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FAYETTE COUNTY LEGISLATIVE BODY

August 24, 2004

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee on the 24th day of August, 2004.

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

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

The floor was opened to the public to address item not on the Agenda. Addressing the Board were Lee Earls, Vip Lewis, Joann Allen, Melissa Mints, Sissy Dowdle and Myles Wilson.

Motion was made by Commissioner Logan, seconded by commissioner McCloud and unanimously carried by the Board approving the minutes of the July 2004 meeting of this Board.

Chairman Campbell then closed the meeting for an attorney/client meeting.

With the meeting back in session, motion was made by Commissioner Anderson, seconded by Commissioner Graves and unanimously carried by the Board appointing the following as **Notaries Public**: Michele E. Bryant, Scott M. Greenfield, Linda Powell, Emory R. Stephens and Sharon L. Ticer.

Mayor Taylor then recommended **David Gichmer** for appointment to the **Board of Zoning Appeals**. Motion was made by Commissioner Burnette, seconded by Commissioner Dowdle, and unanimously carried by the Board approving same.

Mayor Taylor asked that he be allowed to make a recommendation for appointment to the **Planning Commission** since action on this matter was tabled at the last meeting of this Board. Motion was made by Commissioner Harris and seconded by Commissioner burnette to remove this item from the table. Upon Roll Call Vote, the following voted "YES": Commissioners Burnette, Dowdle, Dowdy, German, Harris, Oglesby, Tomlin and Wilson. (8)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Graves, Leifer, Lillard, Logan, McCloud and Yancey. (10)

Said motion failed.

On addressing the proposed Budget to be presented by the Budget Committee, Mayor Taylor asked that the minutes indicate that this Budget "is not his (Mayor's) Budget" and reviewed Budget changes proposed to the Mayor's office.

Public Works Board was addressed where Mayor Taylor advised that he with the County Attorney would draft an amendment to our **Private Act for the Public Works Board** to be elected by the people.

Mayor Taylor reviewed an estimate for expansion of Oakland Elementary School.

Mayor Taylor addressed establishing a County Services Office to assist county Veterans. Commissioner Burnette stated that at the appropriate time he would move to establish this position.

The Mayor also advised of a Hickory With Community meeting set to discuss and hear a proposal of I40 and Hwy 196 interchange.

Report was called for from the Trustee's Office, but none presented.

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Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Graves, Leifer, Lillard, Logan, McCloud and Yancey. (10)

Said motion failed.

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Report was called for from the Trustee's Office, but none presented.

Commissioner Wilson reported for the Board of Education and concurred

With the Mayor's previous statement regarding addition to Oakland Elementary School.

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

Commissioner Allen reported for the Development Committee. She reviewed the recommendation of that Committee concerning **road work for cities**. Motion was made by Commissioner Anderson, seconded by Commissioner Allen and unanimously carried by the Board adopting the following Resolution:

**RESOLUTION FOR REQUESTS FOR ASSISTANCE BY TOWNS IN FAYETTE
COUNTY FROM FAYETTE COUNTY PUBLIC WORKS**

August 5, 2004

WHEREAS, Fayette County Commission understands the immense job before Fayette County Public Works of maintaining the county's bridges and approximately 709 miles of roads; and

WHEREAS, Fayette County's towns have made requests from time to time for assistance for the upkeep of their roads and ditches; and

WHEREAS, the Fayette County Commission wishes to install a process for all requests for assistance from the various towns to be considered in a timely manner; and

WHEREAS, the Fayette County Commission needs to be made aware of the magnitude of the requests being made; and

WHEREAS, TCA 54-7-202 allows Public Works to do work for the towns, but only after receiving approval from the local governing body; and

WHEREAS, the receiving and pre-approving of the requests does not obligate Public Works to do the work, but assists in the scheduling and budgeting for the requested work;

NOW, THEREFORE, BE IT RESOLVED by the Fayette County Commission that the towns of Fayette County may submit work requests to the Fayette County Mayor to be assembled and presented to the County Commission, with these understandings:

1. Requests for work shall be presented to the Fayette County Mayor by December 1 and May 1, to be considered at the January and June County Commission meetings, respectively.
2. The requests will be shared with the Public Works Superintendent for his comments and analysis.
3. After the approval by the County Commission, the Public Works Board must agree to do the work before any assistance can be done. This will require consideration of the amount of work that is before them in the non-incorporated areas of the county, the time to do the assistance, and any budgetary constraints that might arise.
4. After the approval of the work, Public Works and the town must agree upon a payment that fully reimburses the county for its assistance.
5. The town agrees to give a written report to the County Mayor concerning any work completed by Fayette County Public Works on behalf of the town.
6. All requests for assistance from the towns must follow this process, unless a state of emergency is declared by Fayette County or by one of the various towns.
7. This Resolution shall take effect December 1, 2004.

