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FAYETTE COUNTY LEGISLATIVE BODY

March 23, 2004

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee on the 23rd day of March, 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, John 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., Richard D. Vaughan, Myles Wilson and Allen Yancey, Jr.

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

The floor was opened to the public to address items not on the Agenda. Addressing the Board were Susanne Wall, Rev. Larry Shelton and John Jones.

Motion was made by Commissioner Wilson, seconded by Commissioner Dowdle and unanimously carried by the Board approving the minutes of the February 2004 meeting of this Board.

Motion was made by Commissioner Logan, seconded by Commissioner Leifer and unanimously carried by the Board appointing the following as Notaries Public: Gladys Billings, Lorell Conner, Gloria G. Douglas, Emily Joyce Douglass, Rita E. Driver, Stacy M. Meulenberg, Carla Poindexter, Delores D. Provow.

The confirmation of appointment of Lisa McDowell as EMA Director as recommended by the Public Safety Committee was presented by Mayor Taylor. Motion was made by Commissioner Graves, seconded by Commissioner Leifer to approve the appointment.

Motion was then made by Commissioner Vaughan, seconded by Commissioner Dowdle, to amend the motion setting the salary of Lisa McDowell at \$32,000.00 per year effective immediately upon appointment. Discussion followed on the salary increase not going before the Budget committee and a salary increase being made in the middle of the Budget year. Upon roll call vote on the amending motion, the following Commissioners voted "YES": Commissioners Dowdle, Dowdy, Leifer and Vaughan. (4) Voting "NO": Commissioners Allen, Anderson, Burnette, Doll, Fowler, German, Graves, Harris, Lillard, Logan, McCloud, Oglesby, Wilson and Yancey. (14) Said motion failed.

Vote was then taken on the original motion which carried unanimously appointing Lisa McDowell as EMA Director.

Commissioner Burnette asked that future Notary Applications submitted to this Board for approval not show the applicants social security number. This was so ordered.

Mayor Taylor addressed the Board reviewing requested changes to the Adequate Facilities Tax. He noted that if we ask our representatives in Nashville to support this, we should show them that this Board fully support same. The changes submitted were as follows:

1. By October 1 of each year, the cities inside Fayette County shall provide a list of all structures that should incur the Adequate Facilities Tax during the previous fiscal year, its address, the tax paid, and the area taxed.
2. In Section 7, insert the word "variable" in the second sentence so as to read. "The County may develop a flat or uniform variable tax rate schedule..." This would allow a differing amount of tax to be placed on the first set area as to opposed to the next higher amount (example: the first 500 square fee may be \$.10 and the next 500 feet may be \$.20)
3. That any change in the Capital Improvement Plan and Adequate Facilities Tax may only be done once a year, to be set by resolution of the County Commission.

Motion was made by Commissioner Anderson, seconded by Commissioner Dowdle to override the veto of the Mayor. Said motion carried, but not unanimously.

Motion was made by Commissioner Allen, seconded by Commissioner McCloud to suspend the rules in order to reconsider business conducted in the last session of this Board. Upon Roll Call Vote, the following voted "YES" to suspend the rules: Commissioners Allen, Anderson, Doll, Dowdle, Fowler, German, Graves, Lillard, Logan, McCloud, Vaughan and Yancey. (12)

Voting "NO": Commissioners Burnette, Dowdy, Harris, Leifer, Oglesby and Wilson. (6)

Chairman Campbell then voted "YES" making the vote 13 - "YES" and 6 - "NO".

Said motion carried.

Motion was then made by Commissioner Anderson, seconded by Commissioner Allen to approve the Adequate Facilities Tax as referenced by Mayor Taylor with amendments submitted and other changes as determined by the Mayor and the County Attorney. The following Roll Call Vote was taken: Voting "YES" Commissioners Allen, Anderson, Doll, Dowdle, Fowler, Graves, Lillard, Logan, McCloud, Vaughan and Yancey. (11)

Voting "NO": Commissioners Burnette, Dowdy, German, Harris, Leifer, Oglesby and Wilson. (7)

Chairman Campbell then voted "YES" making the vote 12 - "YES" and 7 - "NO".

Said motion carried.

Mayor Taylor stated that our legislators had advised him not to forward to them any legislation that did not have enough votes to be ratified on a return. He advised that he would let our legislators know of the action taken tonight.

