

FAYETTE COUNTY LEGISLATIVE BOYD

FILE COPY

December 08, 2005

BE IT REMEMBERED That pursuant to call in the following words and figures, to-wit:

"I, Rhea Taylor, County Mayor of Fayette County, Tennessee, pursuant to the provisions of Section 5-5-105 of the Tennessee Code Annotated, Official Edition, the public necessities requiring it, do Hereby call a Special Session of the County Commission to convene on Thursday, December 08, 2005, at 7:00 PM in the upstairs courtroom of the Fayette County Courthouse in Somerville, Tennessee, for the following purposes:

1. Discussion and vote to approve leases and an easement for radio communication towers.
2. Discussion and vote to accept roads in the Lakes of Lou Monta subdivision
3. Discussion and vote to accept an updated Adequate Facilities Tax Capital Improvement Plan
4. Discussion and vote to accept the bid from Ray Bell Construction for the Fayette County Justice Complex and to authorize the county to arrange financing for additional funds for the project

This the 23rd day of November, 2005."

A true copy of said above having been delivered to each Commissioner of Fayette County, Tennessee, and published in an local newspaper at least five days before the December 08th, 2005 date: A SPECIAL MEETING OF THE FAYETTE COUNTY LEGISLATIVE BODY was begun and held in and for Fayette County in Somerville, Tennessee on Thursday December 08, 2005, at 7:00 PM; present and presiding the Honorable Rhea Taylor; also present, Dell T. Graham, County Clerk, and the following Commissioners: Joann C. Allen, Steve Anderson, Joe B. Burnette, Jr., Christopher L. Campbell, 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., Gordon M. Tomlin, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Ronnie Graves.

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

Motion was made by Commissioner Wilson, seconded by Commissioner Dowdle and unanimously carried by the Board accepting the road in Lakes of Lou Monta Subdivision as county roads, the public hearing having been held at the November meeting of this Board.

Commissioners then reviewed the Adequate Facilities Tax Capital Improvement Plan. Discussion followed. Motion was then made by Commissioner Lillard, seconded by Commissioner McCloud to approve the following Resolution:

**ADOPTION OF A REVISED CAPITAL IMPROVEMENT PLAN FOR THE
FAYETTE COUNTY ADEQUATE FACILITIES TAX
December 8, 2005**

WHEREAS, Fayette County adopted an Adequate Facilities Tax on June 22, 2004, which uses a Capital Improvement Plan for allocating funds from the tax; and

WHEREAS, Fayette County wishes to amend the plan as allowed in the adopted resolution; and

WHEREAS, the Fayette County Commission has solicited advice and suggestions from departments that provide services to Fayette County residents; and

WHEREAS, Fayette County wants to allocate funds from the Adequate Facilities Tax for projects that meet the guidelines of the tax;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the plan be amended by deleting all previous projects and adopting the following list for Calendar Year 2006, which meet the guidelines for the Adequate Facilities Tax:

1. From Adequate Facilities Tax raised in Calendar Year 2006:
 - a. Funding the Fayette County Justice Complex with \$155,747, along with \$124,000 in Litigation Tax, and \$100,000 from Fayette County's General Fund
 - b. Funding debt payment for Oakland Elementary School with \$151,865
2. From Adequate Facilities Tax raised in Calendar Year 2005:
 - a. Funding the construction of a Hickory Withe Fire Station with \$100,000, with additional funding to be determined prior to construction of the facility
 - b. Funding the repair of Cherry Road with \$68,000
 - c. Funding the repair of Person Road with \$66,000
 - d. Funding the repair of Canadaville Loop Road with \$163,000
 - e. Funding the repair of Clay Pond Road with \$54,000
 - f. Funding the repair of East Beacon Light Drive with \$56,000

Adopted this 8 day of December, 2005.

Commissioner Dowdle requested the motion be amended to vote separately on the roads included in the Resolution. Commissioner Lillard left his motion for adoption as presented. Upon Roll Call Vote the following voted "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Harris, Lillard, Logan, McCloud, Oglesby, Tomlin, Wilson and Yancey. (17)

Voting "NO": None.