Adopted this 24th day of August, 2004.

Motion was then made by Commissioner Leifer, seconded by Commissioner Wilson and unanimously carried by the Board adopting the following **Resolution** approving participation in the **Three-Star Pilot Program** as recommended by the Development committee. Same being as follows:

RESOLUTION TO PARTICIPATE IN THE THREE-STAR PILOT PROGRAM

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Pilot Program; and

WHEREAS, participation in the Three-Star Pilot Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decisions; and

WHEREAS, certification as a Three-Star community in the Three-Star Pilot Program involves a cooperative effort by numerous local entities;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session on this 24th day of August, 2004 in Somerville, Tennessee, that Fayette County will participate in the Three-Star Pilot Program.

Adopted this 24th day of August, 2004.

Motion was then make by Commissioner Leifer, seconded by Commissioner Dowdle and unanimously carried by the Board adopting the following **Resolution** to affirm compliance with **Federal Title VI Resolutions**:

RESOLUTION TO AFFIRM COMPLIANCE WITH FEDERAL TITLE VI REGULATIONS

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally funded programs; and

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and the Three-Star Pilot Program and awards financial incentives for communities designated as Three-Star communities; and

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal financial assistance all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Fayette County, Tennessee, meeting in regular session at Somerville, Tennessee, that:

SECTION 1. The legislative body of Fayette County declares that the county is in compliance with the federal Title VI regulations.

SECTION 2. The Department of Economic and Community Development may from time to time monitor the county's compliance with federal Title VI regulations.

SECTION 3. This Resolution shall take effect upon adoption, the public welfare requiring it.

Adopted this 24th day of August, 2004.

Chairman Campbell reported for the Criminal Justice and Public Safety committee. Motion was made by Commissioner Wilson, seconded by Commissioner Oglesby and unanimously carried by the Board authorizing the Mayor to sign a contract with Methodist Healthcare-Fayette Hospital for service to persons in the custody of the Fayette County Sheriff's Department.

Motion was then made by Chairman Campbell, seconded by Commissioner Leifer and unanimously carried by the Board approving application for a **grant for a radio tower** as approved by this Committee and the Budget Committee.

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

Commissioner Lillard reported for the Health & Welfare Committee reviewing their meeting.

Commissioner Doll, Budget Committee Chairman, reported for that committee. He reviewed and presented a Resolution **TO RE-ASSIGN WASTE OPERATIONS TO THE ROAD BOARD** and made motion to approve same. Motion was seconded by Commissioner Anderson.. Discussion followed. Commissioner Dowdle asked for an opinion from the Attorney General on this transfer. Roll Call Vote was then taken on the motion. Voting "YES": Commissioners Allen, Anderson, Doll, Fowler, Graves, Lillard, Logan, McCloud and Yancey. (9)

Voting "NO": Commissioners Burnette, Dowdle, Dowdy, German, Harris, Leifer, Oglesby, Tomlin and Wilson (9)

Chairman Campbell then cast his vote as "YES" making ten (10) "YES" and nine (9) "NO"; said motion carried, the Resolution being as follows:

A RESOLUTION TO RE-ASSIGN SOLID WASTE OPERATIONS TO THE ROAD BOARD

WHEREAS, the FAYETTE COUNTY PUBLIC WORKS ACT of 1974, section 21 authorizes the Fayette County Legislative Body to assign performance of any and all reasonable public works functions other than those specifically enumerated in the act to the board and the department as it sees fit by resolution adopted by majority vote, and,

WHEREAS, the county legislative body of Fayette County is desirous that the Road Board oversee all Solid Waste operations.

NOW, THEREFORE, BE IT RESOLVED by the county legislative body of Fayette County, meeting on this 24th day of August, 2004, that:

SECTION 1. All Solid Waste operations shall be assigned to and overseen by the Road Board.

SECTION 2. This resolution shall take effect upon adoption, the general welfare requiring it.

Adopted this 24th day of August, 2004.

Commissioner Doll, Budget Chairman, reviewed the procedure on adopting the **2004/05 Budget**. Motion was made by Commissioner Doll, seconded by Commissioner Lillard to set the date of September 21st, 2004 for a Special Meeting of this Board to adopt the 2004/05 Budget.

After discussion, motion was made by Commissioner Leifer, seconded by Commissioner Dowdle to amend this motion by setting the Special Meeting date for September 14th. Commissioner Dowdle also specified that she wanted the line item deleted from the Mayor's Office included on the Agenda for the Special Meeting.

Commissioners Doll and Lillard then withdrew their original motion.

Discussion continued. A five minute recess was called.

