

FILE COPY

COUNTY LEGISLATIVE BODY

October 27, 1998

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 27th day of October, 1998.

Present and presiding the Honorable Jim Voss; also present, Dell T. Graham, County Clerk and the following County Commissioners: John W. Arnett, Floyd Bonner, Charles Dudley Brewer, Sr., Joe B. Burnette, Jr., Odis Cox, Carl Doyle, Ronnie Graves, Willie German, Ronnie Harris, David Kelley, Sylvester Logan, Calvin Moore, Alonzo Morman, Jr., David Morris, James M. Sullivan, Jr., Rhea "Skip" Taylor, Wayne Thomas, Gordon M. Tomlin and Myles Wilson.

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

Motion was made by Commissioner Kelley, seconded by Commissioner Arnett, and unanimously carried by the Board approving the minutes of the September 1998 meeting of this Board.

At this time Jane Walters, Commissioner of Education, addressed the Board.

Motion was made by Commissioner Kelley, seconded by Commissioner Taylor, and unanimously carried by the Board appointing Bobby Cannon and Tommy Johnson, Jr. as members of the Construction Code Board of Appeals.

Motion was made by Commissioner Moore, seconded by Commissioner Brewer, and unanimously carried by the Board appointing Norman Gross as a member to the Planning Board.

Motion was made by Commissioner Sullivan, seconded by Commissioner Morman, and unanimously carried by the Board appointing the following as a Notary Public: Edith F. Boggs.

Chairman Voss reviewed the balance of the Combined Summary Financial Statement and advised that the Bonds and Notes Payable and Cash Receipts and Disbursements reports were available.

No reports were presented from the Office of Mayor, Board of Public Works and Board of Education.

Reports from the Ambulance Service, Fayette County Commission on Aging, Juvenile Court, General Sessions Court, Sheriff's Department, Planning Commission, E.M.A. and Rabies Control were presented and filed.

Commissioner Morris reported for the County Development Committee and presented their recommendation to allow **Randy Douglass** to work the Airport under and for the remainder of the current lease. Commissioner Morris placed this recommendation in the form of a motion, seconded by Commissioner German. Said motion carried with Commissioner Logan voting "no".

As recommended by the County Development Committee, motion was made by Commissioner Morris, seconded by Commissioner Sullivan, and unanimously carried by the Board accepting the following as subdivision roads: Brad Meadow Lane, Brianwood Lane, Valerie Cove, Carriage Cove, River Oaks Drive.

Motion was then made by Commissioner Morris, seconded by Commissioner Brewer and unanimously carried by the Board accepting **Herman Road** as a county road.

With the recommendation of the County Development Committee, motion was made by Commissioner Morris, seconded by Commissioner Sullivan, and unanimously carried by the Board approving paving at the landfill.

No reports were available from the Education Committee and the Health and Welfare Committee.

Having been reviewed by the Criminal Justice & Public Safety Committee, motion was made by Commissioner Kelley, seconded by Commissioner Morman, and unanimously carried by the Board setting a fire point plant with \$5,000.00 base and a point per call schedule.

No report from the Personnel Committee.

Commissioner Harris, Chairman of the Budget Committee, presented the recommendation of that committee and moved that the County Travel Policy be adjusted to cover \$0.26 per mile. Motion was seconded by Commissioner Kelley, and unanimously carried by the Board.

The request of the Courthouse Committee to purchase the Gazebo now on the courthouse lawn was presented with no recommendation from the Budget Committee. No action was taken.

The request for new carpet for the office of General Sessions Judge, General Sessions Clerk and the General Sessions Courtroom was presented without recommendation of the Budget Committee. No action was taken.

With the recommendation of the Budget Committee for adoption, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following **RESOLUTION to Levy Additional Litigation Taxes in Fayette County:**

R E S O L U T I O N

TO LEVY ADDITIONAL LITIGATION TAXES
IN FAYETTE COUNTY

WHEREAS, Chapter 488 of the Public Acts of 1981, which imposed a state litigation tax has been interpreted by opinions of the State Attorney General dated November 9th, 1981, and Attorney General Opinion U88-109 dated September 28, 1988, as allowing counties to levy a litigation tax in the same manner as the state litigation tax now levied by Tennessee Code Annotated 67-4-602 et seq. and 16-15-5007, in an amount not to exceed the amount of such state litigation tax; and

WHEREAS, Chapter 901 the Public Acts of 1998 levied an additional state litigation tax of one dollar (\$1.00) to be taxed as part of the cost in all criminal actions in Tennessee, with the proceeds to be deposited in the state general fund and earmarked for grants to local governments for the purchase and maintenance of and line charges for electronic fingerprint imaging system; and

