

FAYETTE COUNTY LEGISLATIVE BODY

March 22, 2005

BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 22nd day of March, 2005. Present and presiding, Chairman Rhea Taylor. Also present, Dell T. Graham, County Clerk and the following County Commissioners: Joann C. Allen, Steve Anderson, Christopher L. Campbell, 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., Gordon M. Tomlin, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioner Joe B. Burnette, Jr.

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

Chairman Taylor opened the floor to the public to address items not on the agenda. With no one coming forward, the floor was closed.

Motion was made by Commissioner Wilson seconded by Commissioner Dowdle and unanimously carried by the Board approving the minutes of the February 22nd, 2005 meeting of his Board.

Chairman Taylor then presented **Memorial Resolution** to **PAUL R. SUMMERS**. Motion was made by Commissioner Wilson, seconded by Commissioner McCloud and unanimously carried by the Board approving the resolution; same being as follows:

A RESOLUTION in remembrance of Fayette County's premier jurist and soldier, the late PAUL R. SUMMERS

WHEREAS, on September 17, 2003 at the age of 80, Fayette County's most beloved, honored and revered citizen, Paul R. Summers died. His service to his County, his State and his Country is unparalleled in Fayette County history; and

WHEREAS, Fayette County's most distinguished jurist and soldier, Paul R. Summers exemplary career of service includes having served Fayette County as General Sessions Judge, the Counties of Fayette, Hardeman, McNairy, Lauderdale and Tipton as Chancellor, the State of Tennessee as Court of Appeals Judge; Executive Secretary to the Supreme Court; the Tennessee National Guard; and United States Army; and

WHEREAS, a native of Fayette County, Paul Reeves Summers was born May 31, 1923 in Somerville, Tennessee to Julius Boswell and Beulah Reeves Summers; and

WHEREAS, he received his undergraduate degree from Lambuth College in Jackson, Tennessee and his LLB at Cumberland University in Lebanon, Tennessee and his Doctor of Jurisprudence at Samford University in Birmingham, Alabama; and

WHEREAS, he was educated at the University of Tennessee at Knoxville, Tennessee; the University of Virginia, Charlottesville, Virginia; the University of Southern Mississippi at Hattiesburg, Mississippi, Memphis State University, Memphis, Tennessee; and

WHEREAS, he commenced his legal career as a sole practitioner in 1948 and continued in sole practice until 1951; in 1954 he was associated with the firm of Byrd and Summers until 1955 when he returned to sole practice in 1955 and continued so until 1960; and

WHEREAS, he was licensed to practice law in all Courts in the State of Tennessee including the Supreme Court, the Court of Appeals, the Court of Criminal Appeals, the United States Supreme Court, the United States Federal District Court and the United States Court of Military Appeals and

WHEREAS, he commenced his judicial career on September 1, 1960 as General Sessions Judge of Fayette County, Tennessee and served until September 1972; he was Chancery Judge for the Ninth Chancery Division, State of Tennessee from September 1, 1972 to October 1, 1976;

WHEREAS, Paul R. Summers became the Executive Secretary to the Supreme Court, State of Tennessee on October 4, 1976 to August 26, 1977 but returned to the bench when he was named a Judge of the Court of Appeals for the Western Section of Tennessee from August 26, 1977 to September 1, 1982 at which time he retired; and

WHEREAS, highly esteemed by his colleagues for his experience and wisdom, he continued to serve as Court of Appeals Judge on senior status for many years; and

WHEREAS, answering the call to arms, Paul Summers enlisted in the United States Army on December 4, 1942 and was ordered to active duty on February 23, 1943. He received his basic training from February 23, 1943 to April 12, 1943 and received college training detachment at Kutztown State Teacher's College, Kutztown, Pennsylvania from April 12, 1943 to June 5, 1943; and

WHEREAS after completion of Air Corps Cadet Pilot Training School at Williams Field, Chandler, Arizona from June 5, 1943 to May 23, 1944, Paul Summers was commissioned a Second Lieutenant of the Army Air Corps on May 23, 1944. He served as a Pilot Instructor from May 23, 1944 to October 28, 1944 and later attended B-17 First Pilot's School from October 28, 1944 to January 21, 1945 and received B-17 overseas training from January 21, 1945 to August 24, 1945; and

WHEREAS, he separated from the Army Air Corps on September 30, 1945 and began service in the Air Force Reserves at that time until April 15, 1951 when he was promoted to First Lieutenant and recalled to active duty in the United States Air Force. He served on active duty from April 15, 1951 to January 15, 1953 and was designated a Judge Advocate by the Judge Advocate General, United States Air Force, on December 13, 1951; and