Back in Session.

Motion was then made by Commissioner Leifer to call a **Special Call Meeting** for September 21, 2004 at 7:00 PM to vote on a resolution making appropriations for the various funds, departments, institutions, agencies in Fayette County, Tennessee for the fiscal year beginning July 01, 2004 and ending July 30th, 2005; to vote on a Resolution fixing the tax levy of Fayette County, Tennessee for the fiscal year beginning July 01, 2004 and ending July 30,2005; to approve the overall Budget for the fiscal year 2004/05; per Rule 11, 11A we too shall elect a Chairman and Chairman Pro-Tem at the first session in September. Second was made by Commissioner Doll.

Motion was made by Commissioner Dowdy, seconded by Commissioner Dowdle to amend the motion to show the meeting date as September 14th. Discussion continued. After a "voice" vote, Commissioner Dowdy amended his amendment to the meeting date of September 13th. Upon Roll Call Vote, the following voted "YES" for the meeting date of September 14th: Commissioners Burnette, Dowdle, Dowdy, German, Harris, Oglesby, Tomlin and Wilson. (8)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Graves, Leifer, Lillard; Logan, McCloud and Yancey. (10)

Amending motion failed.

Vote was then taken on the original motion to set the meeting date of the **Special PM Call Meeting at 7:00 September 21st**. Same carried with Commissioner Dowdy voting "NO".

Commissioner Doll then began review of proposed budgets starting with the **School Board Budget**. Motion was made by Commissioner Doll, seconded by Commissioner McCloud to approve the School Board Budget as proposed at \$5.75 mil as recommended by the Budget Committee.

Motion was made by Commissioner Dowdle, seconded by Commissioner Oglesby to amend the motion by adding \$234,000 to Account 40110, Current Property Tax in **School General Fund** for a total of \$4,079,000; for \$1.685,000 to remain in Account 40210, Local Option Sales Tax in School General Fund; to reduce property tax in Account 40110 in County General Fund from \$3,982,061 to \$3,748,061. This will use \$234,000 in excess taxes of approximately \$350,000 from last year to offset current increases this year and will maintain the \$.78 portion of the \$1.74 tax rate of Fayette County for the schools.

After discussion, the following Roll Call Vote was taken. Voting "YES": Commissioners Burnette, Dowdle, Dowdy, German, Harris, Leifer, Logan, Oglesby, Tomlin, Wilson and Yancey. (11)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Graves, Lillard and McCloud (7)

Said amending motion carried.

Commissioner Doll reviewed the Budget of the **Public Works**. Motion was made by Commissioner Doll, seconded by Commissioner McCloud and unanimously carried by Roll Call Vote approving the Public Works Budget as submitted.

Commissioner Doll then addressed the **Solid Waste Budget**. Motion was made by Commissioner Doll, seconded by Commissioner Lillard and unanimously carried by Roll Call Vote approving the Budget as presented.

Commissioner Doll presented and reviewed the **Debt Service Budget**. Motion was made by Commissioner Doll, seconded by Commissioner Fowler and unanimously carried by Roll Call Vote approving the Debt Service Budget.

Commissioner Doll presented and reviewed the **General Fund Budget**. Motion was made by Commissioner Doll, seconded by Commissioner Fowler to approve the General Fund Budget as submitted and as approved by the Budget Committee.

Motion was then made by Commissioner Harris, seconded by Commissioner Burnette to amend the motion to **restore the position** being eliminated (in Mayor's Office) and to eliminate the position being created (secretary to Board). Much discussion followed. Commissioner Harris then withdrew his amending motion. Commissioner Harris then made motion to amend the original motion to restore the employee position in the Mayor's Office. Motion was seconded by Commissioner Burnette. After further discussion, the following Roll Call Vote was taken. Voting "YES": Commissioners Allen, Anderson, Burnette, Dowdle, Dowdy, Fowler, German, Harris, McCloud, Oglesby, Tomlin, Wilson and Yancey. (13)

Voting "NO": Commissioners Doll, Graves, Leifer, Lillard and Logan. (5)

Said amending motion carried.

Motion was made by Copmmissioner Allen, seconded by commissioner Leifer to adjust the Budget to increase the **salary** of the **EMA Director** from \$24,000 to \$32,000. Upon Roll Call Vote, the following voted "YES": Commissioners Allen, Burnette, Dowdy, German, Graves, Leifer, McCloud, Oglesby, Wilson and Yancey. (10)

Voting "NO": Commissioners Anderson, Doll, Dowdle, Fowler, Harris, Lillard, Logan and Tomlin. (8)

Said motion carried.

