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FAYETTE COUNTY LEGISLATIVE BODY

November 25, 2003

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of November, 2003.

Present and presiding Chairman Christopher Campbell. Also present, Dell T. Graham, County Clerk and the following County Commissioners: Joann C. Allen, Steve Anderson, Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, Thomas Howell Fowler, Willie German, Jr., Ronnie Harris, Myles Leifer, David H. Lillard, Sr., Sylvester Logan, George McCloud, Claude D. Oglesby, Jr., Richard D. Vaughan, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Joe B. Burnette, Jr. and Ronnie Graves.

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

The floor was then opened to the public to address items not on the Agenda. No one came forward.

Motion was made by Commissioner Allen, seconded by Commissioner Dowdy and unanimously carried by the Board approving the minutes of the October 14th, 2003 Special Call Meeting of this Board.

Motion was made by Commissioner Leifer, seconded by Commissioner Oglesby and unanimously carried by the Board approving the minutes of the October 28, 2003 meeting of this Board.

Motion was made by Commissioner McCloud, seconded by Commissioner Dowdle and unanimously carried by the Board electing the following as Notaries Public: William B. Cowan, Jr., Darlene Hart, Wm. F. Kirkpatrick, Sandra McGowan-Bowers, Kimbley W. Minter, Jodene N. Mischke, Shae Murphey, Tammy Raines, Sabrina Scott, Tina Scruggs-Hopkins, Evangeline B. Shaw and Cheryl Lynnett Talley.

County Attorney Rosser addressed the Board reviewing a suit filed by the City of Oakland against Lenita McCraw, Administrator of Elections, regarding Hickory Withe property tax held by Fayette County. He suggested that the County enter-plea the matter to Chancery Court for the decision of the Chancellor. Much discussion followed.

Motion was then made by Commissioner Leifer, seconded by Commissioner Oglesby and unanimously carried by the Board for this decision to be made by this Board after an order has been obtained.

Mayor Taylor reported orally for his office.

Reports were called for from the Trustee's Office, Board of Education, Board of Public Works, Sheriff's Department and Juvenile Court, but none presented.

Commissioner Logan reported for the Development Committee. Their recommendation for the acceptance of the following as County Roads was presented:

Lancaster Drive, Cedar Drive and Crooked Creek Drive. Motion was made by Commissioner Logan, seconded by Commissioner McCloud and unanimously carried by the Board accepting the roads as presented.

The Development Committee also approved a Resolution to allow counties to operate asphalt plant. Motion was made by Commissioner Leifer, seconded by Commissioner McCloud and carried by the Board (not unanimously) adopting the following Resolution:

**A RESOLUTION TO URGE THE GENERAL ASSEMBLY TO AMEND
THE STATUTES TO ALLOW COUNTIES TO OPERATE ASPHALT PLANTS**

WHEREAS, there is little competition in the sale of hot mix asphalt for use on roads in this county and many counties in this state as only a few companies dominate this business, and

WHEREAS, this lack of competition and market power for certain companies results in very high prices being charged to this county and other counties of this state for hot mix asphalt products, and

WHEREAS, this county and other counties, singly or jointly could operate a hot mix asphalt plant through their respective highway departments that could produce asphalt for the use of this county or other counties for less than current costs if not for the prohibition in state law,

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body of Fayette County, Tennessee, meeting in regular session on this 25th day of November 2003, at Somerville, Tennessee, that the General Assembly of the State of Tennessee is strongly urged to amend Tennessee Code Annotated, Section 12-8-101, and such other statutes as may be necessary, so as to allow counties to own and operate hot mix asphalt plants for their use and benefit.

BE IT FURTHER RESOLVED that the County Clerk send copies of this Resolution to the members of the General Assembly representing the people of Fayette County and to the Honorable Phil Bredesen, Governor of the State of Tennessee.