WHEREAS, after being discharged from active service, Paul R. Summers served in the United States Air Force Reserves from January 15, 1953 to June 1, 1955 until he transferred to the Tennessee Army National Guard, where he was assigned as Company Commander of the 208th Medical Company on June 2, 1955 a post he held until February 28, 1959; and

WHEREAS, promoted to Captain on October 17, 1958 he was assigned as Assistant G-1 Headquarters on February 28, 1959 and later assigned as Assistant Staff Judge Advocate on February 14, 1962 prior to his promotion to Major of the Army Reserve National Guard U.S. on February 9, 1964; and

WHEREAS, Major Paul Summers was then assigned Staff Judge Advocate HHD TN Army National Guard on March 1, 1965; and subsequently promoted to Lieutenant Colonel on August 7, 1968, before being named a Colonel of the United States Army Reserves on February 9, 1963; and

WHEREAS, Colonel Paul Summers was appointed Chief of Staff, HHD Tennessee Army National Guard on July 1, 1977 and later that same year was named Troop Commander, Tennessee Army National Guard at Camp Shelby, Mississippi Air; and

WHEREAS, recognized for his contributions and outstanding accomplishments, Paul R. Summers was promoted to Brigadier General Tennessee Army National Guard in February of 1978 and was honorably discharged from the Tennessee Army National Guard later that same month; and

WHEREAS, in 1952 Paul Summers completed the Judge Advocate General's course Maxwell Air Force Base, Montgomery Alabama. He later fulfilled the Field Officer's Refresher's Course at the University of Virginia in Charlottesville, Virginia and attended the Defense Strategy Seminar at the National War College in Washington, DC on June 25, 1971. He completed the Judge Advocate General's Corps Reserve Components General Staff Course on February 7, 1972; and

WHEREAS, he received the following decorations and awards while serving in the Military: Army Commendation Medal; American Campaign Medal; World War II Victory Medal; National Defense Medal; Air Forces Reserve Medal with 2 hour glass devices; Army Reserve Guard Commendation Ribbon; Tennessee National Guard Services Ribbon with bronze service Star and one oak leaf cluster; Tennessee National Guard Volunteer Ribbon; Army Aviator Badge; National Guard Recruiter Badge; State of Tennessee Adjutant General's Staff Badge; and Legion of Merit;

WHEREAS, he married on June 22, 1947 the former Mary Eleanor (Peggy) Myers of Somerville, a professional educator who enjoyed a distinguished career having served as Assistant Superintendent of Public Schools for Fayette County, as Supervisor of Instruction and Teachers in the Shelby County School System; that she was educated at Memphis State University where she achieved a bachelor of science degree and earned an advanced masters degree at the University of Mississippi and

WHEREAS, a loving marriage for over 56 years, Paul R. Summers and Peggy Myers Summers' joyous union was blessed with two devoted children, sons Paul and Mark; and

WHEREAS, their first child is the Honorable Paul Garvan Summers, Attorney General of the State of Tennessee who was born on March 28, 1950. He is a graduate of Mississippi State University and obtained his Doctorate of Jurisprudence at the University of Tennessee at Knoxville, Tennessee. He entered the private practice of law in Somerville, Tennessee. He has formerly served as District Attorney General for the Twenty Fifth Judicial District and as a Judge of the Court of Criminal Appeals of the State of Tennessee. He served in the United States Air Force and was on the staff of the United States Air Force Judge Advocate General. He joined the TN National Guard after discharge from the Air Force and presently holds the rank of Colonel; and

WHEREAS, their second child is Phillip Mark Summers who was born on April 15, 1958. He is a graduate from Middle Tennessee State University in Murfreesboro, Tennessee and obtained a Masters degree at the University of LaVerne, LaVerne, California. He served in the United States Army as a helicopter test pilot and maintenance officer in Korea and Alaska. He is a Lieutenant Colonel in the California National Guard and is presently employed as Director of Operations Cardinal Healthcare, Ontario California; and

WHEREAS, Paul R. Summers and Peggy Summers have three grandchildren, Paul Isaac Reeves Summers, the son of Paul Garvan Summers; Julia Summers; and Jessica Summers the daughters of Phillip Mark Summers; and

WHEREAS, Paul R. Summers was the son of Julius Boswell Summers deceased, and Beulah Reeves Summers, deceased. A dedicated public servant, Julius Boswell Summers served as a member of the House of Representatives for Fayette and Haywood Counties in the Tennessee General Assembly from 1919 to 1921. He was Superintendent of Education for Fayette County from 1921 to 1927 and was Mayor of Somerville, Tennessee for three terms and

