

FAYETTE COUNTY LEGISLATIVE BODY

NOVEMBER 27, 2012

**BE IT REMEMBERED** that the Fayette County Legislative Board met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 27<sup>th</sup> of November, 2012. 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, Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Lee "Sissy" Dowdle, Willie German, Ronald Harris, Reggie Howard, Judy Karcher, Bill Kelley, Terry Leggett, David Lilliard, Claude Oglesby, Steve Reeves, Ray Seals, Larry Watkins, and Myles Wilson.

A quorum was met with eighteen (18) Commissioners present. Commissioner Sylvester Logan was absent.

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

Commissioner Dowdle moves that the minutes for the October 23, 2012 meeting be approved. The motion was seconded by Commissioner Brewer and passed unanimously.

Commissioner Oglesby moved that the following be approved as notaries: Chad A. Cardwell, Katie Doyle, Jamie R. Ferrel, Clara T. Harris, William A.H. Oyler, Michelle Pyron, Robin C. Rickard, Candice N. Starks, and Deborah B. Sullivan. The motion was seconded by Commissioner Watkins and passed unanimously.

Chairman Taylor stated that financial reports were sent out in Commissioner's packets, and if there were any questions, the proper official should be contacted.

Chairman Taylor reported for the County Mayor's Office, stating that the bids for the bonds for the construction of a new elementary school have been sent out, and that we received a good rate – (2.31). Also included in these funds are vehicles for the sheriff's department and county fire department. He also informed the Commissioners of a request by the City of Piperton that a satellite office for the County Clerk be established at their City hall. It looks like the City of Piperton will assist with the cost, and the Clerk will be able to do this without going over the current budget for the year. He stated that Fayette County was lucky not to be one of the 25 courthouses evacuated for bomb threats.

The meeting was then recessed for a brief attorney-client meeting.

The meeting reconvened with Commissioner Wilson reporting for the Development Committee, which did not meet.

The Health & Welfare Committee did not meet.

The Personnel Committee did not meet.

Commissioner Lillard reported for the Education Committee which met on November 13, 2012. Commissioner Lillard stated that James Teague, Superintendent of Schools, gave a presentation on increasing the size of the new elementary school in Somerville to accommodate an additional two schools (Northwest Elementary in Braden and Central Elementary south of Somerville). These would be combined with the two schools (Jefferson Elementary and Somerville Elementary) to increase the size of the building from 600 students to 900 students. The additional construction would cost \$2.3 million. The School Board wants the County to equally share the debt (approximately \$1.15 Million). The Committee approved the moving in of funds to pay for the elementary school construction and grant money for East Jr. High to be put into Federal Projects Fund 142 which they sent to the Budget Committee with recommendation for approval.

Commissioner Harris reported for the Budget Committee which met on November 13, 2012. He moved that the following amendment to the County General Fund Budget be approved. The motion was seconded by Commissioner Oglesby and passed unanimously.

10.3.6.2

### 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 27<sup>th</sup> day of November, 2012, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center 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 12-13  
November, 2012**

<u>Adjustment to Reserve Accounts:</u>	INCREASE	DECREASE
34540 Restricted for Agriculture and Natural Resources		<u>\$50,000.00</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS:</b>		<b>\$50,000.00</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>58900 Miscellaneous</u> 599 Other Charges	<u>\$50,000.00</u>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$50,000.00</b>	
 Change in Fund Balance this Amendment		 <b>\$ 00.00</b>

Commissioner Harris moved that the following amendment to the General fund be approved for the Office of the Register of Deeds. The motion was seconded by

Commissioner Wilson and passed unanimously.

### 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 27<sup>th</sup> day of November, 2012, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center 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 12-13  
November, 2012**

<u>Adjustment to Expenditure Accounts:</u>	<b>INCREASE</b>	<b>DECREASE</b>
<u>51600 Register of Deeds</u>		
355 Travel		\$ 600.00
435 Office Supplies	\$ 600.00	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$ 600.00</b>	<b>\$ 600.00</b>
<b>Prior Estimated Expenditures</b>		<b>\$1,497,156.00</b>
<b>Total Estimated Expenditures this Amendment</b>		<b>\$1,497,156.00</b>
<b>Projected Fund Balance before Amendment</b>		<b>\$2,186,670.00</b>
<b>Change in Fund Balance this Amendment</b>		<b>\$ 00.00</b>
<b>Estimated Fund Balance as of June 30, 2013</b>		<b>\$2,186,670.00</b>

Commissioner Harris moved to approve the following amendments to the School Budget, funds 177 (school construction) and 142(School Federal projects). The motion was seconded by Commissioner Dowdle and passed unanimously.

