

Franklin County Board of Commissioners
Legislative Committee
Minutes of October 8, 2015

The Legislative Committee met in the Commissioner's Conference room at the courthouse and was called to order at 6:00 pm by Chairman Johnny Hughes.

MEMBERS PRESENT: Chairman Johnny Hughes, Eddie Clark, Stanley Bean

OTHERS PRESENT: Secretary Mary Sons, Media - Philip Lorenz, Andrea Smith

1. *Motion by Bean to approve minutes of September 10, 2015, second Clark; all ayes.*
2. Resolution to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan
 - a) *Motion by Clark to approve and send to full commission, second Bean; all ayes.*
3. Finance Director Andrea Smith presented a resolution and explained to the committee the purpose: Resolution of the Governing Body of Franklin County, Tennessee, Authorizing the Issuance, Sale, and Payment of Interest-Bearing Solid Waste Fund Revenue/Tax/Anticipation Interfund Loan Notes not to Exceed \$130,000.00
 - a) *Motion by Clark to approve and send to full commission, second Bean; all ayes.*
4. *Motion by Clark to approve and recommend all 7 Notary Public applications be sent to full commission, second Bean; all ayes.*
5. *Motion by Clark to adjourn, second Bean; all ayes.*

Respectfully Submitted,

Johnny Hughes, Chairman

RESOLUTION NO. _____

RESOLUTION TO RE-ENACT RESOLUTION 8h-1210

WHEREAS, the Board of County Commissioners of Franklin County, Tennessee did on December 6, 2010, adopt Resolution 8h-1210, which Resolution did increase litigation taxes for General Sessions Court in Franklin County, and,

WHEREAS, Tennessee Code Annotated, Title 16, Chapter 15, Part 50 states that this increase in litigation taxes shall be re-enacted on an annual basis, and,

WHEREAS, the Board of County Commissioners of Franklin County, Tennessee does desire to re-enact said Resolution,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Franklin County, Tennessee, meeting in regular session on this 7th day of December, 2015, that:

SECTION 1. Resolution 8h-1210, attached hereto as Exhibit "A" is hereby re-enacted so as to remain in full force and effect for the fiscal year 2015-2016.

SECTION 2. This resolution shall be effective and the taxes imposed by this resolution shall be effective immediately, the public welfare requiring it.

SECTION 3. The local litigation taxes collected pursuant to this resolution shall be paid over to the County Trustee monthly and deposited into the county general fund.

SECTION 4. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

SECTION 5. The presiding officer of this legislative body shall certify the passage of this resolution to the Secretary of State as provided in Tennessee Code Annotated § 16-15-5006.

ADOPTED this _____ day of _____, 2015.

APPROVED:

APPROVED:

Richard Stewart, Mayor

Eddie Clark, Chair of Commission

ATTEST: _____
Phillip Custer, County Clerk

RESOLUTION SPONSORED BY: Clark and Stines

MOTION TO ADOPT: _____ **SECOND:** _____

VOTES: AYES: ____ NAYS: ____

DECLARATION: _____

RESOLUTION 8h-1210

**RESOLUTION TO INCREASE LITIGATION TAXES FOR
GENERAL SESSIONS COURT IN FRANKLIN COUNTY**

WHEREAS, Tennessee Code Annotated § 16-15-5006 authorizes counties to levy a additional litigation tax of up to six dollars (\$6.00) in general sessions court to help fund increases in compensation for general sessions judges required by 1988 Public Chapter 698; and

WHEREAS, Tennessee Code Annotated § 16-15-5006(a) provides further that, if during any fiscal year the amount of revenue generated by the local tax authorized by that section does not sufficiently fund the increase in general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50, the local litigation tax may be raised to an amount more than six dollars (\$6.00) if necessary to fund the mandated increase; provided that such increase be adjusted annually; and

WHEREAS, prior resolutions of the Franklin County Legislative Body imposed the additional litigation tax authorized by Tennessee Code Annotated § 16-15-5006 at thirty one dollar (\$31.00) level; and

WHEREAS, Franklin County has determined that the thirty one dollar (\$31.00) litigation tax no longer generates sufficient revenue to fund the increases in the general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Franklin County, Tennessee, meeting in regular session on this 6th day of December, 2010, in Winchester, Tennessee, that:

Section 1. On the effective date provided in Section 3, below, the local litigation tax in effect in general sessions court in Franklin County shall be increased by fourteen dollars (\$14.00) in excess of the thirty one dollars (\$31.00), as authorized by Tennessee Code Annotated § 16-15-5006.

