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FAYETTE COUNTY LEGISLATIVE BODY

FEBRUARY 23, 2010

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 23rd day of February, 2010. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk; James R. "Bobby" Riles, Sheriff; and the following County Commissioners: Ed Allen, Jo Ann Allen, Steve Anderson, Charles Brewer, Joe B. Burnett, Jr., Larry Cook, Lee "Sissy" Dowdle, Ron Gant, Willie German, Jr., Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

Commissioner Odis Cox was absent. A quorum was met with 17 commissioners present.

The floor was opened to the public for comments on non-agenda items. With no one coming forth, the floor was closed.

Commissioner German moved that the minutes from the January 26, 2010 meeting be approved. The motion was seconded by Commissioner Jo Ann Allen and passed unanimously.

Chairman Taylor yielded the floor to Brett Roler, of Memphis Metropolitan Planning Organization, who introduced the MPO and its "Imagine 2035" plan. He explained that the mission of the MPO is to encourage and promote the development of a balanced, efficient, and affordable regional transportation system to meet the needs of people and goods moving within and through the region, while minimizing the effects of transportation related air pollution. The Transportation Policy Board is made up of 25 members who are the "decision makers" for the MPO. Supporting Committees include engineering and technical, air quality, citizen advisory, bike and pedestrian, freight, and transportation safety. He explained the "Imagine 2035" plan, a long range transportation plan, and how it would affect Fayette County. During the discussion on this matter, Chairman Taylor stated that there would be a meeting at Oakland Elementary on March 25, to discuss the completion of Hwy 385, and that he would notify commissioners of the time as soon as he can verify it.

Commissioner McCloud moved that the following be appointed as notaries: Lisa Birmingham; Leah J. Cassandras; Susan D. Copes; Dana P. Gossett; Andrew S. Johnston; Tammy G. Lewis; Vonda Logan; Gearlean Moore; Herika R. Raymer, Jose R. Rojas; and Judy H. Sides. The motion was seconded by Commissioner Gant and passed unanimously.

Commissioner Oglesby moved that Ken Spencer of Rossville be appointed to the Zoning Appeals Board to replace Curtis Park, whose term has four years left. The motion was seconded by Commissioner Anderson and passed unanimously by the Board.

Commissioner Cook moved that Shane Grinder be appointed to the Zoning Appeals Board to finish the unexpired term of Richard Fletcher. Mr. Fletcher's term has approximately 18 months left. The motion was seconded by Commissioner German and passed unanimously.

Chairman Taylor stated that the Financial Reports for the Board of Education, Public Works, and Fayette County were included in the packets sent out to Commissioners.

Chairman Taylor reported for the County Mayor's Office. He stated the picture IDs are in the works, and asked that anyone who has not received one should see him before leaving. He took a moment to recognize the volunteers who helped out during the recent ice storm, and gave special recognition to "Bo" Boshers, and Glenn Nieland who were injured when a tree fell on them as they worked to clear a fallen tree from the roadway. Chairman Taylor stated that Mr. Nieland was treated and released, but Mr. Boshers was just released from the hospital last week, and that his recovery will be a slow process due to the extent of his injuries. He also recognized Chickasaw Electric and the City of Somerville Electric Department, as well as the Public Works Department for the long hours those employees worked to restore power to the area, and in clearing the roadways. Fayette County Emergency Management established an Emergency Operation Center, from which they coordinated ambulances, fire trucks, and other emergency vehicles and operations during the storm and it's aftermath. A grant to fund the Moscow Pumper has come through, and a pumper will be purchased for the City of Moscow. The County has a long term agreement with the City of Moscow, so the County will use the pumper for that area.

Chairman Taylor stated that the collection of property taxes is looking better than he had projected, but he is approaching the time that he will need to make the budget work. He also asked to be authorized to apply for a Delta Regional Authority Grant for \$200,000, which could be used to offset some of the expenses relating to the GIS project for the Planning Commission, and to be used for one county road project. Commissioner Burnett moved that the Mayor be authorized to apply for the grant. Commissioner McCloud seconded the motion, which was passed unanimously by the Board.

No reports were given for the Sheriff's Department, Board of Education, Juvenile Court, the Board of Public Works, Trustee, or the Planning Commission.