Passing: Commissioner Leifer.

Absent: Commissioner Graves.

Thereupon, said Resolution was adopted.

Discussion then covered the **Justice Complex** with Ray Bell Construction as contractor and for the financing for additional funds. Discussion covered an agreement with the **Town of Somerville**, wherein it was agreed to ask them to define "Somerville will build the service line to your site". After continued discussion, motion was made by Commissioner Burnette, seconded by Commissioner McCloud to accept Ray Bell Construction as the contractor for the **Justice Complex** construction.

Upon roll call vote, the following voted "YES": Commissioner Allen, Anderson, Burnette, Campbell, Dowdle, Dowdy, Fowler, German, Harris, Leifer, Lillard, McCloud, Oglesby, Tomlin, Wilson and Yancey. (16)

Voting "NO": Commissioners Doll and Logan. (2)

Absent: Commissioner Graves.

Said Resolution was adopted.

Chairman Taylor then reviewed the initial Resolution to issue general obligation bonds for the **Justice Complex Center**. Motion was made by Commissioner Leifer and seconded by Commissioner McCloud to approve the following Resolution:

**INITIAL RESOLUTION DETERMINING TO ISSUE NOT TO EXCEED \$5,100,000
GENERAL OBLIGATION BONDS OF FAYETTE COUNTY, TENNESSEE**

WHEREAS, the Board of County Commissioners of Fayette County, Tennessee (the "County") has determined that it is necessary to acquire land, do site preparation, and construct and equip facilities for use as a new county jail, which facilities may also include a justice complex, and to acquire, construct, renovate and/or equip other buildings or facilities for county use (collectively the "Project"); and

WHEREAS, the County is authorized by Sections 9-21-101 et seq. of the Tennessee Code Annotated to issue bonds for such purposes and has previously issued bonds in the amount of \$8,200,000 for such purposes; and

WHEREAS, additional funds will be needed to finance the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, as follows:

Section 1. That it is necessary and desirable and in the best interests of the citizens of Fayette County, Tennessee that the County (i) acquire land, do site preparation, and construct and equip a new county jail, which facilities may also include a justice complex, and (ii) acquire, construct, renovate and/or equip other buildings or facilities for county use, and further that the County issue its bonds for such purposes and to pay legal, fiscal, administrative, architectural and engineering costs of the Project and costs incident to the issuance and sale of the bonds.

Section 2. That the Board of County Commissioners of Fayette County, Tennessee hereby determines pursuant to the authority of Sections 9-21-101 et seq. of the Tennessee Code Annotated, as amended, that it shall issue its general obligation bonds for the Project and for other purposes stated above in an aggregate amount not-to-exceed \$5,100,000, that such bonds may be issued in one or more emissions and are in addition to any bonds previously authorized and/or issued for such purposes, that such bonds will bear interest at such rate or rates not-to-exceed 5.50%, and that such bonds shall be payable, both principal and interest, from ad valorem taxes levied without limitation as to rate or amount upon all taxable property in the County.

Section 3. That the bonds may be issued either separately or as part of a larger issue which includes bonds of the County being issued for other purposes and/or under other authorizing resolutions and statutes.

Upon Roll Call Vote the following voted "YES": Commissioners
Anderson, Burnette, Campbell, Dowdle, Dowdy, Fowler, German, Harris,
Leifer, Lillard, McCloud, Oglesby, Tomlin, Wilson and Yancey. (15)

Voting "NO": Commissioners Allen and Doll. (2)

Passing: Commissioner Logan. (1)

Absent: (1)

Thereupon, said Resolution was approved.

Motion was then made by Commissioner Campbell and seconded by Commissioner Dowdle to approve the advertising of the **general obligation bonds**.

Upon Roll Call Vote the following voted "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Dowdle, Dowdy, Fowler, German, Harris, Leifer, Lillard, McCloud, Oglesby, Tomlin, Wilson, Yancey. (17)

Voting "NO": None.

Passing: Commissioner Logan.

Absent: (1)

Said motion carried.

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

Rhea Taylor
Chairman

ATTEST:

Dell T. Graham
County Clerk