WHEREAS, Paul R. Summers was also preceded by his distinguished brother, the late Julius Boswell Summers, Jr., who was an Air Force Colonel and a graduate of the Class of 1940 West Point; and

WHEREAS, a thoughtful and spiritual gentleman, Paul R. Summers was a member of the First United Methodist Church, Somerville; and

WHEREAS, Paul R. Summers was a member of the Tennessee Bar Association, the Tennessee Trial Lawyers Association, the Judicial Council, the Tennessee Judges Association, the Fayette County Bar Association, the Masonic Lodge, the Scottish Rite Mason, Kappa Sigma Fraternity, Blue Key Fraternity, the American Legion, the Veterans of Foreign Wars and the National Guard Association; and

WHEREAS, a man with an inquisitive mind and a thirst for knowledge, Paul R. Summers had a vast array of interests including farming, education, legislation, writing, welding, and stained glass; and

WHEREAS, his passion for a quality education for all children led him again to public duty as he served three years on the State Board of Education by appointment of the Governor of Tennessee; and

WHEREAS, for all his accomplishments, honors and accolades, he was the most congenial and unpretentious citizen of Fayette County who could converse on the most intricate issues of the law or could discuss farming, welding or creation of stained glass with equal acumen and knowledge. He was often counsel to the elite of the State Government, the legislative, the judicial and the executive branch but always enjoyed conversing with ordinary citizens and his neighbors. He never met a stranger. He was affable, friendly, outgoing and genuinely interested in his fellow man. He encouraged them in their businesses and also brought a smile to their faces; and

WHEREAS, he was a man of integrity and compassion; that he touched many lives and will be missed by all who knew and loved him;

WHEREAS, while this resolution is too brief an outline of his careers, his accomplishments and honors, Paul Reeves Summers was a man of integrity and compassion who touched many lives and will be missed by all who knew him; and

WHEREAS, an affectionate, tender and loving husband and father, Paul R. Summers had an exemplary judicial career and his military career would have been remarkable if it were his only accomplishment yet when added to his judicial career it renders his accomplishments unassailable by others who follow; he left a standard of service to his County, his State and his Country to such an extent that his career is unequalled; he had a genius for learning, the breadth of his knowledge was truly astounding. In the future the highest compliment a jurist or soldier of Fayette County may wish to be given, I propose, at a meeting with Paul R. Summers; and

WHEREAS, that with all Paul R. Summers' honors, accomplishments, degrees and accolades one knows that the reward he cherished most was that the mention of his name brought a smile to the faces of his fellow citizens; and

WHEREAS, Paul R. Summers will be remembered with love and honor; that he made his mark on this County. Mortal man is but a brief actor on the stage of the world, some pass without notice and others are giants who dominate the stage while on it; such a person was Judge Paul R. Summers; now, therefore,

BE IT RESOLVED by the Fayette County Board of Commissioners that we hereby honor the late Paul R. Summers for his thirty four (34) years as a lawyer and Judge and his thirty five (35) years as a soldier and his eighty (80) years as a peerless human being who brought joy and friendship to his family, his friends and all those who had the honor of knowing him. It is hereby moved that a resolution commending Paul R. Summers be approved; and that it be directed that said resolution be spread upon the minutes of the Fayette County Board of Commissioners.

Motion was made by Commissioner Oglesby, seconded by Commissioner Dowdle and unanimously carried by the Board electing the following as **Notaries Public**: Faye J. Bishop, Jennifer M. Clayton, Carol E. Glover, Tammy L. Harris, Regina H. Jenkins and Joyce Wilson Ross.

The matter now before the Board was the election of the **County Attorney**. Motion was made by Commissioner Anderson, seconded by Commissioner Leifer, to elect **Richard G. Rosser** as County Attorney for 2005 with the issue of this compensation to be tabled until the April 2005 meeting of this Commission; that we request Mr. Rosser to present his proposal for compensation to the General Services and Budget committees and that we request that General Services and Budget present their proposals for such compensation to the Commission in April; and that we shall set Mr. Rosser's compensation at the April meeting of this Commission. Motion was then made by Commissioner Tomlin, seconded by Commissioner Oglesby and so ordered that the nominations cease, and that Mr. Rosser be elected by acclamation. Said motion carried unanimously.

Chairman Taylor reported for the Mayor's Office.

Reports were called for from the Board of Education, Juvenile Court and Board of Public Works, but none available.

Commissioner Yancey then reviewed the March meeting of the Development Committee.