As approved by the Development Committee, motion was made by Commissioner Logan, seconded by Commissioner Dowdle, and unanimously carried by the Board to enter into an inter-local agreement to create a Joint Community Development Board. Same being as follows:

WHEREAS, in enacting Legislative Acts of 1998, Public Chapter 1101, commonly referred to as "growth policies legislation," the Tennessee General Assembly intended that local governments engage in long-term planning and that such planning be accomplished through regular communication and cooperation among local governments, the agencies attached to them, and the agencies that serve them; and

WHEREAS, the Legislature also intended that the growth plans required by Public Chapter 1101 result from the communication and cooperation among local governments; and

WHEREAS, Public Chapter 1101 requires the creation in each county of a Joint Economic and Community Development Board established by Interlocal Agreement pursuant to *Tennessee Code Annotated (T.C.A.)* 5-1-113 to foster communication relative to economic and community development between and among governmental entities, industry, and private citizens; and

WHEREAS, the parties to this Agreement have recognized that it is advantageous to the local governments and the citizens of County as a whole that an Agreement be reached to facilitate growth and development in a cooperative effort; and

WHEREAS, pursuant to *T.C.A.* 5-1-113 and 12-9-101 et seq., Interlocal Agreements between local governments are authorized and

NOW, THEREFORE, the parties agree as follows:

1. **BOARD.** There is hereby created a Joint Economic and Community Development Board:

The County Joint Economic and Community Development Board, hereinafter referred to as the "board."

2. **BOARD PURPOSE.** The purpose of the board is to foster communication and facilitate economic and community development between and among governmental entities, industry, and private citizens.

3. **BOARD AUTHORITY.** In order to foster economic and community development, the board is authorized to negotiate agreements to contract for engineering studies; approve an annual budget and expend funds for all lawful purposes; hire and fire employees in accordance with board policies; make periodic progress and status reports to the parties to this Agreement; cooperate with other state, regional, or local planning and marketing functions; and appoint such committees and advisory groups as deemed necessary.

4. **ANNUAL AUDIT.** An annual audit, covering each fiscal year, shall be required of all funds, financial records, and transactions under the board's control. It is the duty of the board to contract with certified public accountants, public accountants, or the Department of Audit in the State Comptroller's Office to make such an audit. The board shall pay for such audit and for any other audit which it is required to perform under state law.

5. **MEMBERSHIP OF THE BOARD.**

The board shall consist of the county mayor and the mayor, or the city manager if so designated by the governing board, of each municipality in the county as required by *T.C.A. 6-58-114*. The county mayor will appoint one member from an area generally known as Hickory Withe and one member who owns land qualifying for classification and valuation under title 67, chapter 5, part 10.

6. **TERMS OF OFFICE.** The terms of office for elected officials must coincide with the terms of office for their elected positions. Other board members must be appointed such that one-half of the remaining members must serve two-year terms and the remaining one-half must serve four-year terms. After the initial board terms, all board appointments are for four-year terms.

7. **EXECUTIVE COMMITTEE.** There shall be a seven member executive committee, which shall be composed of members of the Joint Economic and Community Development Board and selected by the entire board. The makeup of the executive committee shall be determined by the entire board but shall, at a minimum, include the county executive and the mayors or city managers of the five larger municipalities in the county. The executive committee shall have all of the power of the board between meetings but cannot modify any action taken by the board.

8. **OFFICERS.** Following the appointment of all board members and once the executive committee has been elected, a chairman, vice chairman, and secretary-treasurer shall be elected by the membership from the membership of the executive committee. The chairman shall call regular and special meetings of the board and executive committee, preside at all meetings of the board and executive committee, and shall generally be authorized to exercise general supervision of activities and functions approved by the board and/or executive committee. The vice chairman shall perform the duties of chairman in his/her absence. The secretary-treasurer shall keep the minutes of all board and executive committee meetings and maintain such records and shall be the chief financial officer of the board. The secretary-treasurer shall receive and expend all monies in accordance with appropriations approved by the board. All checks disbursing funds are to be signed by the secretary-treasurer and the chairman. All officers are to be bonded in an amount equal to or exceeding the largest single estimated expenditure of funds in accordance with state laws.

9. MEETINGS. The board shall meet a minimum of four times each year, and the executive committee shall meet at least eight times each year. All meetings of the board and executive committee shall be documented by minutes and certification of attendance. Meetings of the board and executive committee are subject to the Tennessee Open Meetings Law.