*10.3.6.3.1*

FAYETTE COUNTY BOARD OF EDUCATION  
 CAPITAL PROJECTS FUND  
 FUND 177  
 NOVEMBER, 2012

		INCREASE	DECREASE
90000	CAPITAL PROJECTS		
91200	EDUCATION CAPITAL PROJECTS		
91300 304	Architects	\$188,418.16	
91300 308	Consultants	\$41,200.00	
91300 311	Legal Services	\$3,000.00	
	TOTAL:	\$232,618.16	60.00

Total Increase: \$232,618.16

Revenue:	49800 Operating Transfers	\$225,000.00	
Reserve:	35110 Designated for Purpose #1	\$7,618.16	
Revenue:	Prior Total Available Funds	\$7,618.16	
	Total Increase This Amendment	\$225,000.00	
	Total Available Funds This Amendment	\$232,618.16	
Expenditures:	Prior Total Estimated Expenditures	\$0.00	
	Total Increase This Amendment	\$232,618.16	
	Total Estimated Expenditures This Amendment	\$232,618.16	

10.3.6.3.2

FAYETTE COUNTY BOARD OF EDUCATION  
FEDERAL PROJECTS FUND  
FUND 142  
SUBFUND 110 - TITLE I SCHOOL IMPROVEMENT (EAST JR)  
NOVEMBER, 2012

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 189	Other Salaries and Wages	\$1,500.00	
71100 201	Social Security	\$93.00	
71100 204	State Retirement	\$133.20	
71100 212	Medicare	\$21.75	
71100 299	Other Fringe Benefits	\$6.45	
71100 429	Instructional Supplies and Materials	\$900.00	
71100 499	Other Supplies and Materials	\$1,607.36	
71100 722	Regular Instruction Equipment	\$56,614.51	
	TOTAL:	\$60,876.27	\$0.00

72000	SUPPORT SERVICES		
72130	OTHER STUDENT SUPPORT		
72130 123	Guidance	\$5,418.75	
72130 201	Social Security	\$335.92	
72130 204	State Retirement	\$481.12	
72130 212	Medicare	\$78.56	
72130 299	Other Fringe Benefits	\$23.30	
72130 599	Other Charges	\$1,000.00	
	TOTAL:	\$7,337.65	\$0.00

72210	REGULAR INSTRUCTION PROGRAM		
72210 105	Supervisor/Director	\$7,065.00	
72210 163	Educational Assistants	\$5,916.00	
72210 189	Other Salaries and Wages	\$30,112.50	
72210 201	Social Security	\$2,671.80	
72210 204	State Retirement	\$3,781.15	
72210 212	Medicare	\$624.85	
72210 299	Other Fringe Benefits	\$185.30	
72210 524	Inservice Staff Development	\$5,759.66	
	TOTAL:	\$56,116.26	\$0.00

72710	TRANSPORTATION		
72710 146	Bus Drivers	\$33,495.00	
72710 201	Social Security	\$2,076.69	
72710 204	State Retirement	\$2,716.45	

72710 212	Medicare	\$485.68	
72710 299	Other Fringe Benefits	\$1,658.00	
	TOTAL:	\$40,431.82	\$0.00
	GRAND TOTAL:	\$164,762.00	\$0.00

Total Increase/Decrease: \$164,762.00

Revenue:	47141 Title I -Grants to Local Ed. Agencies	\$164,762.00
Revenue:	Prior Total Available Funds	\$2,739,914.30
	Total Increase This Amendment	<u>\$164,762.00</u>
	Total Available Funds This Amendment	\$2,904,676.30
Expenditures:	Prior Total Estimated Expenditures	\$2,667,282.73
	Total Increase This Amendment	<u>\$164,762.00</u>
	Total Estimated Expenditures This Amendment	\$2,832,044.73

Commissioner Harris stated that the next item on the agenda concerned the billing and collections for the ambulance service, but that matter is being put off and we will get back to you on that at a later date.