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

Report was called for from the Board of Education, but none presented. Commissioner Doll questioned mis-appropriation of funds and asked for a report of the Board's action.

Monthly report of the Board of Public Works was filed.

Report from the Sheriff's Department was called for, but none available.

Report from Juvenile Court was filed.

Report from the Development Committee was called for, but none presented.

Commissioner Graves reported from the Criminal Justice & Public Safety Committee.

Reports from Personnel Committee, Education Committee and Health & Welfare Committee were called for, but none presented.

Commissioner Doll reported for the Budget Committee. Motion was made by Commissioner Doll, seconded by Commissioner Fowler and unanimously carried by Roll Call Vote, approving the following amendments to the School Board Budget as approved by the Budget Committee:

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141
 MARCH, 2004

10.3.7.1.1

		INCREASE	DECREASE
71000	INSTRUCTION		
71200	SPECIAL EDUCATION PROGRAM		
71200 311	Contracts w/Other School Systmes	\$11,903.00	
	TOTAL:	\$11,903.00	\$0.00
71600	ADULT EDUCATION PROGRAM		
71600 429 RBOG	Instructional Supplies and Materials		\$3,177.00
	TOTAL:	\$0.00	\$3,177.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 355 DPP	Travel	\$5,000.00	
72210 599 DPP	Other Charges	\$1,000.00	
	TOTAL:	\$6,000.00	\$0.00
72260	ADULT EDUCATION PROGRAM		
72260 355 RBOG	Travel	\$1,000.00	
72260 599 RBOG	Other Charges	\$2,177.00	
	TOTAL:	\$3,177.00	\$0.00
	GRAND TOTAL:	\$21,080.00	\$3,177.00

Total Increase: \$17,903.00

Revenue:	46980 DPP Other State Grants	\$6,000.00
	47143 Special Education Grants	\$11,903.00
	TOTAL:	\$17,903.00

Revenue:	Prior Total Available Funds	\$20,472,480.23
	Adjustments to Prior Year Encumb.1033.90	\$54,888.82
	Total Increase This Amendment	\$17,903.00
	Total Available Funds This Amendment	\$20,545,272.05

Expenditure:	Prior Total Estimated Expenditures	\$19,696,193.20
	Total Increase This Amendment	\$17,903.00
	Total Estimated Expenditures This Amend.	\$19,714,096.20

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 471 - TITLE I
 MARCH, 2004

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 599	Other Charges		\$14,800.00
	TOTAL:		\$14,800.00

72000	SUPPORT SERVICES		
72710	TRANSPORTATION		
72710 599	Other Charges	\$14,800.00	
	TOTAL:	\$14,800.00	\$0.00
	GRAND TOTAL:	\$14,800.00	\$14,800.00

Total Increase/Decrease: \$0.00

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 492 - SLIVER GRANT
 MARCH, 2004

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 355	Travel	\$3,200.00	
72220 499	Other Supplies and Materials	\$7,105.00	
72220 524	In-Service/Staff Development	\$1,000.00	
	TOTAL:	\$11,305.00	\$0.00

Total Increase: \$11,305.00

Revenue:	47143 Special Education Grants	\$11,305.00
Revenue:	Prior Total Available Funds	\$5,267,924.37
	Total Increase This Amendment	\$11,305.00
	Total Available Funds This Amendment	\$5,279,229.37

Expenditures:	Prior Total Estimated Expenditures	\$5,267,924.37
	Total Increase This Amendment	\$11,305.00
	Total Estimated Expenditures This Amendment	\$5,279,229.37

FAYETTE COUNTY BOARD OF EDUCATION
 CENTRAL CAFETERIA FUND
 FUND 143
 MARCH 2004

		INCREASE	DECREASE
73000	OPERATION OF NON-INSTRUCTIONAL SERVICES		
73100	FOOD SERVICES		
73100 105	Supervisor/Director	\$868.00	
73100 119	Accountant/Bookkeeper	\$421.00	
73100 165	Cafeteria Personnel	\$16,000.00	
73100 186	Longevity Pay	\$200.00	
73100 189	Other Salaries and Wages	\$651.00	
73100 201	Social Security	\$115.00	
73100 204	State Retirement		\$4,000.00
73100 207	Health Insurance	\$1,000.00	
73100 212	Medicare	\$265.00	
73100 399	Other Contracted Services	\$3,000.00	
73100 422	Food Supplies	\$15,000.00	
73100 499	Other Supplies and Materials		\$5,000.00
73100 513	Workers' Compensation	\$124.00	
	TOTAL:	\$37,644.00	\$9,000.00

