

FAYETTE COUNTY LEGISLATIVE BODY

September 28, 1999

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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 28th day of September, 1999.

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, John S. Sullivan, Sr., Rhea "Skip" Taylor, Wayne Thomas, Gordon M. Tomlin and Myles Wilson.

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 August 1999 meeting.

The zoning application of J. D. Hardin shown on the agenda had been withdrawn and was not addressed.

Motion was made by Commissioner Kelley, seconded by Commissioner Harris and unanimously carried by the Board adopting the following Rules of Procedure:

FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS

RULES

Section A. Quorum

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where a vacancy or vacancies exist in the County Legislative Body the same shall not be included in determining the membership of such County Legislative Body.

Section B. Order of Business

1. Call to order by the Chairman
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Reading and approval of minutes of previous meeting.
6. Resolutions of memorials, sympathy and commendations
7. Public hearings
8. Elections, Appointments and confirmations
9. Unfinished business

- a. Report of standing committees and action thereon
  - b. Report of special committees and action thereon
  - c. Other unfinished business
10. New business
  11. Announcements and statements
  12. Adjournment

Section C. Who May Address the Chairman

Refer to Roberts Rules of Order. In addition Elected County Officials and others with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body. Any person wishing to address the County Legislative Body regarding a matter to come before the Body or to present a matter to the Body, shall first address the appropriate committee of the County Legislative Body.

Section D. Gaining the Floor

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall rise and address the Chairman at the same time, the Chairman shall name the member who shall speak first followed by the other member.

Section E. Speaking

When any member wishes to speak in debate or deliver any matter whatsoever to the County Legislative Body, he shall rise and respectfully address himself to "Mr. Chairman" and shall, after he is recognized by the Chairman proceed in his remarks and shall confine himself strictly to the question under debate and avoiding all personalities. A committee chairman, his designee or the author of a resolution may speak as often as the situation requires. No other member shall speak more than once on the same subject until every other member has had an opportunity to speak. No member, except for committee reports, shall speak longer than ten minutes on the same subject in the first speech and three minutes in any succeeding speech unless by consent of the County Legislative Body.

Section F. Consent to Yield

While a person is speaking he shall not be interrupted, except for a question by a member. If the speaker declines to yield, he shall not be interrupted, but shall yield to questions at the end of his presentation.

Section G. Points of Order

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him to order, in which case the member so-called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

Section H. Appeal on Rulings

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decide the appeal.

Section I. Refusal to be in Order

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

**Section J. Introduction of a Resolution**

Any proposed resolution may be introduced by any member of the County Legislative Body.

**Section K. Committee Referrals**

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee.

**Section L. Motions**

Motions may be made only by Commissioners.

1. **Debating Motions:** No motion shall be debated until the same is seconded and stated by the Chairman.
2. **Motions in Writing:** When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk, delivered to the table and read before the same shall be debatable, if desired by the Chairman or any member.
3. **Motions During Vote:** When by order of the County Legislative Body, the Chairman has risen to submit a question, and when there is a call for the Ayes and Nays, or a count of the members, no motion, except a motion to recess, or to table the proposed action, shall be in order until the decision of the County Legislative Body is declared by the Chairman.
4. **Requiring Roll Call:** Any motion may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote, except all motions concerning appropriation of funds shall require a roll call vote.
5. **Votes Required to Pass a Motion:** To transact any business requiring a vote there must be a vote of a majority of the then existing County Legislative Body not merely a majority vote of the quorum present.

**Section M. Member May Change Vote**

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then, the result shall be announced by the Clerk.

**Section N. Reconsideration of a Motion**

When a question has been put to a vote, it shall be in order for any member of the prevailing side to move and another to second a reconsideration at any time during that session of Court and prior to the adjournment thereof by the Chairman.

**Section O. Elections with Nominations from the Floor**

When the Chairman is to receive nominations from the floor, a member may nominate only one other person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed. The election will proceed as follows:

1. **Appointive Office** -- the persons nominated will be displayed before the County Legislative Body if practical.
  - a. The ballots are cast by voice votes.
  - b. A majority of the full County Legislative Body is required for election.
  - c. If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected.

2. County Legislative Body Committees -- all committees shall be named by the Chairman and approved by the County Legislative Body. Any Commission member may call for a vote on individual approval of committee members.

ction P. Appropriation Requests

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the Budget Director for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be made available to all members.