Section 2. Taxes levied pursuant to this resolution shall be collected in addition to all state and other county litigation taxes in general session's court and shall be chargeable upon filing in a civil case and upon conviction in a criminal case in general session's court. The increase authorized by this resolution shall remain in effect in Franklin County until the end of the fiscal year during which this increase is enacted and shall be re-enacted, repealed or adjusted annually to ensure that the revenue generated by this resolution does not exceed the increases in general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50.

Section 3. This resolution shall be effective and the taxes imposed by this resolution shall take effect on the first day of January, 2011, the public welfare requiring it.

Section 4. The local litigation taxes collected pursuant to this Resolution shall be paid over to the County Trustee monthly and deposited in the county general fund.

Section 5. If any provision of this resolution of the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Section 6. The presiding officer of this legislative body shall certify the passage of this resolution to the Secretary of State as provided in Tennessee Code Annotated § 16-15-5006.

Adopted by a (two-thirds) vote of the Franklin County legislative body, this 6th day of December, 2010.


Eddie Clark, Commission Chairman


Richard Stewart, County Mayor

Attested by: 
Phillip Custer, County Clerk

Resolution Sponsored by: Clark & Riddle

Motion to Adopt: Barbara Finney

Second by: Angie Fuller

Votes: Ayes 16 Nays 0

Declaration: Approved

RESOLUTION NO.: _____

**A RESOLUTION TO REQUEST THE STATE OF TENNESSEE THROUGH
LEGISLATIVE AND LEGAL ACTION TO REAFFIRM THE STATE OF TENNESSEE'S
AUTHORITY TO REGULATE DOMESTIC RELATIONS
INCLUDING BUT NOT LIMITED TO THE TRADITIONAL CONCEPT OF MARRIAGE
AS BETWEEN ONE MAN AND ONE WOMAN**

WHEREAS, the individual states in the United States since this country's founding have regulated and defined marriage without interference from the federal government or its courts; and

WHEREAS, the State of Tennessee and most other states pursuant to the inherent rights of the individual states and its people continue to define marriage as the legal obligations, rights and responsibilities associated with the marital union between one man and one woman; and

WHEREAS, in 2006 the citizens of the State of Tennessee by legislatively referred popular vote determined that a legal marriage/union in the State of Tennessee is to be recognized only if said marriage is between one man and one woman which amendment was ratified and is now Section 18 to Article XI of the Tennessee State Constitution; and ; and

WHEREAS, the United States Supreme Court in the case of *United States v. Windsor*, recognized the State's authority to "regulate the subject of domestic relations with respect to the protection of offspring, property, interest, and the enforcement of marital responsibilities"; and

WHEREAS, further the United States Supreme Court in the case of *United States v. Windsor* declined to intervene, decide or determine whether the right to marry by same sex participants was a legal right protected by the United States Constitution and in fact, the United States Supreme Court in the majority opinion written by Justice Kennedy, affirmed that "the definition of marriage is the foundation of the State's broader authority to regulate the subject of domestic relations with respect to the protection of offspring, property interest, and the enforcement of marital responsibilities"; in effect, the Supreme Court reserved for the states that determination of whether to recognize and/or legalize same sex marriages in the same fashion as the traditional marriage between one man and one woman; and

WHEREAS, both the General Assembly as well as the State Attorney General evidently believed that the State of Tennessee's Constitutional Amendment which in effect bans same sex marriage was constitutional and fully enforceable in the State of Tennessee; and

