 20th day of February of each and every February thereafter, for a period of six (6) years, with the final payment to be made on February 20th, 2005.

BE IT FURTHER RESOLVED, that the Local Government & Property Casualty Fund contribute the total policy value of \$130,000.00 less the attorneys' fees, cost and expenses as set forth pursuant to the terms of the policy toward the \$325,000.00 lump sum payment.

BE IT FURTHER RESOLVED that the pending suits of Ms. Glover in the Federal and State Courts be dismissed at the cost of Fayette County, Tennessee.

BE IT FURTHER RESOLVED that the complete terms and conditions of the settlement be recorded in the minutes of this Court.

Upon motion of Commissioner Harris and seconded by Commissioner Fowler that this Resolution be hereby adopted and approved and upon roll call, the Commissioners voted as follows:

Voting in Favor of: 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 Morman, Sr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J. M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon Tomlin, Myles Wilson. (17)

Voting Against: None.

Absent and not Voting: Commissioners Robert L. Crawford and Vallen Yancey, Jr. (2)

Thereupon, said Resolution was declared to be adopted and approved.

BE IT FURTHER RESOLVED That a copy of this Resolution be spread upon the minutes of the Court reflecting the action taken by a roll call vote of the Commission.

Having been reviewed by the Budget Committee, Commissioner Harris presented and moved for the adoption of the following Resolution amending the **General Purpose School 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 24th day of March, 1998, 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 Budget Admendment #141 for the fiscal year terminating June 30, 1998 be admended in the following words and figures:

FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141
MARCH, 1998

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 117	Career Ladder		\$7,000.00
71100 204	State Retirement		\$99,600.00
71100 207	Health Insurance	\$13,600.00	
	TOTAL:	\$13,600.00	\$106,600.00
71200	SPECIAL EDUCATION PROGRAM		
71200 117	Career Ladder		\$3,500.00
71200 189	Other Salaries and Wages	\$169.00	
71200 204	State Retirement		\$11,096.00
71200 207	Health Insurance	\$5,000.00	
	TOTAL:	\$5,169.00	\$14,596.00
71300	VOCATIONAL EDUCATION PROGRAM		
71300 204	State Retirement		\$7,800.00
71300 207	Health Insurance	\$7,800.00	
	TOTAL:	\$7,800.00	\$7,800.00

71600	ADULT EDUCATION PROGRAM		
71600 429 PIC	Instructional Supplies and Materials	\$30.00	
71600 722 PIC	Instructional Equipment	\$10,800.00	
	TOTAL:	\$10,830.00	
72000	SUPPORT SERVICES		
72110	ATTENDANCE		
72110 105	Supervisor/Director	\$431.00	
72110 204	State Retirement		\$431.00
	TOTAL:	\$431.00	\$431.00
72120	HEALTH SERVICES		
72120 201	Social Security		\$127.00
72120 207	Health Insurance	\$127.00	
	TOTAL:	\$127.00	\$127.00
72130	OTHER STUDENT SUPPORT		
72130 135	Assessment Personnel	\$273.50	
72130 204	State Retirement		\$273.50
	TOTAL:	\$273.50	\$273.50
72210	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director	\$1,759.00	
72210 117	Career Ladder	\$600.00	
72210 138	Instructional Computer Personnel	\$273.50	
72210 204	State Retirement		\$6,332.50
72210 207	Health Insurance	\$4,300.00	
	TOTAL:	\$6,932.50	\$6,332.50
72220	SPECIAL EDUCATION PROGRAM		
72220 105	Supervisor/Director	\$489.00	
72220 124	Psychological Personnel	\$584.00	
72220 161	Secretary	\$86.00	
72220 189	Other Salaries and Wages	\$568.00	
72220 201	Social Security	\$49.00	
72220 204	State Retirement		\$1,787.00
72220 212	Medicare	\$11.00	
	TOTAL:	\$1,787.00	\$1,787.00
72230	VOCATIONAL EDUCATION PROGRAM		
72230 105	Supervisor/Director	\$532.00	
72230 161	Secretary	\$4.00	
72230 204	State Retirement		\$536.00
	TOTAL:	\$536.00	\$536.00
72260	ADULT EDUCATION PROGRAM		
72260 105 PIC	Supervisor/Director	\$12,803.00	
72260 201 PIC	Social Security	\$794.00	
72260 204 PIC	State Retirement	\$833.00	
72260 207 PIC	Health Insurance	\$437.00	
72260 212 PIC	Medicare	\$185.00	