1. Appropriations Except by Bond Issue -- Any and all appropriations except bond issues, to be issued or approved must be filed in triplicate, the original with the Budget Director and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body.
2. Appropriations by Bond Issue -- Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with the Budget Director and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the length of time of the bond issue.

ction Q. Amending or Suspending the Rules

These rules can only be amended at any time by the County Legislative Body while in regular session by a two-thirds majority of the qualified and acting members. In the consideration of any particular matter, any or all of these rules may be suspended by two-thirds majority of the qualified and acting members of the County Legislative Body.

ction R. Robert's Rules of Order

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

RULE II -- CHAIRMAN

ction A. Call to Order

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman, the Chairman Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

ction B. Question of Order

The Chairman shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

ction C. Members Speaking

Before a member is allowed to speak twice on the same subject, the Chairman shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

**Section D. Motions**

Once a motion has been made and duly seconded, the Chairman shall state the motion so that debate on the motion may begin.

**Section E. Putting the Question**

The Chairman shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

**Section F. Agenda to Commissioners**

A copy of the agenda, attachments, and notice calling each County Legislative Body shall be mailed to each member on Wednesday prior to the following Monday night.

**RULE III -- COUNTY CLERK**

**Section A. Minutes of the County Legislative Body**

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member
2. One copy upon request to each county office, department, and/or commission head
3. One copy upon request to all public, school and university libraries in the county
4. One copy upon request to all licensed and operating commercial radio and television stations in the county
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public
6. One or more pages shall be made available to the general public at cost

**Section B. Roll Call**

On all appropriations, the Clerk shall call the roll for "Aye" and "No" votes. Names will be called in alphabetical order.

**Section C. Change of Vote**

It shall be the duty of the Clerk, at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Clerk.

**RULE IV -- SHERIFF**

**Section A. The Sheriff**

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the orders of the presiding officer of the court.

RULE V -- COUNTY ATTORNEYSection A. County Attorney

The County Attorney shall attend meetings of the County Legislative Body to advise on matters of Law. He shall also attend committee meetings when called upon by the Chairman of a standing or special committee or a written request signed by a majority of that committee.

RULE VI -- COMMITTEES GENERALSection A. Officers Election

Upon election of a committee by the County Legislative Body, the members of the committee shall convene and elect a chairman, vice-chairman, and a secretary from its membership and formulate rules for its operation not covered under general regulations pertaining to all committees. If a committee has not carried out the aforementioned requirements within twenty-one days, the Chairman shall call the committee into session before the next regular meeting date of the County Legislative Body and serve as temporary chairman until the committee elects a chairman and proceeds with its required business.

Section B. Temporary Committee Chairman

Upon election of a committee by the County Legislative Body they shall immediately upon adjournment of the County Legislative Body, elect a temporary chairman who shall call the committee together for the purpose of electing permanent officers as outlined in Section A above.

Section C. Committee Chairman and Agenda

Standing committee chairmen should notify the Chairman of the major matters to be reported to the court at the next meeting. This should be done in time for the Chairman to include the same on the agenda.

Section D. Committee Meeting Open to Membership of County Legislative Body

All committee meetings shall be open. Only duly elected members of the committee in session may be recognized by the chairman, however, non members of the committee, upon the request of a committee member and an affirmative vote of the committee members present may appear before the committee.

Section E. Authority of Committees

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally described in the title of the committee and as more specifically defined in the subject areas listed under the title. Should any question arise as to jurisdiction of any committee it shall be referred to the Chairman for determination, subject to an appeal to the County Legislative Body at its next regular meeting.

Section F. Reporting Procedure

The procedure for reporting the findings of a committee to the County Legislative Body shall be as follows:

1. The chairman or a member he so designates shall make the report.
2. Upon completion of a report the speaker shall yield to questions.
3. Discussion shall be had after there has been a motion and a second and so stated by the Chairman, and only then shall there be discussion.
4. There shall be a vote on the proposition when discussion is complete and when there is a call for the question by the County Legislative Body.

**Section G. Duties of Committee and Subcommittee Officers**

The chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the County Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and all responsibilities of the chairman in his absence. Should the chairman, for any reason, vacate his position, the vice-chairman will automatically become chairman. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same.

**Section H. Committee Meeting Minutes**

The minutes of all committee meetings shall contain the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, and the time of adjournment.