WHEREAS, the county legislative body of Fayette County has previously levied county litigation taxes so that the litigation tax rate in Fayette County for criminal cases in circuit court is twenty-four dollars and fifty cents (\$24.50), and the rate for criminal cases in General Sessions Court is forty-two dollars and fifty cents (\$42.50); and

WHEREAS, with the adoption of Chapter 901 of the Public Acts of 1988, the county is now entitled to increase the county litigation tax by the amount of one dollar (\$1.00) for all criminal cases in Fayette County courts; and

WHEREAS, Fayette County is in need of additional revenues and desires to increase the litigation taxes for criminal cases in Fayette County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, meeting in regular session on this 27th day of October, 1998, in Somerville, Tennessee, that:

Section 1. Effective on the first day of the month following the final passage of this resolution, the local litigation taxes on criminal cases in Fayette County shall be increased by one dollar (\$1.00) as provided in this resolution. This increase in the tax shall be deposited in the General Fund.

Section 2. After the increase levied pursuant to this resolution, the litigation taxes for criminal cases in Fayette County are as follows:

A. On criminal cases in general sessions court, the litigation tax is in the amount of forty-three dollars and fifty cents (\$43.50).

B. On criminal cases in courts of record, the litigation is in the amount of twenty-five dollars and fifty cents (\$25.50).

Section 3. Taxes levied pursuant to this Resolution shall be chargeable upon conviction in a criminal case.

Section 4. The taxes imposed by this resolution shall take effect on the first day of the month following the effective date of this resolution, the public welfare requiring it.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provision of this resolution are declared to be severable.

Passed by a majority vote of the Fayette County legislative body, this 27th day of October, 1998.

As approved by the Budget Committee, Commissioner Harris presented and moved for adoption of the following **RESOLUTION** endorsing the Wheel Tax issue to appear on the Referendum. Motion was seconded by Commissioner Doyle. Motion carried with some opposition. Same being as follows:

RESOLUTION

WHEREAS, the State of Tennessee has mandated the lowering of the pupil/teacher ration by the year 2001,

WHEREAS, there is a need for additional classroom space in order to lower the pupil-teacher ratio,

WHEREAS, all split level classes must be eliminated by the year 2001,

WHEREAS, there is a need to separate the Junior High grades from the lower grades,

WHEREAS, there is a need to consolidate the Junior High students in order to provide more specialized classes,

WHEREAS, there is a need to more effectively utilize staff by consolidating the Junior High Students,

WHEREAS, discipline and overall management can be improved throughout such consolidation,

WHEREAS, there is a need and desire to promote quality schools throughout the system,

BE IT THEREFORE RESOLVED that the Fayette County Board of Commissioners supports the passage of the Wheel Tax Referendum for the purpose of retiring bonds for the construction of new Schools.

Resolved this 27th, 1998 day of October, 1998 by approval of the Fayette County Board of Commissioners in regular session.

Motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following **RESOLUTION** on capital outlay note for Fayette County Public Works Department:

**RESOLUTION OF THE GOVERNING BODY OF FAYETTE COUNTY,
TENNESSEE, AUTHORIZING THE ISSUANCE, SALE, AND
PAYMENT OF INTEREST-BEARING PUBLIC WORKS
CONSTRUCTION CAPITAL OUTLAY NOTES NOT TO EXCEED \$40,000.00**

WHEREAS, the Governing Body of Fayette County, Tennessee has determined that it is necessary and desirable to obtain funds in the amount of \$40,000.00 for the purpose of paying the cost of purchase of a Fayette County Public Works Department Highway Office Building (the Project), for the benefit of the citizens of the Local Government; and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provision of Parts I, IV,, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of the Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Governing body of Fayette County, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the County Mayor of the Local Government is hereby authorized in accordance with the terms of this Resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed Forty Thousand (\$40,000.00) Dollars (the "Notes") at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions and conditions permitted by law. The Notes shall be designated "Capital Outlay Notes, Series 1998"; shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be numbered in denomination(s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed eight per cent (8%) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least Nine (9) Years. Provided, however, that each year the Notes are outstanding, one-third (1/3), but in no event not less than one-ninth (1/9), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole, or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one per cent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local Government over and above all other taxes authorized by the Local Government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and manual signature of the County Clerk with the Local Government seal affixed; and shall be payable as to principal and interest at the Office of the County Mayor of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with

Trustee of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that all times during which any Note remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register for the registration, exchange or transfer of the Notes. The note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner or the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Note. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment due in the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes be sold to the Fayette County Debt Service as provided for pursuant to Section 9-21-408, Tennessee Code Annotated.

