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FAYETTE COUNTY LEGISLATIVE BODY

September 25, 2001

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of September, 2001.

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 and Gordon M. Tomlin.

Absent: Commissioner Myles Wilson.

With a quorum being present, the following proceedings were had and entered of record, to-wit:

The first matter before the Board was the approval of the minutes of the prior meeting of this Board. Chairman Voss asked that a correction be made under 9.3.1.2 Piperton Annexation to show " the County Commission disapproved the annexation by the City of Piperton". Motion was made by Commissioner Kelley, seconded by Commissioner Doyle, and unanimously carried by the Board approving this correction. Amended minutes for the August 2001 meeting will be presented for approval at the next regular meeting of this Board.

Item 7.1 Density Definition tabled from the last meeting was not addressed since no one wished to bring it back before this Board.

Now before the Board was the adoption of Rules and Procedures. Motion was made by Commissioner Kelley, seconded by Commissioner Tomlin to approve and adopt the Rules as presented.

Commissioner Taylor moved to amend the Rules where under Section B, Order of Business, between Items 5 and 6 to insert a new section for "public comments" which would allow two minutes for persons not on the agenda and a maximum of twenty minutes for those having gone before their sub-committee. Motion was seconded by Commissioner Logan.

Commissioner Burnette then moved to amend this motion to amend to include "that all re-zonings have two readings". Motion was seconded by Commissioner Graves.

Roll Call vote was first taken on Commissioner Burnette's motion to amend the motion to amend the original motion. Voting "YES": Commissioners Burnette, Doyle, Graves, German, Logan, Morris, Sullivan, Taylor. (8)

Voting "NO": Commissioners Arnett, Bonner, Brewer, Cox, Harris, Kelley, Moore, Morman, Thomas and Tomlin. (10)

Thereupon, this motion failed.

The following Roll Call vote was taken on Commissioner Taylor's motion to amend the original motion. Voting "YES": Commissioners Bonner, Burnette, Doyle, Graves, German, Logan, Sullivan, Taylor. (8)

Voting "NO": Commissioners Arnett, Brewer, Cox, Harris, Kelley, Moore, Morman, Morris, Thomas and Tomlin. (10)

Thereupon, said motion failed.

Vote was then taken on the original motion to adopt the Rules and Procedures as presented. Said motion carried unanimously. The Rules and Procedures as adopted being as follows:

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, a member shall not interrupt him, except for a question. 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 (Motion)

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. Reconsideration of an action by the County Commission must be brought up prior to the reading of the minutes by a member of the prevailing side. The vote to reconsider must pass by a 2/3 majority of the County Legislative body. Any reconsideration motion must go through the same Committee process as the original. Any cost incurred must be borne by the person or organization requesting the reconsideration. This rule cannot be suspended, but may be changed annually upon approval of the rules of procedure.

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 except as otherwise provided by statute or private act.
 - 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 of the County Legislative Body 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. Upon appointment of the membership of a committee by the Chairman of the County Legislative Body, he shall also designate the chairman and vice chairman of the committee. The membership of the committee shall select a secretary from its membership to take minutes and record the proceedings of the committee meeting.

Section P. Appropriation Requests

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the Chief Financial Officer 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 Chief Financial Officer 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 Chief Financial Officer 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.

Section 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 except as otherwise provided by these rules and statutes or private act.

Section R. Roberts 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**Section 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.

Section 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.

Section 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

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 licenses 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 Chairman, 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 Chairman.

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 ATTORNEY

Section 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 meeting 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 GENERAL

Section A. Officers Election

Upon appointment of a committee by the Chairman of the County Legislative Body, if no chairman or vice chairman of the committee is named, 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. Committee Chairman and Agenda

Standing committee chairmen should notify the County Mayor's Office of the major matters to be reported to the Commission at the next meeting. This should be done in time for the item to be included on the agenda.

Section C. 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 D. 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 commission chairman for determination, subject to an appeal to the County Legislative Body at its next regular meeting.

Section E. 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 Chairman shall entertain a motion and second.
3. Discussion shall be had only 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 F. 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 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 G. 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, the time of adjournment, and a tape copy of the entire meeting.

Section H. 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 I. 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 is completed 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 J. 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 K. 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 L. Quarterly Reports

The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

Section M. 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 N. 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 SPECIFIC**Section A. Standing Committee**

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 no later than October. The Chairman of the County Legislative Body shall appoint the various chairman and vice-chairman of the standing committees. Any member of the County Legislative Body may call for a vote on individual approval of the committee members.

The Chairman, in the event the Chief Executive Officer does not serve as chairman, shall be an ex-officio member of all committees and sub-committees.

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 general matters related to personnel; compliance with OSHA and TOSHA Regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, salary classification, and employee benefits. This does not include budgetary issues regarding personnel salaries, requests for additional personnel, personnel transfers, etc. (Five members)
6. Budget: Taxation; finance; investments; property and intergovernmental relations, all matters pertaining to the financial resources of the county and reports and audit findings; issues regarding personnel salaries, requests for promotion, additional personnel and personnel transfer; health insurance plans. (Eight members)

Now before the Board was the election of a Chairman for which Chairman Pro Tempore Ronnie Harris presided.