**Section I. Vacancies on Committees**

If for any reason one or more members of any respective committee vacate their position, the Chairman, with the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

**Section J. Special Committees**

The Court may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work and in no case shall it exist longer than one year unless extended by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

**Section K. Reporting Referrals**

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

**Section L. Failure to Meet**

If for any reason the chairman of a committee fails to call a meeting, the chairman, or two members of a three member committee, or three members of a larger committee may do so.

**Section M. Quarterly Reports**

The quarterly reports submitted by the County offices and department heads shall be presented as a part of the appropriate standing committee reports.

**Section N. Technical Assistance**

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

**Section O. Informal Consideration**

The Body may by a two-thirds vote of the members present agree to informal consideration of a question. The results of votes taken during informal consideration are decisions of the commission which are not voted on again.

RULES VII -- COMMITTEES SPECIFICction A. Standing Committees

All standing committees of the County Legislative Body shall be appointed annually by the Chairman and approved by a majority of the County Legislative Body at the September meeting. The County Legislative Body may allow the Chairman to appoint the various chairmen of the standing committees. Any member of the County Legislative Body may call for a vote on individual approval of committee members.

The Chairman shall be an ex-officio member of all committees and sub-committees. In this capacity he shall offer assistance and advice as needed.

The standing committees of the County Legislative Body are as follows:

1. Criminal Justice and Public Safety: All matters pertaining to the criminal justice system including law enforcement, courts, and corrections; civil disturbances; juvenile delinquency; alcohol and drug abuse; emergency preparedness; fire prevention and control. (Five members)
2. Health and Welfare: All matters pertaining to health care, comprehensive health planning, local health services, mental health and emergency medical services; social services and welfare programs, recreation solid waste management; soil, water, and wildlife conservation; energy conservation; agriculture; flood prevention and control. (Five members)
3. Education: All matters pertaining to elementary, secondary and adult education; vocational and technical education; library services. (Five Members)
4. County Development: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulation, zoning, building codes; road improvements, highway safety, airport development. (Five Members)
5. Personnel Committee: All matters related to personnel; compliance with OSHA and TOSHA Regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, and employee benefits. (Five Members)
6. Budget; Taxation; Finance; Investments; Property and Intergovernmental Relations, all matters pertaining to the financial resources of the county. Personnel policy and practice; equal employment opportunity; retirement system; health insurance plans and occupational health and safety. (Eight Members)

\* \* \* \* \*

The matter now before the Board was the election of a Chairman of the Board of Commissioners. For this action Chairman Pro Tempore Ronnie Harris presided.

Motion was made by Commissioner Kelley, seconded by Commissioner Burnette, nominating Jim Voss for election as Chairman of this Board. Motion was then made by Commissioner Tomlin, seconded by Commissioner Morris, and unanimously carried by the Board that the nominations cease and that JIM VOSS be elected by acclamation. Thereupon, Jim Voss was elected to serve as Chairman of the Board of Commissioners/Fayette County Legislative Body.

Chairman Voss now presided over the meeting.

The next action of this Board was to set the salary of the Chairman. Motion was made by Commissioner Doyle, seconded by Commissioner Logan, and unanimously carried by the Board adopting the Resolution, setting said salary.

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 assembled on the 28th day of September, 1999, it being the fourth Tuesday of the month and the regular meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the County Mayor shall receive for this services the minimum annual salary as provided by law, effective September 1st, 1999.

Now before the Board was the election of a Chairman Pro Tempore. Motion was made by Commissioner Morris, seconded by Commissioner Brewer nominating **COMMISSIONER RONNIE HARRIS**. Motion was then made by Commissioner Tomlin, seconded by Commissioner Morman, and unanimously carried by the Board that the nominations cease and that Commissioner Harris be elected by acclamation. Thereupon, Commissioner Ronnie Harris was elected to serve as Chairman Pro Tempore of the Board of Commissioners/Fayette County Legislative Body.

Now was the matter of setting the salary of the Chairman Pro Tempore. Motion was made by Commissioner Kelley, seconded by Commissioner Morris and unanimously carried by the Board adopting the following Resolution setting said salary.