Section 8. That, the Public Works Fund repay the notes to the Debt Service, principal plus five and one-half percent (5 1/2%), which is the current rate of interest on investments of County Funds made by the Trustee.

Section 9. That, the Notes shall be in substantially the form attached hereto and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 10. That, the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.

Section 11. That, after the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Local Government shall submit its annual budget to the State Director of Local Finance for approval immediately upon the Local Government's adoption of the Budget.

Section 12. That, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approved by the State Director of Local Finance.

Section 13. That, all order or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this 27th day of October, 1998.

No recommendation was made by the Budget Committee for further study of the plans for a Justice Complex. No action taken by the Commission.

Having been reviewed by the Budget Committee and presented with their recommendation for passage, Commissioner Harris made motion, with second by Commissioner Sullivan to adopt the following Resolution amending the General Fund Budget #101. Action was unanimously adopted by the Board.

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 27th day of October, 1998,

it being the fourth day 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 be amended in the following words and

figures, to-wit:

COUNTY GENERAL FUND
BUDGET AMENDMENT
F/Y 98/99
October, 1998

Total Funds Available This Amendment

Adjustment to Expenditure Accounts:	INCREASE	DECREASE
54410 Civil Defense		
169 Part-Time Personnel		\$ 4,000.00
187 Overtime Pay	\$ 4,000.00	
55120 Rabies and Animal Control		
499 Other Supplies and Materials		\$ 317.00
357 Veterinary Services	\$ 317.00	
55160 Dental Health Program		
131 Medical Personnel		\$25,500.00
162 Clerical Personnel	\$25,500.00	
57100 Agriculture Extension Service		
399 Other Contracted Services	\$ 1,500.00	
719 Office Equipment		\$ 1,500.00
Total	\$31,317.00	\$31,317.00
Prior Estimated Expenditures		\$6,437,384.00
Total Estimated Expenditures		\$6,468,384.00
Estimated Ending Fund Balance as of June 30 th , 1999		\$635,068.00
Change in Fund Balance This Amendment		\$ 00.00

With the recommendation of the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Arnett, and unanimously carried by the Board adopting the following Resolutions amending Federal Projects Fund #142:

R E S O L U T I O N

9.3.6.9.2.

BE IT RESOLVED by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 27th day of October, 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 Federal Projects Fund #142 budget for Subfund #985- Drug Free Schools for the fiscal year terminating June 30, 1999 be amended in the following words and figures, to-wit:

000675

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 873 - TITLE I CARRY OVER
 OCTOBER, 1998

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers	\$94,051.60	
	TOTAL:	\$94,051.60	\$0.00
99000	OTHER USES		
99100	OPERATING TRANSFERS		
99100 590	Transfers to Other Funds	\$2,877.98	
	TOTAL:	\$2,877.98	\$0.00
	GRAND TOTAL:	\$96,929.58	

Total Increase: \$96,929.58

Revenue: 47141 ESEA Title I \$23,319.37

Reserve: 34410 Reserved for Title I \$73,610.21

Revenue: Prior Total Available Funds \$1,927,756.06
 Total Increase This Amendment \$23,319.37
 Total Available Funds This Amendment \$1,951,075.43

Expenditures: Prior Total Estimated Expenditures \$1,854,145.85
 Total Increase This Amendment \$96,929.58
 Total Estimated Expenditures This Amendment \$1,951,075.43

R E S O L U T I O N

9.3.6.9.3.

BE IT RESOLVED by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 27th day of October, 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 Federal Projects Fund #142 Budget Amendment Sub-fund #971-Title I for the fiscal year terminating June 30, 1999 be amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 971 - TITLE I
 OCTOBER, 1998