10. FUNDING.

It is agreed that the activities of the Fayette County Joint Economic and Community Development Board shall be jointly funded by all participating governments. The formula for determining the amount of funds due from each participating government shall be determined by adding the population of the entire county as established by the last federal decennial census to the populations of each city or town as determined by the last federal decennial census or special census as provided for in T.C.A. 6-51-114 and then determining the percentage that the population of each governmental entity bears to the total amount. It is also agreed that the board shall not ask for more than \$5000 combined from the participating members, but may seek funds elsewhere.

11. RULES OF ORDER. All business shall be transacted in accordance with the latest edition of *Roberts' Rules of Order*.

12. AMENDMENTS. This Agreement may be amended by the adoption of any such amendment(s) by the governing bodies of the parties to this Agreement.

13. OTHER AGREEMENTS. Nothing contained in this Agreement shall prohibit or restrict any of the parties hereto from entering into other Interlocal Agreements as provided by law.

14. EFFECTIVE DATE. This Agreement shall become effective upon its approval by the Board of Commissioners of County, Tennessee, and the governing bodies of each of the participating municipalities. This Agreement shall be in full force and effect between the parties upon its execution by the respective authorized officials of each of the governmental entities.

15. REPRESENTATION OF AUTHORIZATION. The participating governments evidence their approval by the signatures below of the authorized representatives of such participating governments. By such signatures, each officer executing the Agreement represents and each participating government represents to the other participating governments that this Agreement has been duly and lawfully approved by the participating government each represents.

16. FURTHER AGREEMENTS. It is anticipated that this Agreement may require modification. Any such modification shall be in writing and shall be approved by each party to the Agreement.

The Development Committee formed an ad-hoc committee to prepare a counter proposal on the airport contract – this proposal to be presented to the Development Committee. This ad-hoc committee consisted of Mayor Taylor, County Attorney Rosser and Commissioners David Lillard, Steve Anderson and George McCloud.

Motion was then made by Commissioner Dowdle, seconded by Commissioner Oglesby, to suspend the rules to allow discussion on commissioners who might like to serve on the ad-hoc committee. Motion was withdrawn. Motion was then made by Commissioner Leifer, seconded by Commissioner Dowdy and unanimously carried by the Board adding Commissioner Dowdle to this ad-hoc committee.

Chairman Campbell reported for the Criminal Justice & Public Safety Committee.

Reports were called for from the Personnel Committee and the Education Committee, but none presented.

Commissioner Lillard reported orally for the Health & Welfare Committee.

Commissioner Doll reported for the Budget committee. He presented the recommendation of that committee to locate the new jail on the Industrial Park property and to appropriate up to \$8,000.00 for any necessary engineering analyses. Motion was seconded by Commissioner Anderson.

Commissioner Harris called for a point of order to make the Board aware that this Board had already approved the purchase of another site for construction of a new Justice Complex. Roll Call Vote was taken on Commissioner Harris' call that it was out of order to bring this matter back before this Board. Voting "YES" on the motion: Commissioners Allen, Dowdle, Dowdy, German, Harris, Leifer, McCloud, Oglesby, Vaughan and Wilson (10)

Voting "NO": Commissioners Anderson, Doll, Fowler, Lillard and Yancey. (5)

Passing: Commissioner Logan.

Absent: Commissioner Burnette and Graves.

Thereupon, said motion carried.

Motion was then made by Commissioner Harris, seconded by Commissioner Vaughan to authorize Mayor Taylor to negotiate a contract to purchase the land on Hwy 64W as originally presented.

Discussion Followed.

Motion was then made by Commissioner Lillard, seconded by Commissioner McCloud that the land purchase for the Jail site be only 17.8 acres on the west side of the entry to the land.

Discussion continued.

Commissioner Lillard then restated his motion to purchase the 17.8 acres on the West side of Walls Road with a maximum price of \$400,000.00.

Commissioner Harris then withdrew his motion.

The amended motion then stood as the main motion. Commissioner Lillard restated his motion to show the purchase of the 17.8 acres to be offered at \$382,700.00

Discussion followed.

Commissioner Harris then moved to amend the motion to purchase the entire acreage as originally recommended. Motion was seconded by Commissioner Vaughan.

After further discussion, Commissioner Harris made a point of order. Motion was noted, but was disagreed on by Chairman Campbell.