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Board and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session assembled on this 28th day of September, 1999, it being the fourth Tuesday of the month and the regular monthly date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the compensation of the Chairman Pro Tempore shall be fixed on a per diem basis and shall not be less than the amount fixed for the members of the legislative body; provided further that the compensation of the Chairman Pro Tempore shall not exceed the compensation allowed the Chairman for like services.

Recommended for appointment to the **BEER BOARD** were **Wilma Smith** and **Iris Wilburn**. Motion was made by Commissioner Moore, seconded by Commissioner Bonner and unanimously carried by the Board accepting the recommendation for appointments to the Beer Board.

As recommended by the Education Committee for appointment, motion was made by Commissioner Brewer, seconded by Commissioner Harris, and unanimously carried by the Board appointing **Mrs. Shelton Wilder and Mike Joeger** to the **Library Board**.

Recommended for appointment to the **Parks and Recreation Board** were **Craig Massey** - 5 year term, **Ricky Hoskins** - 4 year term, **Lynn Brookins** - 3 year term, **Peter Moffatt** - 2 year term, and **Mary Bogan** - 1 year term. Motion was made by Commissioner Wilson, seconded by Commissioner Burnette and unanimously carried by the Board accepting the recommendation for appointment.

Motion was made by Commissioner Moore, seconded by Commissioner Morman, and unanimously carried by the Board making appointments to Standing Committees as follows:

**HEALTH & WELFARE COMMITTEE:** Gordon M. Tomlin, Chairman; Willie German, Sylvester Logan, Ronnie Graves, Joe B. Burnette, Jr.

**COUNTY DEVELOPMENT COMMITTEE:** David Morris, Chairman; Carl Doyle, Myles Wilson, Calvin Moore, Rhea "Skip" Taylor.

**EDUCATION COMMITTEE:** John W. Arnett, Chairman; Carl Doyle, Floyd Bonner, Calvin Moore, Alonzo Morman, Jr.

**CRIMINAL JUSTICE & PUBLIC SAFETY:** David Kelley, Chairman; Rhea "Skip" Taylor, Myles Wilson, Alonzo Morman, Jr., Floyd Bonner.

**PERSONNEL COMMITTEE:** Charles Dudley Brewer, Sr., Chairman; Gordon M. Tomlin, Joe B. Burnette, Jr., Wayne Thomas, Willie German.

**BUDGET COMMITTEE:** Ronnie Harris, Chairman; John W. Arnett, Gordon M. Tomlin, David Morris, David Kelley, Charles Dudley Brewer, Sr., Odis Cox, Wayne Thomas.

Motion was made by Commissioner Wilson, seconded by Commissioner Taylor and unanimously carried by the Board appointing the following as **Notaries Public:** Ashley Coats, Joe N. Cocke, Edna G. Denniston, Esther S. Gurkin and Marjorie Levy.

Financial Report of Register of Deeds was filed.

In reporting for the County Development Committee, Commissioner Morris asked Commissioner Taylor to address the Board regarding mail boxes and culverts on county road right-of-way. After a review, motion was made by Commissioner Taylor, seconded by Commissioner Morris, to have the Highway Department advise a plan to remove all lethal hazards on the county right-of-way.

Much discussion followed. Commissioner Kelley suggested and supported to "grandfather in" present mail boxes, but not allow any new ones in the future. After more discussion, a roll call vote was taken. Voting in favor of the motion -  
**YES:** Commissioners Bonner, Brewer, Burnette, Graves, Morris, Sullivan, Taylor, Tomlin and Wilson. (9)

Voting **NO:** Commissioners Arnett, Cox, Doyle, German, Harris, Kelley, Logan, Moore, Morman and Thomas. (10)

Motion failed.

Motion was then made by Commissioner Kelley, seconded by Commissioner German that all present mail boxes constructed from brick, blocks or such be "grandfathered in", but advise the public that such will not be allowed in the future. After more discussion, this motion was withdrawn.

Commissioner Morris reported public hearings would be held on the growth and annexation plan with recommendations to be made to this Board.

Commissioner Arnett reviewed the recommendation of the Education Committee and moved to proceed with financing for schools through the guidance of the Budget Committee. Motion was seconded by Commissioner Doyle. Much discussion followed concerning the buildings considered, fundings and wheel tax. Commissioners Doyle and Arnett then withdrew their motion and asked that the steps to be taken be referred back to the Budget Committee.