Commissioner Lillard reported for the **General Services Committee**. With their approval he moved to approve the following Resolution to Increase State Inmate Reimbursements. Motion was seconded by Commissioner Leifer and unanimously carried by the Board by members present approving the following Resolution with endorsement to be sent to the State Legislature.

RESOLUTION TO INCREASE STATE INMATE REIMBURSEMENT
March 22, 2005

WHEREAS, the Senate and House of the 104th General Assembly of Tennessee have had bills SB0542 and HB1540, respectively, introduced ; and

WHEREAS, these bills would raise the level of reimbursement from the current maximum of \$32 per day per state inmate to the greater of \$35 per day per state inmate or eighty-five percent of the actual daily cost per inmate to the facility as reported in the "summary of information on correctional inmate costs for state prisoners by county facility" maintained by the department; and

WHEREAS, Fayette County sees this as a more equitable and fair rate to take care of those state inmates;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that we encourage and lend our support behind those enlightened legislators who are trying to take care of the state's obligation by more equitably reimbursing the county for the state's cost of their inmates.

Adopted this 22 day of March, 2005.

Motion was then made by Commissioner Lillard, seconded by
Commissioner Campbell and unanimously carried by the Board members present
approving the following Resolution to Allow Legislative Interview of Nominees
for county directors. Said Resolution being as follows:

RESOLUTION TO ALLOW LEGISLATIVE INTERVIEW OF NOMINEES

March 22, 2005

WHEREAS, the Senate and House of the 104th General Assembly of Tennessee have had bills SB1072 and HB0584, respectively, introduced ; and

WHEREAS, these bills would allow legislative committee interview of county directors prior to their confirmation by the county commission; and

WHEREAS, this is an extension of the county commission's ability to fully discuss the merits of those persons being offered to the director's position;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that we lend our support behind those legislators who are bringing forward this legislative change.

Adopted this 22 day of March, 2005.

Motion was then made by Commissioner Lillard, seconded by Commissioner McCloud and unanimously carried by the Board to forward a Resolution to the legislation regarding funding for state legislation. Said Resolution being as follows:

RESOLUTION TO ENDORSE SPECIFYING FUNDING FOR STATE LEGISLATION
March 22, 2005

WHEREAS, the Senate and House of the 104th General Assembly of Tennessee have had bills SB1072 and HB0584, respectively, introduced ; and

WHEREAS, this legislation would permit appropriate committees of county legislative bodies to interview prospective members of county boards and commissions and county department heads prior to recommending confirmation or rejection of the appointment to the full legislative body; and

WHEREAS, this is an extension of the county commission's ability to fully discuss the merits of those persons being offered for consideration;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that we lend our support behind those legislators who are bringing forward this legislative change.

Adopted this 22 day of March, 2005.

Commissioner Lillard also asked that legislators be asked to continue to support **SB1646** regarding asphalt plant operation by the county.

Commissioner Doll then reported for the **Budget Committee**. After much discussion, motion was made by Commissioner Doll, seconded by Commissioner Leifer and unanimously carried by Roll Call Vote by members present to approve the **airport** budget amendment of \$8,025 of additional revenue, \$9,300 of additional expenditures for a net difference of \$1,275. Said being as follows:

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 22nd day of March, 2005, 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 04/05
 March, 2005

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
43310 Airport Fees		<u>\$ 8,025.00</u>
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT		\$ 8,025.00
<u>58220 Airport</u>		
169 Part time Personnel	\$ 5,700.00	
307 Communication	150.00	
335 Maintenance & Repair	1,050.00	
452 Utilities	300.00	
506 Liability Insurance	<u>2,100.00</u>	
Subtotal-58220	\$ 9,300.00	

Motion was then made by Commissioner Doll, seconded by Commissioner McCloud to use \$23,050.15 of funds to purchase an **emergency vehicle** from Germantown Fire Department with the understanding that this would be re-budgeted in next years budget. This had been approved by the Budget Committee. Upon Roll Call Vote, the following voted "YES":
 Commissioners Allen, Anderson, Campbell, Dowdle, Fowler, German, Harris, Leifer, Lillard, Logan, McCloud, Oglesby, Tomlin, Wilson and Yancey. (15)

Voting "NO": Commissioners Dowdy and Graves. (2)

Not Voting: Commissioner Doll. (1)

Absent: Commissioner Burnette. (1)

Said motion carried; same being as follows:

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 22nd day of March, 2005, 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 04/05
March, 2005

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
54310 <u>Fire Prevention and Control</u>		
339 Matching Share		\$ 23,050.15
718 Motor Vehicles	\$ 23,050.15	