Motion was then made by Commissioner Fowler, seconded by Commissioner German to remove the "secretary of Board" under 51118. Upon Roll Call Vote, the following commissioners voted "YES: Burnette, Dowdle, Dowdy, Fowler, German, Harris, Oglesby, Tomlin and Wilson (9)

Voting "NO": Commissioners Allen, Anderson, Doll, Graves, Leifer, Lillard, Logan, McCloud and Yancey. (9)

Chairman Campbell then cast this vote as "NO" making the vote ten (10) "NO" and nine (9) "YES.

Said motion to adjust the budget to remove the secretary to the Board failed.

Commissioner Doll then moved to **amend** the submitted **budget** to include \$4,000.00 part time employee for Chancery Court, \$10,000.00 for the Assessor's Office, \$6,000.00 for part time employee to Juvenile Court, \$10,000.00 part time employee to the County Clerk, \$3,078 secretary to Planning Office, \$2,000.00 for salary increase to Director of Ambulance Service, and \$2,000.00 salary increase to the secretary at the Ambulance Service. Motion was seconded by Commissioner Lillard.

Motion was then made by Commissioner Burnette, seconded by Commissioner Logan to amend the motion to include \$5,200.00 for a VFW Service Officer.

Motion was made by Commissioner Lillard, seconded by Commissioner Dowdle to amend the last motion wherein the American Legion and the VFW would form a committee to recommend who the Service Officer should be. This motion carried unanimously.

Roll Call Vote was then taken on the prior **amendment** to provide **\$5,200.00** for a **Service Officer** for the VFW. Voting "YES": Commissioners Burnette, Dowdle, German, Harris, Leifer, Logan, Oglesby, Tomlin, Wilson and Yancey. (11)

Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Graves, Lillard and McCloud. (7)

Said motion carried.

Vote was then taken on the prior **amending motion** of Commissioner Doll and Lillard regarding funds for **part time employees, salary increases, etc.** Voting "YES": Commissioners Allen, Burnette, Doll, Dowdle, Dowdy, Fowler, Germand, Graves, Harris, Leifer, Logan, McCloud, Oglesby, Tomlin, Wilson and Yancey. (16)

Voting "NO": Commissioner Anderson and Lillard. (2)

Said motion carried.

Roll Call Vote was then taken on the original motion to **adopt the General Fund Budget** with the foregoing amendments. On Roll Call Vote, same carried unanimously.

Commissioner Doll then reviewed pay raises to come under the new Budget. He did not present the recommendation of the Budget Committee for a 3% salary increase to County employees since this was set based upon funds available, and he felt the availability of these funds had been adjusted by the prior action of this Board.

Motion was then made by Commissioner Wilson, seconded by Commissioner Dowdy and a 3% salary increase for County employees. Upon Roll Call Vote the following voted "YES": Commissioners Burnette, Doll, Dowdle, Dowdy, Fowler, German, Graves, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Tomlin, Wilson and Yancey. (16)

Voting "NO": Commissioner Anderson. (1)

Passing: Commissioner Allen.

Said motion carried.

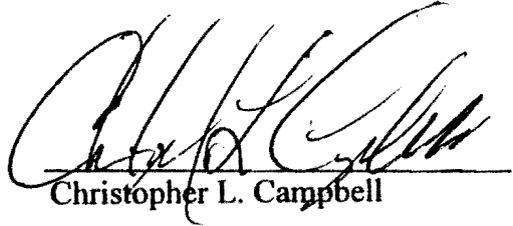
Motion was made by commissioner Leifer, seconded by Commissioner Lillard and unanimously carried by the Board to move the **school expansion** and financial arrangement to the Education Committee for same to move forward.

Motion was made by Commissioner Anderson, seconded by Commissioner Leifer, giving County Attorney Rosser and Mayor Taylor the authority to settle the dispute with the School Board in such a manner that it would be a written settlement agreement where they would recognize our lease and install the lights in Somerville/Fayette Ware Ball field. Said motion carried with Commissioner Doll voting "NO".

Motion was then made by Commissioner Anderson, seconded by Commissioner Leifer and unanimously carried by the Board that the County Commission approve in concept the plan set forth in the document entitled Review of ADA Issues Judicial Services for Fayette County Courthouse which was prepared by Barge, Waggoner referring to the revised version dated August 23, 2004; that we approve that in concept and that the Mayor be authorized to consult with Barge , Waggoner in Memphis and to determine the proper bid process for performing this work and to report back as to what the actual cost would be.

Motion was made by Commissioner Lillard, seconded by Commissioner Dowdy to expen \$62,500 out of the General Fund to cover an addition to the ambulance service. After discussion, said motion was withdrawn.

With no other matters to come before this Board, said meeting was adjourned.



Christopher L. Campbell

Chairman

ATTEST:



Dell T. Graham, County Clerk