Commissioner Tomlin reported for the Health & Welfare Committee and with their recommendation moved to support an amendment through the State Legislature of T.C.A. 11-24-103 concerning county parks and recreation facilities. This motion was seconded by Commissioner Burnette and unanimously carried by the Board.

Report from the Criminal Justice & Public Safety Committee was called for, but none presented.

Commissioner Brewer reported for the Personnel Committee advising that they were considering new personnel classifications and drug-free work places.

Commissioner Harris reviewed the recommendation of the Industrial Development Board and presented and moved for the adoption of the following Resolution. Said motion was seconded by Commissioner Taylor. Same being as follows:

FAYETTE COUNTY COMMISSIONRESOLUTION AUTHORIZING INDUSTRIAL DEVELOPMENT BOARD TO  
TO NEGOTIATE AND ACCEPT PAYMENTS IN LIEU OF AD VALOREM TAXES

WHEREAS, the Fayette County Industrial Development Board of Fayette County, Tennessee (the "Board"), is an industrial development corporation in existence under Tenn. Code Ann. §§ 7-53-101 et seq. (the "IDB Act"), performs certain public functions in behalf of Fayette County, Tennessee (the "County"), and is a public instrumentality of the County; and

WHEREAS, the IDB Act permits the County to delegate to the Board the authority to negotiate and accept from the Board's lessees, payments in lieu of ad valorem taxes, upon a finding that such payments are deemed to be in furtherance of the public purposes of the Board; and

WHEREAS, the Board has developed and approved certain Incentive Eligibility and Considerations (the "PILOT Policy") by which it proposes to grant payment-in-lieu-of-tax incentives for industries located or locating in Fayette County, Tennessee in order to create and/or maintain jobs, which PILOT Policy is set forth in Exhibit A attached hereto and made a part hereof.

**NOW THEREFORE BE IT RESOLVED**, by the Fayette County Commission as follows:

1. That the Fayette County Commission hereby finds that the establishment of payment-in-lieu-of-tax incentives by the Board as described in the PILOT Policy will be in furtherance of the public purposes of the Board as set forth in the IDB Act.
2. That the PILOT Policy is hereby approved.
3. That the County hereby delegates to the Board the authority to negotiate and accept from the Board's lessees payments in lieu of ad valorem taxes consistent with the PILOT Policy.
4. In the event the Board proposes to grant payment-in-lieu-of-tax incentives in amounts greater than those set forth in the PILOT Policy, the proposed agreement or arrangement shall be submitted to this Commission for approval.
5. Nothing herein shall require the Board to grant payment-in-lieu-of-tax incentives to any lessee, and the Board may establish such additional criteria or requirements as it deems in furtherance of its purposes and/or appropriate for the conduct of its business.

Adoption of this Resolution was unanimously carried by the Board.

Motion was made by Commissioner Harris, seconded by Commissioner Morris and unanimously carried by the Board adopting the following Resolution regarding local sales tax:

**RESOLUTION****TO URGE THE GENERAL ASSEMBLY TO REFORM THE LOCAL  
OPTION SALES TAX WHEN GENERAL TAX REFORM IS CONSIDERED**

WHEREAS, the General Assembly must soon deal with the fiscal crisis facing state government in Tennessee, and

WHEREAS, the entire structure of taxes in Tennessee should be examined and a program adopted that will consistently yield the needed revenue in a fair and efficient manner without the need for periodic rate increases; and

**WHEREAS, reform of the sales and use tax must be considered as part of any comprehensive and long lasting solution to the state's structural deficit; and**

**WHEREAS, the local option sales tax is inequitable, producing greatly disparate amounts of revenue for cities and counties depending upon the city or county where it is collected; and**

**WHEREAS, since the enactment of the local option sales tax almost four decades ago, there has been an increasing concentration of retail sales at regional malls and other regional retail centers in a few cities producing windfall revenue for some fortunate local governments while others are left with little significant revenue from this source, making such retail-deficient localities overly dependent upon the property tax to fund essential local services such as education and corrections; and**

**WHEREAS, this inequitable distribution of local option sales tax revenues means that critical needs such as K-12 education may be underfunded in some areas while some cities, such as those with retail malls, are able to fund extensive services without having any property tax; and**

**WHEREAS, it is possible to more fairly distribute the revenue raised from the local option sales tax without jeopardizing existing commitments; and**