72320	OFFICE OF THE SUPERINTENDENT		
72320 101	Administrative Officer	\$535.00	
72320 103	Assistant	\$489.00	
72320 204	State Retirement		\$1,125.00
72320 207	Health Insurance	\$101.00	
	TOTAL:	\$1,125.00	\$1,125.00
72410	OFFICE OF THE PRINCIPAL		
72410 117	Career Ladder		\$600.00
72410 139	Assistant Principals	\$2,341.00	
72410 204	State Retirement		\$2,345.00
72410 207	Health Insurance	\$4.00	
	TOTAL:	\$2,345.00	\$2,945.00
	GRAND TOTAL:	\$86,082.00	\$199,778.00

Total Decrease: (\$113,696.00)

Revenues:	46511	Basic Education Program	(\$65,927.00)
	46610	Career Ladder Program	(\$16,500.00)
	47210 PIC	Jobs Training Partnership Ac	(\$31,269.00)
	Total:		(\$113,696.00)

Revenue:	Prior Total Available Funds	\$18,634,686.38
	Total Decrease This Amendment	(\$113,696.00)
	Total Available Funds This Amendment	\$18,520,990.38

Expenditure:	Prior Total Estimated Expenditures	\$17,136,857.22
	Total Decrease This Amendment	(\$113,696.00)
	Total Est. Expenditures This Amendment	\$17,023,161.22

Motion was seconded by Commissioner Oglesby and unanimously carried by the Board.

With the recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Robison, and unanimously carried by the Board adopting the following Resolution amending the **General Fund #101 Budget** 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 24th day of March, 1998, 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 Budget Admendment #101 for the fiscal year terminating June 30, 1998 be admended in the following words and figures:

COUNTY GENERAL FUND
BUDGET AMENDMENT
FY 97/98
March, 1998

TOTAL FUNDS AVAILABLE THIS AMENDMENT	\$6,367,637.51
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Adjustments to Revenue Accounts:

41140	Cable TV Franchise	\$+ 1,391.00
42210	Criminal Court Fines	+ 17,169.00
44160	Cobra Insurance	+ 1,000.00
46851	State Revenue Sharing, TVA	- 2,562.00
46915	Contracted Prisoner Board	+ 22,206.00

Total Increase in Revenues	\$+ 39,204.00
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Total Funds Available This Amendment	\$6,406,841.51
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Adjustments to Expenditure Accounts:

51100	<u>County Commission</u>	
118	Secretary to Board	\$+ 12,000.00
189	Other Salaries and Wages	+ 437.00
191	Board & Committee Member Fees	+ 3,500.00
204	State Retirement	+ 1,225.00
316	Contributions	+ 1,000.00
		<u>\$+ 18,162.00</u>
51710	<u>Development</u>	
191	Board & Committee Member Fees	\$+ 3,300.00
355	Travel	+ 1,960.00
		<u>\$+ 5,260.00</u>
51730	<u>Building</u>	
191	Board & Committee Member Fees	\$- 500.00
338	Maintenance & Repairs - Vehicles	+ 500.00
355	Travel	- 1,000.00
		<u>\$- 1,000.00</u>
51810	<u>Other Facilities</u>	
307	Communication	\$+ 500.00
335	Maintenance and Repairs - Buildings	+ 500.00
415	Electricity	+ 400.00
442	Propane	+ 1,200.00
		<u>\$+ 2,600.00</u>
52310	<u>Reappraisal Program</u>	
210	Unemployment Compensation	\$+ 2,000.00
		<u>\$+ 2,000.00</u>
54310	<u>Fire Prevention & Control</u>	
718	Motor Vehicles	\$+ 35,000.00
		<u>\$+ 35,000.00</u>
54110	<u>Sheriff's Department</u>	
108	Investigators	\$+ 16,000.00
115	Sergeants	+ 500.00
		<u>\$+ 16,500.00</u>
54210	<u>Jail</u>	
160	Guards	\$- 10,000.00
165	Cafeteria Personnel	- 6,358.00
205	Employee & Dependent Insurance	+ 4,064.00
346	Medical & Dental Services	+ 15,000.00
410	Custodial Supplies	+ 3,000.00
		<u>\$+ 5,706.00</u>
54420	<u>Rescue Squad</u>	
499	Other Supplies and Materials	\$- 450.00
506	Liability Insurance	+ 450.00
		<u>\$ 0</u>
54900	<u>Other Public Safety (Garage)</u>	
142	Mechanics	\$- 3,000.00
187	Overtime Pay	+ 3,000.00
451	Uniforms	+ 326.00
717	Maintenance Equipment	- 326.00
		<u>\$ 0</u>
55120	<u>Rabies & Animal Control</u>	
169	Part-time Personnel	\$- 782.00
338	Maintenance & Repairs, Vehicles	+ 1,000.00
401	Animal Food & Supplies	+ 200.00
718	Motor Vehicles	- 418.00
		<u>\$ 0</u>
55720	<u>Sanitation Education</u>	
204	State Retirement	\$+ 30.00
443	Road Signs	+ 200.00
599	Other Charges	- 230.00
		<u>\$ 0</u>