WHEREAS, in June 2015 the Supreme Court of the United States (in a five to four decision) in the case of *Obergefell et al. v. Hodges*, has now determined that any legislation, law or voter approved constitutional amendment in any state in the United States prohibiting same sex marriages is unconstitutional under the Fourteenth Amendment; in effect legislating for the individual states and its citizens the legality of

same sex marriage with the corresponding responsibilities, rights and obligations; and

WHEREAS, it appears that it would be prudent, wise and necessary for the State of Tennessee to challenge the right of the United States Supreme Court to “make laws” that infringe upon the individual rights of the states and its citizens to govern and to legislate on those issues that are properly reserved by the individual states; and

WHEREAS, the Franklin County Legislative Body by this Resolution is requesting that those State Legislators representing Franklin county, State Senator Janice Bowling, State Representative David Alexander and State Representative Billy Spivey, be proactive and introduce legislation to defend the right of the State of Tennessee to determine the validity and sanctity of marriage in the State of Tennessee and to recognize the State of Tennessee’s right to define marriage as a union between one man and one woman; to introduce legislation to allow County Clerks to honor their oath of office and refuse to issue marriage licenses to “same sex” couples and further, to utilize the resources of the State of Tennessee to challenge the unconstitutional decision rendered by the United States Supreme Court in the case of *Obergefell et al. v. Hodges*.

NOW, THEREFORE, BE IT RESOLVED, by the Legislative Body of Franklin County, Tennessee, meeting in its regular session on this 7TH day of December, 2015 as follows:

1. That a request be forwarded to State Senator Janice Bowling, State Representative David Alexander and State Representative Billy Spivey, asking our legislators to introduce legislation and take such other action as is necessary to support the mandates under our State Constitution and the Constitutional Amendment as well as the opinion of our citizens defining marriage as a union between one man and one woman.

2. To request our State Attorney General acting on behalf of the citizens of Franklin County, Tennessee and the citizens of the State of Tennessee to take such legal action as is necessary to further challenge the authority of the United States Supreme Court to legislate and dictate to and take away from the basic rights of the State of Tennessee and its citizens to determine that a marriage is a union between one man and one woman and to continue the long standing tradition of the Volunteer State in taking a stand against laws, acts or decisions that violate the conscience of man.

3. To direct that the County Clerk forward a copy of this Resolution to other county governments in the State of Tennessee urging each county through its legislative body to adopt a similar Resolution requesting action from the State of Tennessee to defend the right of the State of Tennessee to determine what persons may marry and which marriages are legally recognized by the State of Tennessee.

4. To affirm and go on record that the Franklin County Commission is opposed to the United States Supreme Court’s decision in *Obergefell et al. v. Hodges* and support the decision of any elected/appointed official challenging that decision.

BE IT RESOLVED that this Resolution shall take effect immediately upon its passage.

ADOPTED this ____ day of December, 2015.

APPROVED:

APPROVED:

Richard Stewart, Mayor

Eddie Clark, Chair of Commission

ATTEST: _____

Phillip Custer, County Clerk

RESOLUTION SPONSORED BY: Clark and Stines

MOTION TO ADOPT: _____ **SECOND:** _____

VOTES: **AYES:** ____ **NAYS:** ____

DECLARATION: _____

RESOLUTION
TO APPROVE A ROAD CHANGE ON THE
FRANKLIN COUNTY ROAD LIST

WHEREAS, The Franklin County Highway Department has implemented a Road List for Franklin County, to better serve the people of Franklin County, and

WHEREAS, The Franklin County Highway Department requests changes & additions, and

WHEREAS, The following list of road names and classifications, are recommended by the Road & Bridge Committee for approval by the Franklin County Legislative Body, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Franklin County Commissioners of Franklin County, Tennessee, assembled in regular session on this the ___ day of _____, 2015 that:

Section 1. The following log miles be **changed** from .118 log miles to .128 log miles on the Franklin County Roads List.

Silverfox Rd - Dist. 1, E-911 Grid 42D4, CO Grid 54, Surface –Gravel, **ROW – 30 FT**, Bed Width 12 FT, Surface Width 16 FT, Log Mile .128, Class 4, Beginning Road – VAN HAAS LANE, Ending Road – No Outlet.