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers		\$84,314.60
71100 163	Aides	\$10,066.00	
71100 189	Other Salaries and Wages	\$674.00	
71100 195	Substitute Teachers	\$6,000.00	
71100 201	Social Security	\$1,631.00	
71100 204	State Retirement	\$2,773.00	
71100 212	Medicare	\$1,662.00	
71100 336	Maintenance and Repair Services - Eq.	\$3,914.00	
71100 399	Other Contracted Services	\$1,550.00	
71100 429	Instructional Supplies and Materials	\$4,441.00	
71100 513	Workers' Compensation Insurance	\$133.00	
71100 722	Regular Instruction Equipment	\$2,354.00	
	TOTAL:	\$35,198.00	\$84,314.60
72000	SUPPORT		
72130	OTHER STUDENT SUPPORT		
72130 189	Other Salaries and Wages	\$474.00	
72130 201	Social Security	\$30.00	
72130 207	Health Insurance	\$2,200.00	
72130 212	Medicare	\$7.00	
72130 499	Other Supplies and Materials	\$1,900.00	
72130 513	Workers' Compensation	\$2.00	
72130 599	Other Charges	\$1,000.00	
	TOTAL:	\$5,613.00	\$0.00
72200	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director	\$500.00	
72210 138	Instructional Computer Personnel	\$500.00	
72210 161	Secretary	\$764.00	
72210 201	Social Security	\$110.00	
72210 204	State Retirement	\$761.00	
72210 207	Health Insurance	\$2,242.00	
72210 212	Medicare	\$26.00	
72210 457	In-Service/Staff Development	\$4,000.00	
72210 513	Workers' Compensation Insurance	\$19.00	
72210 599	Other Charges	\$2,000.00	
	TOTAL:	\$10,922.00	\$0.00
72610	OPERATION OF PLANT		
72610 415	Electricity	\$10,500.00	
	TOTAL:	\$10,500.00	
72620	MAINTENANCE OF PLANT		
72620 336	Maintenance and Repair Services-Eq.	\$2,000.00	
72620 499	Other Supplies and Materials	\$1,000.00	
	TOTAL:	\$3,000.00	\$0.00

72710	TRANSPORTATION		
72710 425	Gasoline	\$1,000.00	
72710 433	Lubricants	\$100.00	
72710 338	Maintenance and Repair Services - Vehicles	\$1,000.00	
	TOTAL:	\$2,100.00	\$0.00
99000	OTHER USES		
99100	OPERATING TRANSFERS		
99100 590	Transfers to Other Funds		\$591.67
	TOTAL:	\$0.00	\$591.67
	GRAND TOTAL:	\$67,333.00	\$84,906.27

Total Decrease: (\$17,573.27)

Revenue: 47141 ESEA Title I (\$17,573.27)

Revenue: Prior Total Available Funds \$1,951,075.43
Total Decrease This Amendment (\$17,573.27)
Total Available Funds This Amendment \$1,933,502.16

Expenditures: Prior Total Estimated Expenditures \$1,951,075.43
Total Decrease This Amendment (\$17,573.27)
Total Estimated Expenditures This Amendment \$1,933,502.16

R E S O L U T I O N

9.3.6.9.4.

BE IT RESOLVED by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 27th day of October, 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 Federal Projects Fund #142 Budget Amendment, Subfund #873-Title I for the fiscal year terminating June 30, 1999 be amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 873 - TITLE I CARRY OVER
 OCTOBER, 1998

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 116	Teachers	\$94,051.60	
	TOTAL:	\$94,051.60	\$0.00
99000	OTHER USES		
99100	OPERATING TRANSFERS		
99100 590	Transfers to Other Funds	\$2,877.98	
	TOTAL:	\$2,877.98	\$0.00
	GRAND TOTAL:	\$96,929.58	
Total Increase:	\$96,929.58		
Revenue:	47141 ESEA Title I	\$23,319.37	
Reserve:	34410 Reserved for Title I	\$73,610.21	
Revenue:	Prior Total Available Funds	\$1,927,756.06	
	Total Increase This Amendment	\$23,319.37	
	Total Available Funds This Amendment	\$1,951,075.43	
Expenditures:	Prior Total Estimated Expenditures	\$1,854,145.85	
	Total Increase This Amendment	\$96,929.58	
	Total Estimated Expenditures This Amendment	\$1,951,075.43	

At this time Commissioner Wilson questioned the carpet issue requested for General Sessions Office, General Sessions Court, General Sessions Judge's office and the judges' chamber.

Commissioner Harris advised the requested funding to be around \$5,700.00. Discussion followed.

Motion was then made by Commissioner Wilson, seconded by Commissioner Graves, to allow the requested funding for the carpet. Voice vote was taken with Chairman Voss declaring the motion to fail. Commissioner Wilson then requested a roll call vote. Same being as follows:

Voting **"YES"** on the motion: Commissioners Bonner, Brewer,
Doyle, Graves, Logan and Wilson. (6)

Voting **"NO"**: Commissioners Arnett, Burnette, Cox, German, Harris,
Kelley, Moore, Morman, Morris, Sullivan, Taylor, Thomas and Tomlin. (13)

Thereupon, said motion failed.

Thereupon, said meeting adjourned.

**JIM VOSS - Chairman
County Mayor**

ATTEST:

Dell T. Graham, County Clerk