56500	<u>Libraries</u>		
204	State Retirement	\$+	88.00
499	Other Supplies & Materials	-	88.00
		\$	<u>0</u>
58600	<u>Employee Benefits</u>		
168	Longevity Pay	\$-	1,000.00
201	Social Security	+	3,744.00
204	State Retirement	-	2,592.00
212	Employer Medicare	+	1,740.00
		\$+	<u>1,892.00</u>
Total Increase This Amendment		\$+	86,120.00
Prior Estimated Expenditures			\$5,887,807.65
Total Estimated Expenditures			\$5,973,927.65
Estimated Ending Fund Balance as of June 30, 1998		\$	432,913.86

Motion was made by Commissioner Harris, seconded by Commissioner Kelley, and unanimously carried by the Board adopting the following Resolution amending the Debt Service Fund #151 to cover the judgement on the Glover issue as previously addressed by this Board.

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 24th day of March, 1998, 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 Debt Service Fund Budget Admendment #151 for the fiscal year terminating June 30, 1998 be admended in the following words and figures:

DEBT SERVICE
BUDGET AMENDMENT
FY 97/98
March, 1998

TOTAL FUNDS AVAILABLE THIS AMENDMENT	\$2,826,700.00
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Adjustments in Expenditure Accounts:

81100	<u>General Debt Service</u>		
505	Judgements	\$+	250,000.00
		\$+	<u>250,000.00</u>
Prior Estimated Expenditures		\$	849,119.00
Total Estimated Expenditure This Amendment			\$1,099,119.00
Estimated Ending Fund Balance as of June 30, 1998			\$1,727,581.00

With the recommendation of the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board to deny the request of the U. S. Geological Survey for funding to monitor the Wolf River.

Motion was made by Commissioner Harris, seconded by Commission Arnett, and unanimously carried by the Board adopting the following Resolution concerning a **Litter and Trash Collection 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 24th day of March, 1998, 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.

Commissioner Robison then addressed the Board and made motion that the County Commission formally approve the construction of the two schools and the Justice Complex and authorize the Mayor to solicit proposals from various professionals for architectural and engineering services as well as proposals from financial institutions for the issuance of \$28,000,000 for the funding of the construction of two, 800-pupil middle schools and a Justice Complex as described herein. Further, the repayment of these revenue bonds should be by an increase in property taxes and/or an increase in wheel taxes or a combination thereof. Motion was seconded by Commissioner Brewer.

Discussion followed concerning the rules of procedure in addressing this matter. Motion was then made by Commissioner Robison, seconded by Commissioner Wilson for this matter to be placed on the agenda.

Upon roll call vote, the following Commissioners voted **YES** to place this matter on the agenda: Commissioners Arnett, Brewer, Cox, Hayslett, Morman, Morris, Robison, Sullivan and Wilson (9)

Voting **NO**: Commissioners Fowler, German, Harris, Kelley, Oglesby, Taylor, Thomas and Tomlin. (8)

Absent and not voting: Commissioners Crawford and Yancey. (2)

Said motion **failed**.

Thereupon, said meeting adjourned.

JIM VOSS - Chairman
County Mayor

ATTEST:

Dell T. Graham, County Clerk