Commissioner Harris moved that the following “Resolution of The Fayette County Board of Education Requesting Additional School Construction Funding of \$2.3 Million” be approved. The motion was seconded by Commissioner Howard. After a great deal of discussion, Commissioner Leggett moved to table the matter until the School Board came back with a completed plan showing exactly where the money would be going and a consensual agreement from all three parties involved. Commissioner Dowdle seconded the motion to table. A roll call vote was taken with the following results:

Voting “YES”: Commissioners: Jo Ann Allen, Brewer, Dowdle ,Howard,Leggett, Reeves, Wilson, And Watkins (8)

Voting “NO”: Ed Allen, Anderson, Cox, German, Harris, Karcher, Lillard, Oglesby, Seals (9)

Commissioner Kelley “PASSED”

Thereupon the motion failed.

10.3.6.4

RESOLUTION OF THE FAYETTE COUNTY BOARD OF EDUCATION REQUESTING ADDITIONAL  
SCHOOL CONSTRUCTION FUNDING OF \$2.3 MILLION

WHEREAS, the Fayette County Board of Education (Board) has been ordered by the Federal District Court for the Western District of Tennessee in the desegregation case styled *McFerin, et al v. Fayette County Board of Education* (the Desegregation Case) to construct a new elementary school in Somerville on the site known as the North Campus to be opened at the beginning of the 2014/2015 school year to serve attendance zones currently served by Jefferson Elementary School and Somerville Elementary School, and;

WHEREAS, the most recent Consent Order entered in the Desegregation Case on August 21, 2012 allows the reassignment of the K-5 students from Central Elementary School to the new school, and;

WHEREAS, since the entry of the August 21, 2012 Consent Order, further research and analysis have revealed to the Board that the additional consolidation of Northwest Elementary School and reassignment of its K-5 students to the new school and to Oakland Elementary School will create better learning opportunities for its students, better utilization of all existing facilities, as well as guaranteeing a racially diverse student population compliant with the +/- 15% requirement of the August 21, 2012 Consent Order, and;

WHEREAS, the consolidation of 4 schools into the new school will create projected savings of more than \$500,000.00 per year which would be available to raise salaries for teachers and staff; fund educational technology and resources, and replenish the Board's fund balance, and;

WHEREAS, based upon the analysis of the Board's architect, Fleming and Associates, and its construction manager, Yates Construction Company, the projected additional cost to increase the size of the school from a current capacity of 600 students to a capacity of 900 students is \$2.3 million, and;

WHEREAS, the Board is obligated under the current funding arrangement with the Fayette County Commission (Commission) to service the debt on school construction funding up to \$2.5 million based upon a total construction debt of \$10.5 million, and;

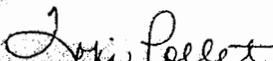
WHEREAS, the Board proposes that it service one-half of any additional debt not exceeding an additional total sum of \$2.3 million in order to increase the size and capacity of the new school from 600 to 900 students with the Commission being obligated to service the other one-half of said additional debt.

NOW THEREFORE, BE IT RESOLVED that the Board does hereby formally request from the Fayette County Commission an increase in funding for the construction of a 900 capacity elementary school on the North Campus in Somerville, Tennessee, from \$10.5 million to a maximum not to exceed sum of \$12.8 million and that the Board, in addition to its current obligation to service the debt on any sum in excess of \$8 million, be obligated to service one-half of any additional debt incurred not exceeding a total sum of \$2.3 million.

APPROVED AND ADOPTED this 12<sup>th</sup> day of November, 2012.

  
\_\_\_\_\_  
RONNIE MCCARTY, CHAIRMAN

ATTESTED BY:

  
\_\_\_\_\_  
TONI POLLET

The original motion was put back on the table. After several attempts to amend the motion, Commissioner Harris moved that the following be approved: **RESOLVED**, that if the court approves an amendment to the consent order along the general lines proposed by the School Board, as described by the School Superintendent, the Commission will borrow up to an additional \$2,300,000 in construction funding,

provided that the School Board will pay for the additional borrowing from the savings derived from the plan. The motion was seconded by Commissioner Howard and passed with the following Roll Call Vote.