Section 2. The approved change shall be filed with the Franklin County Clerk & Emergency 911 addressing commission.

ADOPTED this ___ day of _____, 2015.

Honorable Richard Stewart
Franklin County Mayor

Eddie Clark
Chairman of Commission

Attest: _____ Date: _____

RESOLUTION SPONSORED BY: Doug Goodman, Johnny Hughes

MOTION TO ADOPT: _____

SECONDED BY: _____

VOTE: AYES _____ NAYS _____

DECLARATION: _____

CERTIFICATE OF ELECTION OF NOTARIES PUBLIC

AS A CLERK OF THE COUNTY OF FRANKLIN, TENNESSEE I HEREBY CERTIFY TO
THE SECRETARY OF STATE THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF
NOTARY PUBLIC DURING THE DECEMBER 07, 2015 MEETING OF THE GOVERNING BODY:

NAME	HOME ADDRESS	HOME PHONE	BUSINESS ADDRESS	BUSINESS PHONE	SURETY
1. MARY FRANCES BLAIR	395 OLD MANSFORD ROAD WINCHESTER TN 37398	931-967-3961	395 OLD MANSFORD ROAD WINCHESTER TN 37398	9319673961	
2. CHARLINE BUTNER	1043 N BLUFF CIRCLE MONTEAGLE TN 37356	931-598-1470	335 TENNESSEE AVE SEWANEEN TN 37383-0001	9315981470	
3. PHILLIP L. CUSTER	704 PINE BLUFF ROAD WINCHESTER TN 37398	931-967-6912	1 S JEFFERSON ST WINCHESTER TN 37398	931-967-2541	
4. KIMBERLY K. DAVIS	1295 NEAL RD TN 37306	931-967-9235	120 NOTH JEFFERSON STREET WINCHESTER TN 37398	931-3888	
5. MISTY D. FINNEY	3624 OLD ALTO HWY DECHERD TN 37324	931-308-9671	3624 OLD ALTO HWY DECHERD TN 37324	931-308-9671	
6. THERESA L. GREEN	1391 HIGHLAND RIDGE RD ESTILL SPRINGS TN 37330	931-962-2376	214 N JEFFERSON ST WINCHESTER TN 37398	9319684885	
7. VICKI B. HENLEY	297 ROYAL OAK DR WINCHESTER TN 37398	931-580-5268	1024 DINAH SHORE BLVD WINCHESTER TN 37398	931-967-2114	
8. JAN G. KELLEY	195 FRANKLIN HEIGHTS DR WINCHESTER TN 37398	931-691-7795	PO BOX 309 WINCHESTER TN 37398	9319621044	
9. KATHY MASON	2594 LYNCHBURG RD WINCHESTER TN 37398	931 607 7084	17 SOUTH COLLEGE ST WINCHESTER TN 37398	931 967 1715	
10. JAMES R. MCCONNELL	47 FRANKLIN COUNTY PARK ROAD ESTILL SPRINGS TN 37330	931-967-0690	4055 TULLAHOMA HWY WINCHESTER TN 37398	931-967-2277	
11. JONATHAN NEASE	704 N WASHINGTON ST TULLAHOMA TN 37388	931-434-4515	1829 DECHERD BLVD DECHERD TN 37324	9313923032	
12. PATRICIA K. PEARSON	1053 ROWE GAP RD WINCHESTER TN 37398	931-691-3327	120 N JEFFERSON STREET WINCHESTER TN 37398	931-967-3888	
13. RON SMITH	564 HOOPER RD WINCHESTER TN 37398	931-636-7401	SAME		
14. MICHELLE STOVALL	3060 BAXTER HOLLOW RD BELVIDERE TN 37306	931-469-7781	839 DINAH SHORE BLVD WINCHESTER TN 37398	931-967-9322	

SIGNATURE

CLERK OF THE COUNTY OF FRANKLIN, TENNESSEE

DATE