Subtotal-54310	\$ 23,050.15	\$ 23,050.15

Motion was then made by Commissioner Doll, seconded by Commissioner Oglesby and unanimously carried by Roll Call Vote of members present approving the following **School Board Budget Amendment.**

FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141
MARCH, 2005

	INCREASE	DECREASE
71000		
INSTRUCTION		
71600		
ADULT EDUCATION PROGRAM		
71600 116 AE Teachers	\$2,050.00	
71600 189 AE Other Salaries and Wages	\$175.00	
71600 212 AE Medicare	\$75.00	
71600 429 AE Instructional Supplies and Materials	\$562.00	
- TOTAL:	\$2,862.00	\$0.00
72000		
SUPPORT SERVICES		
72210		
REGULAR INSTRUCTION PROGRAM		
72210 196 QTA Inservice Staff Development	\$2,700.00	
72210 201 QTA Social Security	\$168.00	
72210 204 QTA State Retirement	\$149.00	
72210 212 QTA Medicare	\$40.00	
72210 524 QTA Inservice Staff Development		\$3,057.00
TOTAL:	\$3,057.00	\$3,057.00
72610		
OPERATION OF PLANT		
72610 399 Other Contracted Services	\$7,102.00	
	\$7,102.00	\$0.00

72710	TRANSPORTATION			
72710 338	Maintenance & Repair Services-Vehicles	\$3,425.00		
72710 599	Other Charges	\$3,425.00		
	TOTAL:	\$6,850.00	\$0.00	
	GRAND TOTAL:	\$19,871.00	\$3,057.00	

Total Increase: \$16,814.00

Revenue:	44520 Insurance Recovery	\$13,952.00
	46590 AE Other State Education Funds	\$2,862.00
	Total:	\$16,814.00

Revenue:	Prior Total Available Funds	\$21,775,010.61
	Total Increase This Amendment	\$16,814.00
	Total Available Funds This Amendment	\$21,791,824.61

Expenditure:	Prior Total Estimated Expenditures	\$21,291,747.71
	Total Increase This Amendment	\$16,814.00
	Total Estimated Expenditures This Amend.	\$21,308,561.71

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 550 - VOCATIONAL IMPROVEMENTS
 MARCH, 2005

		INCREASE	DECREASE
71000	INSTRUCTION		
71300	VOCATIONAL INSTRUCTION PROGRAM		
71300 355	Travel		\$600.00
71300 599	Other Charges	\$600.00	
	TOTAL:	\$600.00	\$600.00

Motion was made by Commissioner Doll, seconded by Commissioner Logan and unanimsously carried by Roll Call Vote of members present approving the following Public Works Budget Amendment.

<u>EXPENDITURES</u>	<u>AMENDMENT</u>	<u>AMENDED TOTAL</u>
<u>62000 HWY. & BR. Maint.</u>		
405 Asphalt Liquid	- \$8,000.00	\$10,000.00
Total 62000:	- \$8,000.00	\$1,450,204.00

63100 OPER. & Maint. Of Equip.

412 Diesel Fuel	+	\$25,000.00	\$135,000.00
425 Gasoline	+	7,000.00	42,000.00
433 Lubricants	-	2,200.00	8,800.00
450 Tires & Tubes	-	7,000.00	41,000.00
799 Capital Outlay	+	2,200.00	11,800.00
Total 63100:	+	\$25,000.00	\$553,160.00

68000 Capital Outlay

6805 Bridge Construction	-	\$17,000.00	\$68,000.00
Total 68000:	-	\$17,000.00	\$1,069,772.00

Total Est. Expenditures:	+	\$0.00	\$4,337,235.00
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Est. Fund Balance 6/30/05:			<u>UNCHANGED</u>
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Motion was then made by Commissioner Doll, seconded by Commissioner Leifer and unanimously carried by Roll Call Vote of members present approving funds for the **2006 Group Workcamps**.

Motion was then made by Commissioner McCloud, seconded by Commissioner Dowdle and unanimously carried by the Board by members present approving application for a \$75,000 **grant for the airport**.

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

RHEA TAYLOR - Chairman

ATTEST:

Dell T. Graham, County Clerk

FAYETTE COUNTY

OFFICE OF COUNTY CLERK

P. O. Box 218

SOMERVILLE, TENNESSEE 38068

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6.1
FILE COPY

DELL T. GRAHAM, CLERK

April 6, 2005

TO: County Commissioners

FROM: Dell T. Graham
County Clerk

Please find enclosed your copy of the minutes of the March 2005 meeting of the County Legislative Body.

If you find any items that you feel should be corrected, please contact me prior to the next meeting date of this Board for corrections to be made in order for the minutes to be ready for approval.

Thanks!