Commissioner Brewer reported for the Development Committee, stating that the committee had discussed the nomination of Ken Spencer for appointment to the Zoning Appeals Board, which was forwarded with their recommendation. Also, discussed was the addition of a \$2,000 line item for clean up for lots that do not adhere to the trash ordinance. If the funds are expended they will be added to the property tax bill and

collected with the property taxes. This was forwarded to Budget with recommendation that it be approved.

The Health and Welfare, Personnel, and Criminal Justice/Public Safety Committees did not meet.

Commissioner Oglesby reported for the Education Committee, stating that Dick Seitz, Chairman of the Library Board had reported on the activities of the Library, and invited the Committee to meet at the Library. The Committee will meet at the Library for the March meeting.

Commissioner Oglesby moved that the resolution to support the Southwest Tennessee Educational Pathways (STEP) Initiative in Fayette County. The motion was seconded by Commissioner Karcher, and passed unanimously by the Board as follows:

WHEREAS, educational attainment of the citizenry is one of the most important factors in fostering and promoting economic development; and

WHEREAS, improvement in workforce skills and preparedness resulting from increased educational attainment is an essential factor in recruiting and retaining business and industry; and

WHEREAS, the U.S. Department of Labor projects that in the coming years, 90% of new high-growth, high-wage jobs will require some post-secondary education; and

WHEREAS, college access programs which provide strong mentoring for students to help them navigate the college admissions process and the financial aid process are proven to increase the percentage of students pursuing postsecondary education; and

WHEREAS, these college access programs also create an expectation for all students that post-secondary education is important, expected, and attainable and thus, improve high school graduation rates;

NOW, THEREFORE BE IT RESOLVED by the county legislative body of Fayette County meeting in session at Somerville, Tennessee, on the day of February 23, 2010, that:

SECTION 1. The county commission hereby expresses its support for and endorses participation in the Southwest Tennessee Educational Pathways (STEP) initiative.

SECTION 2. The county mayor shall represent the county in this effort and report to the commission on the activities of STEP.

SECTION 3. This resolution shall be effective upon its passage and approval, the public welfare requiring it.

Passed by a majority vote of the Board of County Commissioners of Fayette County, this the 23rd day of February, 2010.

Commissioner Oglesby stated that Dana Pittman reviewed the final version of the study by Dr. Winecoff on the status of Fayette County Schools. After hearing the report the Committee voted to recommend that they look into moving boundary lines to achieve racial desegregation without the need to build a new school.

Commissioner Harris then reported for the Budget Committee. Commissioner Harris moved that the County General Fund Budget Amendment be adopted as follows. The motion was seconded by Commissioner Brewer and passed unanimously.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 23rd day of February, 2010, 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 09/10
February, 2010**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51100 County Commission</u>		
308 Consultant Fees	\$ 5,000.00	
Subtotal-51100	\$ 5,000.00	
<u>51710 Development</u>		
312 Contracts with Private Agencies	\$ 2,000.00	
599 Other Charges	<u>1,000.00</u>	
Subtotal-51710	\$ 3,000.00	
<u>54110 Sheriff's Department</u>		
506 Liability Insurance		<u>\$12,000.00</u>
Subtotal-54110		\$12,000.00
<u>54210 Jail</u>		
506 Liability Insurance		<u>\$ 1,877.00</u>
Subtotal-54210		\$ 1,877.00
<u>54410 Civil Defense</u>		
506 Liability Insurance	<u>\$13,877.00</u>	
Subtotal-54410	\$13,877.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$21,877.00	\$13,877.00

February, 2010

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Budget Amendment

Prior Estimated Expenditures	\$13,256,624.18
Total Estimated Expenditures this Amendment	\$13,264,624.18
Projected Fund Balance before Amendment	\$ 1,923,666.82
Change in Fund Balance this Amendment	\$ 8,000.00
Estimated Ending Fund Balance as of June 30, 2010	\$ 1,915,666.82

Commissioner Harris moved that the "Resolution opposing unfunded Local Government Mandates and Additions To Local Government Maintenance of Effort Requirements" be approved as presented. The motion was seconded by Commissioner Oglesby and passed unanimously.