**WHEREAS, all sales tax collected regardless of the site of collection should be returned to the government of payors' domicile, if that domicile is within the boundaries of the State of Tennessee, and**

**WHEREAS, true tax reform must also reform the local option sales tax,**

**NOW THEREFORE, BE IT RESOLVED by the county legislative body of Fayette County, Tennessee meeting in regular session at Somerville, Tennessee, that the General Assembly is strongly urged to reform the local option sales tax to make the distribution of revenue more equitable whenever the General Assembly next meets and attempts to reform the tax structure of the State of Tennessee.**

**BE IT FURTHER RESOLVED, that a copy of this Resolution be sent by the county clerk to each member of the General Assembly representing the people of Fayette County, Tennessee, and to the Honorable Don Sundquist, Governor of the State of Tennessee.**

Motion was made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board setting the mileage rate at \$0.28 per mile.

Commissioner Harris reviewed the request of the Election Commission for a budget adjustment to cover part-time salary funds. Having been reviewed by the Budget Committee, this was presented with their recommendation that this request be denied. Motion was made by Commissioner Harris, seconded by Commissioner Graves and unanimously carried by the Board denying the request.

Commissioner Harris reported that the Budget Committee did recommend to immediately proceed with a \$25.00 wheel tax increase.

Motion was then made by Commissioner Kelley, seconded by Commissioner Graves, that the wheel tax matter go back to the Budget Committee to determine what action will be taken. Discussion followed. The motion as presented then carried with two (2) Commissioners voting NO.

With the recommendation of the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board approving the following amendment to the General Purpose Fund #141.

**FAYETTE COUNTY BOARD OF EDUCATION  
GENERAL PURPOSE FUND  
FUND 141  
SEPTEMBER, 1999**

		INCREASE	DECREASE
<b>71000</b>	<b>INSTRUCTION</b>		
<b>71100</b>	<b>REGULAR INSTRUCTION PROGRAM</b>		
71100 429 HSTW	Instructional Supplies and Materials		\$280.00
	<b>TOTAL:</b>	<b>\$0.00</b>	<b>\$280.00</b>
<b>71300</b>	<b>VOCATIONAL EDUCATION PROGRAM</b>		
71300 116 SY1	Teachers	\$180.00	
71300 201 SY1	Social Security	\$10.50	
71300 204 SY1	State Retirement		\$118.96
71300 212 SY1	Medicare	\$3.34	
71300 429 SY1	Instructional Supplies and Materials	\$719.40	
	<b>TOTAL:</b>	<b>\$913.24</b>	<b>\$118.96</b>
<b>71600</b>	<b>ADULT EDUCATION PROGRAM</b>		
71600 429 WTW	Instructional Supplies and Materials	\$18,601.00	
71600 790 WTW	Other Equipment	\$35,860.00	
	<b>TOTAL:</b>	<b>\$54,461.00</b>	
<b>72000</b>	<b>SUPPORT SERVICES</b>		
<b>72210</b>	<b>REGULAR INSTRUCTION PROGRAM</b>		
72210 355 HSTW	Travel		\$520.00
72210 599 HSTW	Other Charges		\$200.00
	<b>TOTAL:</b>	<b>\$0.00</b>	<b>\$720.00</b>

2230		VOCATIONAL EDUCATION PROGRAM	
2230	189 SY1	Other Salaries and Wages	\$6.00
2230	201 SY1	Social Security	\$0.47
2230	204 SY1	State Retirement	\$197.72
2230	212 SY1	Medicare	\$0.19
2230	307 SY1	Communications	\$104.33
2230	355 SY1	Travel	\$21.60
2230	499 SY1	Other Supplies and Materials	\$7,210.73
2230	599 SY1	Other Charges	\$592.00
TOTAL:			\$7,808.92 \$324.12

72260		ADULT EDUCATION PROGRAM	
72260	105 WTW	Supervisor/Director	\$3,668.00
72260	129 WTW	Other Salaries and Wages	\$64,703.00
72260	201 WTW	Social Security	\$4,240.00
72260	204 WTW	State Retirement	\$2,052.00
72260	207 WTW	Medical Insurance	\$7,469.00
72260	210 WTW	Unemployment Compensation	\$1,062.00
72260	212 WTW	Medicare	\$993.00
72260	299 WTW	Other Fringe Benefits	\$3,134.00
72260	355 WTW	Travel	\$37,341.00
72260	399 WTW	Other Contracted Services	\$227,977.00
72260	499 WTW	Other Supplies and Materials	\$15,120.00
72260	599 WTW	Other Charges	\$30,698.00
72260	790 WTW	Other Equipment	\$1,050.00
TOTAL:			\$399,507.00 \$0.00