Total Increase: \$28,644.00

Revenue:	43523	Income from Breakfast	(\$1,550.00)
	43990	Other Charges for Services	\$25,000.00
	46520	School Food Services	\$954.00
	47111	Sec. 4 - Lunch	(\$25,000.00)
	47113	Breakfast	\$8,000.00
	47114	U.S.D.A. Other	\$800.00
	Total:		\$8,204.00

Reserve:	34230	Reserved for Food Service	(\$20,440.00)
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Revenue:		Prior Total Available Funds	\$2,361,941.59
		Total Increase This Amendment	\$8,204.00
		Total Available Funds This Amendment	\$2,370,145.59

Expenditures:		Prior Total Estimated Expenditures	\$1,958,684.00
		Total Increase This Amendment	\$28,644.00
		Total Estimated Expenditures This Amendment	\$1,987,328.00

Motion was made by Commissioner Doll, seconded by Commissioner McCloud and unanimously carried by Roll Call Vote approving the following amendment to Public Works Budget:

<u>EXPENDITURES</u>	<u>AMENDMENT</u>	<u>AMENDED TOTAL</u>
<u>61000 Administration</u>		
351 Rentals	+ \$ 100.00	\$ 2800.00
Total 61000:	+ \$ 100.00	\$ 142,850.00
<u>62000 Highway & Bridge Maint.</u>		
141 Foremen	- \$ 12,000.00	\$ 103,150.00
143 Equip. Oper.	- 36,000.00	361,615.00
147 Truck Driver	- 49,100.00	348,764.00
186 Longevity	- 600.00	38,400.00
Total 62000:	- \$ 97,700.00	\$1,424,674.00
<u>65000 Other Charges</u>		
515 Liability Claims	- \$ 6,000.00	\$ 4,000.00
Total 65000:	- \$ 6,000.00	\$ 204,110.00

66000 Employee Benefits

201 Social Security	- \$	7,400.00	\$	120,690.00
204 State Retirement	-	6,000.00		97,553.00
205 Employee Insurance	-	13,000.00		228,000.00
Total 66000:	-	26,400.00	\$	597,159.00

68000 Capital Outlay

791 Other Constructing (Paving)	+ \$	130,000.00	\$	531,500.00
Total 68000:	+ \$	130,000.00		\$1,578,500.00

Total Estimated Expenditures: + \$ 0.00 \$4,632,957.00

Estimated Fund Balance 6/30/04:

UNCHANGED

Motion was made by Commissioner Doll, seconded by Commissioner Fowler, to approve the contract for purchase of the Wilson property as the new Jail site as recommended by the Budget Committee.

After some discussion, motion was made by Commissioner Vaughan, seconded by Commissioner Dowdy to amend the motion to allow a public hearing regarding the Wilson site. Discussion continued.

Commissioner Doll then withdrew his original motion.

Motion was then made by Commissioner Vaughan, seconded by Commissioner Wilson, to hold a public hearing regarding the purchase of the Wilson property for use as the Jail site.

County Attorney Rosser suggested that the public hearing be held on all sites having been considered for purchase for the Jail site.

Motion was then made by Commissioner Vaughan, seconded by Commissioner Leifer amending his motion for the public hearing to be held at 6:00 P.M. on April 6th, 2004 and to have a Special Call Meeting of this Body at 7:30 P.M. that same night of April 6th, 2004. Said motion carried unanimously.

Motion was made by Commissioner Doll, seconded by Commissioner Wilson to table action on the Bond issue until a building site has been set.

Katie Creek was allowed to address the Board, questioning the traffic that would be on N. West Street should the Jail site be built on the Wilson site.

A five minute recess was called for.

Meeting was reopened.

Discussion continued.

The following Roll Call Vote was then taken on the motion to table the Bond issue. Voting "YES": Commissioners Allen, Anderson, Doll, Fowler, Graves, Lillard, Logan, McCloud, Vaughan, Wilson and Yancey. (11).

Voting "NO": Commissioners Dowdle, Dowdy, German, Harris, Leifer and Oglesby. (6)

Said motion carried.