Motion was made by Commissioner Kelley nominating Jim Voss.

Motion was made by Commissioner Burnette nominating Rhea Taylor.

With no other nominations offered, the following Roll Call Vote was taken: **VOSS**: Commissioners Arnette, Bonner, Brewer, Cox, Doyle, Harris, Kelley, Moore, Morman, Morris, Thomas and Tomlin. (12)

TAYLOR: Commissioners Burnette, Graves, German, Logan, Sullivan, Taylor. (6)

Absent and not voting: Commissioner Wilson.

Thereupon, Jim Voss was elected to serve as Chairman of the Board of Commissioners.

Chairman Voss now presided over the remainder of the meeting.

Setting the salary of the Chairman was now before the Board. Motion was made by Commissioner Doyle, seconded by Commissioner Morris and unanimously carried by the Board that the salary of the Chairman remain the same as set last year.

Now before the Board was the election of a Chairman Pro Tempore. Motion was made by Commissioner Kelley, seconded by Commissioner Morris nominating Commissioner Ronald Harris. Motion was made by Commissioner Tomlin, seconded by Commissioner Morman, and unanimously carried by the Board that the nominations cease and that Mr. Harris be elected by acclamation.

On setting the salary for the Chairman Pro Tempore, motion was made by Commissioner Kelley, seconded by Commissioner Brewer and unanimously carried by the Board that this salary remain as set last year.

Motion was made by Commissioner Graves, seconded by Commissioner Burnette, and unanimously carried by the Board appointing the following as Notaries Public: Sandol L. Johnson, Anne R. Parker.

Having been recommended by the Development Committee, motion was made by Commissioner Kelley, seconded by Commissioner Brewer and unanimously carried by the Board appointing James Braswell to the Board of Zoning Appeals.

Financial reports from April 1st through June 30, 2001 were presented to each Commissioner.

No oral report from the Department of Public Works.

Chairman Voss announced that Item 9.3.1.3 Agreement With the City of LaGrange and item 9.3.1.2 Memorandum of Understanding Regarding the Growth Plan would not be addressed at this time.

Having been reviewed by the Development Committee and presented with their recommendation, motion was made by Commissioner Morris, seconded by Commissioner Morman, and unanimously carried by the Board naming the new bridge on Mebane Road "Lula E. Mabone Bridge".

Commissioner Morris presented for passage the Private Act on Adequate Facilities Tax. This originally went through this Board at the February 27, 2001 meeting. Motion was made by Commissioner Morris, seconded by Commissioner Taylor, and unanimously carried by the Board adopting said Private Act.

No report from the Education Committee, but Chairman Voss advised that a meeting was planned to discuss the budget.

No report available from the Criminal Justice & Public Safety Committee and the Health & Welfare Committee.

Commissioner Brewer, Chairman of the Personnel Committee, advised that this Committee had met and discussed personnel classification and rating systems and would check salaries in adjoining counties.

Commissioner Harris, Chairman of the Budget Committee, advised that that committee had met and recommended to drop charges on the case of Fayette County VS Mark Hoppe. Motion was made by Commissioner Harris, seconded by Commissioner Kelley and unanimously carried by the Board agreeing to that decision.

As passed by the Budget Committee, Commissioner Harris presented and moved for the adoption of the following **RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 01, 2001 AND TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES FOR THE COUNTY OF FAYETTE.** Motion was seconded by Commissioner Arnett and unanimously carried by the Board. Same being as follows:

A RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES FOR THE COUNTY OF FAYETTE

WHEREAS, it now appears that the 2001-02 fiscal year budget of Fayette County, Tennessee, will not be approved during the 2001 July term of the Board of County Commissioners, now;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, Tennessee, that amounts set out in the 2000-01 Appropriation Resolution are hereby continued until a new 2001-02 Appropriation Resolution is adopted, and;

BE IT FURTHER RESOLVED, that the property tax rate of \$1.845 per each \$100.00 of taxable property for the fiscal year beginning July 1, 2000, shall remain in effect until a new property tax rate is adopted, and;

BE IT FURTHER RESOLVED, that the County Mayor and County Clerk are hereby authorized to borrow money on tax anticipation notes, provided that such notes are first approved by the State Director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenues for the fiscal year 2001-02 have been collected, not exceeding 60% of the appropriations of each individual fund of the continuing budget. The notes evidencing the loans authorized under this section shall be issued under the authority of Title 9, Chapter 21, Tennessee Code Annotated. All said notes shall mature and be paid in full without renewal not later than June 30, 2002.

BE IT FURTHER RESOLVED, that this Resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2001.

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

JIM VOSS - Chairman
Mayor

ATTEST:

Dell T. Graham, County Clerk