90000		CAPITAL PROJECTS	
91300		EDUCATION CAPITAL PROJECTS	
91300	304	Architects	\$265,000.00
91300	308	Consultants	\$152,000.00
91300	724	Site Development	\$63,000.00
TOTAL:			\$480,000.00

GRAND TOTAL: \$942,690.16 \$1,443.08

Total Increase: \$941,247.08

Revenue:	47210 WTW	Job Training Partnership Ac	\$453,968.00
	47210 SY1	Job Training Partnership Ac	\$8,279.08
	46790 HSTW	Other Vocational	(\$1,000.00)
	Total:		\$461,247.08

Reserves:	34382	BEP Non-Classroom Reserve	\$300,000.00
	35120	Designated Bldg. Project Reser	\$180,000.00
	Total:		\$480,000.00

Revenue:	Prior Total Available Funds	\$19,947,362.48
	Total Increase This Amendment	\$461,247.08
	Total Available Funds This Amendment	\$20,408,609.56

Expenditure:	Prior Total Estimated Expenditures	\$17,850,782.82
	Total Increase This Amendment	\$941,247.08
	Total Estimated Expenditures This Amen	\$18,792,029.90

Having been approved by the Budget Committee, motion was made by Commissioner Harris, seconded by Commissioner Arnett, and unanimously carried by the Board adopting the following Resolution amending the General Fund #101 Budget:

**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 28<sup>th</sup> day of September, 1999, it being the fourth Tuesday of the month and the regular monthly meeting 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 99/00  
September, 1999**

<u>Adjustment to Revenue Accounts</u>	INCREASE	DECREASE
46980 Other State Grants		\$ <u>9,000.00</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT</b>		<b>\$ 9,000.00</b>

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>54110 Sheriff's Department</u>		
718 Motor Vehicles	\$ <u>18,000.00</u>	
<b>Subtotal-54110</b>	<b>\$ 18,000.00</b>	
<u>54310 Fire Prevention and Control</u>		
718 Motor Vehicles	\$ <u>9,000.00</u>	
<b>Subtotal-54310</b>	<b>\$ 9,000.00</b>	
<u>55720 Sanitation Education/Information</u>		
718 Motor Vehicles		\$ <u>18,000.00</u>
<b>Subtotal- 55720</b>		<b>\$ 18,000.00</b>
<u>57100 Agriculture &amp; Natural Resources</u>		
309 Contracts with Gov. Agencies	\$ <u>8,201.00</u>	
<b>Subtotal-57100</b>	<b>\$ 8,201.00</b>	
<u>58400 Other Charges</u>		
506 Liability Insurance	\$ <u>8,844.00</u>	
<b>Subtotal-58400</b>	<b>\$ 8,844.00</b>	

<b>58600 Employee Benefits</b>		
201 Social Security		\$ 2,776.00
204 State Retirement		5,330.00
212 Employer Medicare		95.00
513 Worker's Compensation Insurance		<u>8,844.00</u>
<b>Subtotal-58600</b>		<b>\$ 17,045.00</b>
 <b>58900 Miscellaneous</b>		
509 Refunds	\$ 1,000.00	
<b>Subtotal-58900</b>	<b>\$ 1,000.00</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT</b>	<b>\$ 45,045.00</b>	<b>\$ 35,045.00</b>

Prior Estimated Expenditures		\$6,586,610.00
Total Estimated Expenditures This Amendment		\$6,587,610.00
Projected Fund Balance before Amendment	\$ 81,109.00	
Change in Fund Balance This Amendment	\$ 1,000.00	
Estimated Ending Fund Balance as of June 30 <sup>th</sup> , 2000	\$ 80,109.00	

\* \* \* \* \*

Commissioner Thomas asked that figures be provided to the Budget Committee at their next meeting that would come from the \$25.00 wheel tax increase and from property tax increase on an established value of property.

Thereupon, said meeting adjourned.

**JIM VOSS - Chairman**  
**County Mayor**

ATTEST:

**Dell T. Graham, County Clerk**