Voting "YES" Commissioners: Ed Allen, Jo Ann Allen, Anderson, Brewer, Cox , Dowdle, German, Harris, Howard, Karcher, Kelley, Leggett, Lillard, Oglesby, Reeves, Seals, and Watkins (17)

Commissioner Wilson "PASSED"

Commissioner Harris moved to allow the Fire Chief Jerry Ray to purchase a vehicle on the state contract by using the same bid that Collierville just used to purchase one. This would eliminate the bid process for buying the vehicle. He could then replace a 1995 Med Squad with over 30,000 projected miles and high repair cost. There would be no change in his current budget and he would need permission to use \$9,000 from the Fire Department Revenue Account. The motion was seconded by Commissioner Leggett and passed unanimously.

Commissioner Oglesby moved that the County Mayor be authorized to act on behalf of the County at the settlement of the case with Barge Waggoner that is now pending and due to be settled sometime in January. Commissioner Dowdle seconded the motion which passed unanimously.

Commissioner Reeves moved to approve the following Resolution canceling the December 2012 County Commission meeting. The motion was seconded by Commissioner Karcher and passed unanimously.

11.1

**RESOLUTION TO CANCEL DECEMBER 2012 COUNTY COMMISSION MEETING  
FOR FAYETTE COUNTY**

**WHEREAS, Tennessee Code Annotated, §§ 6-5-104, permits counties, upon a majority vote of their respective county legislative bodies, to enact a resolution stipulating the time, day and place of their county legislative body's regular meeting; and,**

**WHEREAS, Fayette County is required to have at least four meetings per year, and has fulfilled the requirement; and**

**WHEREAS, the December Fayette County Commission meeting would occur during the busy holiday season surrounding Christmas and New Year's; and**

**WHEREAS, there being no urgent business of the Fayette County Commission, or business that cannot be resolved by a special called meeting of the Fayette County Commission;**

**NOW, THEREFORE, BE IT RESOLVED** by the county legislative body of Fayette County that the December 25, 2012 meeting of the Fayette County Commission is cancelled.

Adopted this 27<sup>th</sup> day of November, 2012.

APPROVED: ATTEST:

\_\_\_\_\_  
County Commission Chairman

\_\_\_\_\_  
County Clerk

Commissioner Howard moved to adopt the following Resolution. The motion was seconded by Commissioner Ed Allen. The motion failed on the following Roll Call Vote:

Voting "YES": Commissioners Ed Allen, Jo Ann Allen, Anderson, Howard, and Leggett (5)

Voting "NO" Commissioners Brewer, Cox, and Watkins(3)

"PASSING" Commissioners: Dowdle, German, Harris, Karcher, Kelley, Lillard, Oglesby, Reeves, Seals, and Watkins (10)

**RESOLUTION OF THE FAYETTE  
COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the federal government has enacted the Patient Protection and Affordable Care Act (PPACA) ostensibly for the purpose of making health insurance more affordable for American citizens; and

WHEREAS, PPACA includes a provision requiring the creation of health insurance exchanges (exchanges) in each state where only health insurance policies that meet certain requirements determined by the federal government may be bought and sold; and

WHEREAS, exchanges may only be established by each state subject to approval by appointed federal officials; and

WHEREAS, if a state does not establish an exchange, appointed federal officials will establish one in that state; and

WHEREAS, state-created exchanges put states in the position of ceding their resources and sovereignty to the service of the federal government, sacrificing their ability to flexibly serve their own citizens, therefore

BE IT RESOLVED that the Fayette County Board of Commissioners believes it is not in the best interest of the state for any state official to participate in planning or establishing health insurance exchanges as provided for in the federal Patient Protection and Affordable Care Act.

\_\_\_\_\_  
Chairman, Board of Commissioners

ATTESTED:

\_\_\_\_\_  
County Court Clerk

Thereupon said motion failed for lack of a majority.

With no further business to be brought before the Board, the meeting was adjourned.

Rhea Taylor, County Mayor

Sue W. Culver, County Clerk

ATTEST  
A True Copy  
  
County Clerk