The following Roll Call Vote was then taken on amending the motion to purchase the full acreage. Voting "YES": Commissioners Dowdle, Dowdy, German, Harris, Leifer, Oglesby, Vaughan and Wilson. (8)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Lillard, McCloud and Yancey. (7) Passing: Commissioner Logan.

Absent: Commissioners Burnette and Graves.

Said motion failed.

Commissioner Harris then appealed the Board's action stating that the purchase of the property site had already been voted on by this Board.

Roll Call Vote was taken. Voting "YES": Commissioners Dowdle, Dowdy, German, Harris, Leifer, Oglesby, Vaughan and Wilson. (8)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Lillard, Logan, McCloud and Yancey. (8)

Chairman Campbell then voted "NO" making a total of nine (9) "NO" and eight (8) "YES" votes. Said motion failed.

Roll Call Vote was then taken on the motion to purchase the 17.8 acres at the price of \$382,700.00. Voting "YES": Commissioners Allen, Doll, Dowdle, Dowdy, German, Harris, Leifer, Lillard, McCloud, Oglesby and Wilson. (11)

Voting "NO": Commissioner Yancey. (1)

Passing: Commissioners Anderson, Fowler, Logan and Vaughan. (4)

Absent: Commissioners Burnette and Graves. (2)

Said motion carried.

Mayor Taylor then reviewed a three year inter-fund capital outlay note proposed for purchase of land for Jail site construction. Motion was made by Commissioner Doll, seconded by commissioner Leifer to accept this proposal. Upon Roll Call Vote, the following voted "YES": Commissioners Allen, Anderson, Doll, Dowdle, Dowdy, Fowler, German, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Vaughan, Wilson. (15)

Voting "NO": Commissioner Yancey.

Absent: Commissioners Burnette and Graves.

Thereupon, said motion carried.

Mayor Taylor then asked for approval to enter into a contract with Bardge, Waggoner, Sumner & Cannon for a typographical study and survey of the proposed Jail site at the cost of \$8,500.00. Motion was so made by Commissioner Harris, seconded by Commissioner Dowdle. Upon Roll Call Vote, the following voted "YES": Commissioners Allen, Anderson, Doll, Dowdle, Dowdy, Fowler, German, Harris, Leifer, Logan, McCloud, Oglesby, Vaughan, Wilson and Yancey. (15)

Voting "NO": Commissioner Lillard. (1)

Absent: Commissioners Burnette and Graves.

Said motion carried.

Commissioner Doll then reviewed the architectural/engineering fees as a percent of construction cost and fee percentages for phases of the Jail project as submitted by Bardge, Waggoner, Sumner & Cannon and as approved by the Budget committee. Motion was made by Commissioner Doll, seconded by Commissioner Leifer and carried-not unanimously- approving the fees.

Commissioner Doll then presented the recommendation of the Budget committee to allow an ADA analysis of the Fayette County Courthouse by Bardge, Waggoner, Sumner and Cannon for a fee not to exceed \$5,000.00. Motion was made by Commissioner Doll, seconded by commissioner McCloud and unanimously carried by the Board by Roll Call Vote.

Commissioner Doll presented and moved for the adoption of the following Resolution allowing funds for a web site for Fayette County and funds for ambulance/emergency medical services, as recommended by the Budget Committee. Motion was seconded by Commissioner Fowler and unanimously carried by Roll Call Vote.

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 25th day of November, 2003, 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 03/04
November, 2003**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
47190 Title XX		\$10,000.00
Subtotal-47190		\$10,000.00

TOTAL INCREASE/DECREASE
TO EXPENDITURE ACCOUNT \$10,000.00

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51300 County Mayor</u>		
307 Communication	\$ 1,500.00	
312 Contracts with Private Agencies	7,000.00	
708 Communication Equipment	1,500.00	
Subtotal-51300	\$ 10,000.00	
<u>55130 Ambulance/Emergency Medical Services</u>		
718 Motor Vehicles	\$ 5,000.00	
Subtotal-551130	\$ 5,000.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$15,000.00	