As recommended by the Budget Committee for passage, motion was made by Commissioner Doll, seconded by Commissioner Logan and unanimously carried by the Board approving the following Resolution requesting changes in Tennessee Workers' Compensation Law.

**A RESOLUTION TO URGE THE 103rd GENERAL ASSEMBLY TO CAREFULLY CONSIDER
AND ADOPT REFORMS TO THE WORKERS' COMPENSATION LAWS
OF THE STATE OF TENNESSEE**

WHEREAS, Tennessee's workers' compensation system and its rising costs and negative impacts on employers and employees is a growing concern among local governments and large and small businesses in our State; and

WHEREAS, Tennessee employers are reporting more frequently that workers' compensation claim costs as a percentage of payroll expenditures have increased significantly during the past decade; and

WHEREAS, the cost of Tennessee's workers' compensation system compares unfavorably with the states that surround it and the court-based administration of Tennessee's system is unique and unfamiliar to many employers; and

WHEREAS, this combination of factors has a chilling effect on job recruitment in Tennessee which is of vital interest to all of our State's communities; and

WHEREAS, the condition of the State's workers' compensation system impacts Tennessee's counties twice as hard by having to pay increased workers' compensation premiums and by losing tax revenues when jobs are lost and plants and facilities close down in our communities; and

WHEREAS, raising property taxes to make up for lost local tax revenues only worsens the situation by making Tennessee even less attractive to industry; and

WHEREAS, reform of Tennessee's workers' compensation system could bring about changes which would make Tennessee more competitive economically with neighboring states, would encourage companies to invest in Tennessee and bring jobs here, and would help prevent existing manufacturers, who provide some of the best jobs, benefits, and retirement options in our State, from leaving Tennessee; and

WHEREAS, workers' compensation reform could lower per worker costs to the employer, allow injured workers to collect benefits sooner and remove some of the uncertainty from the system by establishing clear definitions and guidelines for injuries and diseases sustained in the workplace:

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, meeting in regular session on this 23rd day of March, 2004, that the Tennessee General Assembly is strongly urged to evaluate Tennessee's current laws regarding workers' compensation and develop reforms and remedies to improve the system, reduce costs to employers, simplify administration, and allow injured employees to make claims under the system more easily and receive benefits sooner. As a part of the reforms, we urge the General Assembly to look at changes to convert Tennessee from a judicially managed, court-based system to an administratively managed workers' compensation program.

BE IT FURTHER RESOLVED, that the county clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of Fayette County.

Motion was made by Commissioner McCloud, seconded by Commissioner Harris to accept Stephens, Inc. as financial adviser. Upon Roll Call Vote, the following voted "Y S": Commissioners Dowdle, Dowdy, German, Harris, McCloud and Oglesby. (6)
Voting "NO": Commissioners Allen, Anderson, Doll, Fowler, Graves, Leifer, Lillard, Logan, Vaughan, Wilson and Yancey. (11)
Said motion failed.

Motion was then made by Commissioner Leifer, seconded by Commissioner Vaughan and unanimously carried by the Board accepting Coastal Securities, Inc. as financial adviser.

Motion was made by Commissioner Doll, seconded by Commissioner Lillard, and unanimously carried by the Board to table a request of the County Attorney for funds to attend a seminar until this had been reviewed by the Budget Committee.

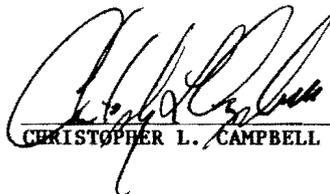
County Attorney Rosser requested that this Board show certain purposes for the Special Call meeting having been set.

Motion was made by Commissioner Dowdle and unanimously carried to reconsider the Jail issue.

Motion was then made by Commissioner Vaughan, seconded by Commissioner Leifer and unanimously carried by the Board that the Special Call Meeting that had been set shall address:

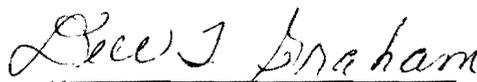
- to select a site for the Jail/Justice Complex
- adopt a Bond Resolution
- adopt an initial Resolution authorizing general obligation bonds in an amount to be determined
- and any other related business to accomplish the above purposes.

With no other action to be taken by this Board, said meeting adjourned.



CHRISTOPHER L. CAMPBELL - Chairman

ATTEST:



Dell T. Graham, County Clerk