WHEREAS, counties have been hard hit by the economic downturn and are struggling to fund their budgets in the face of drastically diminishing revenue collections, just as the state is doing; and

WHEREAS, county governments in Tennessee are fundamental political subdivisions of our State and already are the primary providers of numerous essential government services including, but not limited to, public K-12 education, jails and law enforcement, road building and maintenance, election administration and voter registration, property assessment, solid waste disposal, record keeping and administration for the various state courts, and the many services provided by the offices of County Mayor, County Clerk, Circuit Court Clerk, Clerk and Master, Register of Deeds, Property Assessor, Elections Administrator, Trustee, Sheriff, and Highway Superintendent; and

WHEREAS, counties are required under existing laws to maintain certain levels of funding for numerous services they provide, including but not limited to education, law enforcement, highways and roads, and libraries; and

WHEREAS, county governments have limited taxing powers under state law and have limited sources of revenue available to them to fund the services they provide; and

WHEREAS, property values and income levels are declining, and increases in property taxes will be especially difficult in the current economic environment; and

WHEREAS, even before the current economic downturn, counties were struggling to find sufficient revenue sources to meet the growing demands of their citizens for services which are vital to the health, welfare, and safety of the people of this state, to provide improvements to infrastructure required by population and economic growth, and to meet constitutional responsibilities and state legislative mandates such as those required by the state's Basic Education Program; and

WHEREAS, the Tennessee Constitution, in Article II, Section 24, provides that no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost; and

WHEREAS, in dealing with the State's budget crisis it must be remembered that county governments are facing the same budget crisis coupled with an inability to secure alternate sources of revenue; and

WHEREAS, in balancing the state's budget, the General Assembly should not cut state funding to programs and pass the cost of funding those programs to counties; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, meeting in regular session on this 23rd day of February, 2010, that:

1. The Tennessee General Assembly is strongly urged to pass no new laws imposing increased expenditure requirements on counties unless the General Assembly provides additional funding to cover the increased expenditures; and

2. The Tennessee General Assembly is strongly urged either to eliminate programs or continue to fund them at the state level, rather than passing these responsibilities to county governments; and

3. The Tennessee General Assembly is strongly urged to pass no laws that would increase above current levels any maintenance of local funding requirements ("maintenance of effort"), including but not limited to education funding.

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

Adopted this 23rd day of February, 2010.

Commissioner Harris further moved that, upon the recommendation of the Trustee, Barbra Parker, Payson Matthews be reappointed Back Tax Attorney. Mr. Matthews will charge ten percent of the taxes he collects as his fee, and this amount will be charged to the customer. The Motion was seconded by Commissioner Burnett, and passed unanimously by the Board.

The Budget Committee was updated on the progress of the Sheriff's Shop project. Commissioner Harris stated that this matter would likely be ready for approval in March.

Commissioner Harris stated that the PILOT renewal for Allison Corporation granted them in the 1960's is due to be renewed. The corporation has the right to automatically renew the PILOT every five years until 2030. No action was needed on this matter, it was for information only.

Tennessee Consolidated Retirement System (TCRS) has changed the rate for county employees retirement from 8.51 per cent to 8.57 per cent. Commissioner Harris moved to adopt the rate. The motion was seconded by Commissioner Anderson and passed unanimously.

The Sheriff has asked to be allowed to have an auction to sell deputies old cars, confiscated cars, some bank repossession cars, and other unusable county items. Commissioner Harris moved that the Sheriff be allowed to have the auction on March 19, 2010. The motion was seconded by Commissioner Oglesby and passed unanimously.

Commissioner Harris then moved that the "Resolution To Fill The Vacant Fayette County Commission District Two, Position One Seat" be adopted. Due to the untimely death of Commissioner John Dowdy, the District Two, position one seat became vacant. The position must be filled within one hundred and twenty days. Commissioner Dowdle seconded the motion which passed unanimously as follows:

WHEREAS, on January 29th, 2010, the position of County Commission District Two, Position One, became vacant with the untimely death of Commissioner John Dowdy; and

WHEREAS, T.C.A. 5-1-104(b) (1) requires the County Commission to fill the position within 120 days of receiving notice of the vacancy; and

WHEREAS, The Fayette County Election Commission is the body which certifies the eligibility of any candidate for office; and

WHEREAS, Tennessee Code Annotated and the 2010 Rules of Procedure of the Fayette County Commission specify the method for the replacement of a vacant position;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the following procedures shall be followed for the appointing of an individual to fill the vacant seat:

1. The date for the election to fill the vacant seat shall be April 27th, during the regularly scheduled County Commission meeting.
2. The County Mayor shall cause to be published a notice of the election, of not less than 10 days prior to the election.
3. The Fayette County Election Commission shall issue a certification of eligibility to any candidate for the position, which shall be given to the Chairman prior to the start of the meeting. This eligibility shall be based upon the district lines of County Commission District Two from the most recently adopted reapportionment plan.
4. The Chairman, at the time for the election, shall announce the office to be filled and asks the public if anyone offers themselves as a candidate.
5. The Chairman shall then ask for any nomination from the County Commission.
6. Once the nominations have ceased, then the County Clerk shall call the role and ask each Commissioner to announce for whom they vote.
7. If no nominee receives a majority vote, then the nominee with the smallest number of votes shall be dropped, and a second ballot taken. This procedure shall repeat itself until a nominee receives a majority of votes.
8. The number of votes needed to elect a nominee is ten votes.
9. The nominee who receives a majority of votes shall be elected the County Commissioner from District Two, Position One, and shall be sworn in prior to taking his seat by the County Mayor.

Adopted this 23rd day of February, 2010.

Commissioner Harris moved that the Resolution to the General Purpose Fund, Fund 141, be approved. The motion was seconded by Commissioner Dowdle and passed unanimously.

FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141
FEBRUARY, 2010

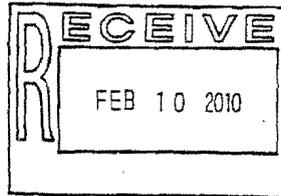
	INCREASE	DECREASE
72000	SUPPORT SERVICES	
72210	REGULAR INSTRUCTION PROGRAM	
72210 163 EIS		\$10,500.00
72210 193 EIS	\$18,500.00	
72210 201 EIS	\$496.00	
72210 204 EIS	\$681.00	
72210 212 EIS	\$116.00	
72210 299 EIS		\$38.00
72210 399 EIS		\$9,255.00
	TOTAL:	\$19,793.00
72260	ADULT EDUCATION	
72260 105 AE		\$6,149.00
72260 351 AE	\$4,500.00	
72260 355 AE	\$949.00	
72260 524 AE	\$1,000.00	
	TOTAL:	\$6,449.00
72710	TRANSPORTATION	
72710 338	\$22,042.00	
	TOTAL:	\$0.00
	GRAND TOTAL:	\$25,942.00

Total Increase: \$22,342.00

Revenue:	44570 AE Contributions and Gifts	\$300.00
	49700 Insurance Recovery	<u>\$22,042.00</u>
	Total:	\$22,342.00

Revenue:	Prior Total Available Funds	\$27,584,536.07
	Total Increase This Amendment	<u>\$22,342.00</u>
	Total Available Funds This Amendment	\$27,606,878.07

Expenditure:	Prior Total Estimated Expenditures	\$26,670,113.00
	Total Increase This Amendment	<u>\$22,342.00</u>
	Total Estimated Expenditures This Amend.	\$26,692,455.00



IS decreases/increase to allow for staff to receive stipends for their attendance to Saturday in-service/professional development activities.
 E Decreases/increases to allow for travel, rent and inservice training
 Insurance recovery funds for repair of bus #58

Commissioner Harris also moved that the budget amendment to the Federal Projects Fund, Fund 142, be approved. The motion was seconded by Commissioner Cook, and passed unanimously.

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72710	TRANSPORTATION		
72710 146	Bus Drivers	\$16,725.00	
72710 201	Social Security	\$1,038.00	
72710 204	State Retirement	\$1,515.00	
72710 212	Medicare	\$240.00	
72710 299	Other Fringe Benefits	\$879.00	
72710 412	Diesel		\$20,400.00
	TOTAL:	\$20,400.00	\$20,400.00

Total Increase/Decrease: \$0.00

Funds are needed in salaries and benefits to pay bus drivers for after-school and summer tutoring transportation.

County Attorney Richard Rosser addressed the Commission regarding the lawsuit against the Board of Zoning Appeals by David and Cathy Dunn. The County Commission petitioned the Board of Zoning Appeals on behalf of the Dunn's to have their property rezoned from R-1 to Special Activity. Because Mr. Rosser is handling the petition to the Board of Zoning Appeals, to represent the Board of Zoning Appeals in this lawsuit would be a conflict of interest. He advised the Commission that an attorney would need to be retained to handle the lawsuit. Commissioner Anderson moved that the Mayor be authorized to retain Counsel to represent the County in the Dunn lawsuit. Commissioner Cook seconded the motion, which passed by a majority vote, with Commissioner Gant voting "No".

With no further business before the Board the meeting was adjourned.

Rhea Taylor, County Mayor

Sue W, Culver, County Clerk