Prior Estimated Expenditures	\$8,254,864.00
Total Estimated Expenditures This Amendment	\$8,259,864.00
Projected Fund Balance before Amendment	\$1,985,444.00
Change in Fund Balance This Amendment	\$ 5,000.00
Estimated Ending Fund Balance as of June 30 th , 2004	\$1,980,444.00

As recommended by the Budget committee, Commissioner Doll made motion to approve the fire protection service agreement with the City of Somerville. Motion was seconded by Commissioner McCloud and approved by the following Roll Call Vote. Voting "YES": Commissioners Allen, Anderson, Doll, Dowdle, Dowdy, Fowler, German, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Wilson and Yancey. (15) Voting "NO": Commissioner Vaughan. Absnet: Commissioners Burnette and Graves. Said motion carried.

Motion was made by Commissioner Doll seconded by Commissioner McCloud, as recommended by the budget committee, to approve a Resolution required to apply for assistance for improvement to county communication system through a CDBG Grant. Said motion was unanimously carried by the Board approving the following Resolution:

RESOLUTION

The County of Fayette, Tennessee

WHEREAS, the State of Tennessee, Community Development Block Grant program has been established by HUD to assist local governments in meeting the housing and community development needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the County of Fayette, Tennessee acting by and through the County Commission proposed to apply for a FY 2004 Small Cities Block Grant (CDBG) for funding for the purpose of performing eligible community development activities that will benefit all of the residents in the County of Fayette, Tennessee with improvements to the County's Communications System; and,

WHEREAS, the County of Fayette, will provide local financial support in conjunction with the CDBG funds to complete the above project; equal to 18% of the total project costs; and,

WHEREAS, under the terms and provisions of Title I of the Housing and Community Development Act of 1974, as amended, the County of Fayette, Tennessee as recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of the said grant.

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

THAT, Rhea Taylor, County Mayor, is hereby authorized to execute and submit an application with the appropriate assurances to the State of Tennessee's Department of Economic and Community Development, Office of Program Management, requesting a Fiscal Year 2004 Small Cities Block Grant (CDBG) funds for improvements to the County's Communication System by the constructing and erecting of an approved Communication Tower; and

THAT, the County of Fayette, will be responsible for the local share of 18% of the total project costs, or an amount to be determined at a later date to be provided for the project from the appropriate account; and,

THAT, once the total project costs have been identified and evaluated, a local government resolution documenting the total CDBG grant request and the local match to be committed to by the County of Fayette, be submitted, reviewed, and subsequently approved by the County Commission of County of Fayette at the January, 2004 County Commission Meeting; and,

THAT, Rhea Taylor, County Mayor, be and is hereby designated and appointed as Financial Officer under the terms and pursuant to the Tennessee Code Annotated, as amended, and to perform on behalf of the County of Fayette, Tennessee, those acts and assume such duties as are consistent with the said position.

READ AND ADOPTED this 25th day of November 2003.

Commissioner Vaughan asked that Commissioners who are not committee members be notified when set meetings are cancelled.

Motion was then made by Commissioner Leifer, seconded by Commissioner Dowdy and unanimously carried by the Board approving the following Resolution canceling the December 2003 meeting of this Board.

R E S O L U T I O N
TO CANCEL DECEMBER 2003 COUNTY COMMISSION MEETING FOR
FAYETTE COUNTY

WHEREAS, Tennessee Code Annotated, 5-5-104, permits counties, upon a majority vote of their respective county legislative bodies, to enact a resolution stipulating the time, date and place of their county legislative body's regular meeting; and,

WHEREAS, Fayette County is required to have at least four meetings per year, and has fulfilled the requirement,

WHEREAS, the December Fayette County Commission meeting would occur during the busy holiday season surrounding Christmas and New Year's;

WHEREAS, there being no urgent business of the Fayette County Commission or business that cannot be resolved by a special called meeting of the Fayette County Commission;

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body of Fayette County that the December 23, 2003 meeting of the Fayette County Commission is cancelled.

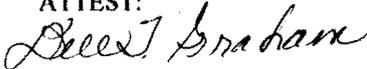
Adopted this 25th day of November, 2003.

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

CHRISTOPHER L. CAMPBELL
CHAIRMAN



ATTEST:



Dell T. Graham, County Clerk