

AGENDA

LAWRENCE COUNTY BOARD OF COMMISSIONERS

SPECIAL SESSION

APRIL 10, 2001

5:00 P.M.

CALL TO ORDER BY THE CHAIRMAN

ROLL CALL

PLEDGE

SPECIAL CALL RESOLUTIONS TO BE ACTED UPON

1. RESOLUTION #01041001  
Resolution to rescind amended Resolution #23032701 enacting a motor vehicle privilege tax pursuant to Tennessee code Annotated #5-8-102
2. RESOLUTION #02041001  
Resolution to call a referendum on the question of whether a motor vehicle tax should be levied for Lawrence County.

APPROVED:

  
\_\_\_\_\_  
STEVE HILL, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
KENNETH WEATHERS, COUNTY CLERK

COUNTY COMMISSION, LAWRENCE COUNTY  
KENNETH WEATHERS COUNTY CLERK

RESOLUTION #	CALL TO ORDER	STEVE HILL	ROLL CALL	KENNETH WEATHERS	PLEDGE TO THE FLAG	Kevin Shannon	INVOCATION	Jim Buie	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
SPECIAL CALL RESOLUTIONS															
	BAILEY, JACKIE	9th District	762-3716	411 6th St L'Burg, TN										X	
	BENEFIELD, RONALD	7th District	829-2358	91 Benefield Ln Ethridge											X
	BRAZIER, OLAN	5th District	762-5501	175 Reed Patch Rd L'Burg										X	
	BUIE, JIM	9th District	762-3167	508 8th St L'Burg										X	
	BURNS, FRANKLIN	6th District	964-3404	383 LBurg Henryville Eth.										X	
	DOSS, BARRY	3rd District	852-2211	66 Shoally Br Rd Leoma										X	
	DRYDEN, JERRY	4th District	762-7118	12 Ingram Rd Leoma										X	
	GABEL, JIM	1st District	852-2899	2773 Hwy 43 POBox 176 Leoma										X	
	GOWEN, JIM	3rd District	852-2221	114 Richardson RD Leoma										X	
	GREEN, ROBERT L	2nd District	853-6709	404 N Military FO BX 224 Loretto										X	
	MOORE, BOB	2nd District	853-7221	11 Samuel Ln Loretto										X	
	MOORE, W. T.	5th District	762-5501	305 Ford Field Rd West Point										X	
	NIEDERGESSES, MARK	4th District	762-8078	4202 Marie Ln L'Burg										X	
	PERRY, TIM	6th District	762-8007	1136 Eth.Red Hill Rd Ethridge										X	
	SHANNON, KEVIN	1st District	852-2870	2757 Hwy 43S Leoma										X	
	TURNER, HENRY	7th District	829-2490	37 Mint Spring Rd Ethridge										X	
	WOODALL, GLENN E	8th District	766-1040	1401 Hart Ave L'Burg										X	
	WRAY, JOE R	8th District	762-7419	1403 Beckham Ave L'Burg											X
														16	2

DATE April 10, 2001

RESOLUTION NO. 01041001

RESOLUTION TO RESCIND AMENDED RESOLUTION NO. 23032701  
ENACTING A MOTOR VEHICLE PRIVILEGE TAX PURSUANT TO  
TENNESSEE CODE ANNOTATED §5-8-102

WHEREAS, the Lawrence County legislative body by resolution adopted March 27, 2001, enacted Amended Resolution No. 23032701 enacting a motor vehicle privilege tax pursuant to *Tennessee Code Annotated* §5-8-102; and

WHEREAS, there has arisen a need to amend said resolution and to restructure the basis for the motor vehicle privilege tax referendum.

NOW, THEREFORE, be it resolved by the Lawrence County legislative body meeting in special session at Lawrenceburg, Tennessee, on the 10th day of April, 2001, that Amended Resolution No. 23032701 is hereby rescinded, repealed and for nothing held.

This resolution shall take effect immediately, the public welfare requiring it.

APPROVED:

  
\_\_\_\_\_  
STEVE HILL, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
KENNETH WEATHERS, COUNTY CLERK

COUNTY COMMISSION, LAWRENCE COUNTY  
KENNETH WEATHERS COUNTY CLERK

RESOLUTION #	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
01041001							
Rescind amended Resolution #23032701 enacting a motor vehicle privilege tax pursuant to TCA #5-8-102							
BAILEY, JACKIE	9th District		X				
762-3716 411 6th St L'Burg, TN 829-2358							
BENEFIELD, RONALD	7th District						X
91 Benefield Ln Ethridge 762-5501							
BRAZIER, OLAN	5th District		X				
175 Reed Patch Rd L'Burg 762-3167							
BUJE, JIM	9th District		X				
508 8th St L'Burg 964-3404							
BURNS, FRANKLIN	6th District		X				
383 LBurg Henryville Eth. 852-2211 762-1531							
DOSS, BARRY	3rd District		X				
66 Shoally Br Rd Leoma 762-7118							
DRYDEN, JERRY	4th District		X				
12 Ingram Rd Leoma 852-2899							
GABEL, JIM	1st District		X				
2773 Hwy 43 POBox 176 Leoma 852-2221 762-1016							
GOWEN, JIM	3rd District		X				
114 Richardson RD Leoma 853-6709							
GREEN, ROBERT L	2nd District	X	X				
404 N Military PO BX 224 Loretto 853-7221 766-1500							
MOORE, BOB	2nd District		X				
11 Samuel Ln Loretto 762-5501							
MOORE, W. T.	5th District		X				
305 Ford Field Rd West Point 762-8078 762-3217							
NIEDERGESES, MARK	4th District	X	X				
4202 Marie Ln L'Burg 762-8007							
PERRY, TIM	6th District		X				
1136 Eth.Red Hill Rd Ethridge 852-2870							
SHANNON, KEVIN	1st District		X				
2757 Hwy 43S Leoma 829-2490							
TURNER, HENRY	7th District		X				
37 Mint Spring Rd Ethridge 766-1040							
WOODALL, GLENN E	8th District		X				
1401 Hart Ave L'Burg 762-7419							
WRAY, JOE R	8th District		X				X
1403 Beckham Ave L'Burg							
			16				2

DATE April 10, 2001

RESOLUTION NO. 02041001

**TO CALL A REFERENDUM ON THE QUESTION OF WHETHER A  
MOTOR VEHICLE TAX SHOULD BE LEVIED FOR LAWRENCE COUNTY**

WHEREAS, T.C.A. §5-8-102 authorizes counties to levy and have approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not such a tax should be levied, a motor vehicle privilege tax, or "wheel tax," as a condition precedent to the operation of a motor vehicle within a county; and

WHEREAS, under the provisions of Chapter 178 of the Private Acts of 1984 as amended by Chapter 21 of the Private Acts of 1987, the total motor vehicle privilege tax in Lawrence County currently is TWENTY FIVE DOLLARS (\$25.00) upon all motor driven vehicles and FIFTEEN DOLLARS (\$15.00) for motorcycles or motor driven bicycles and scooters; and

WHEREAS, the need for new revenue sources is great in Lawrence County for the purpose of adopting, implementing and financing the Lawrence County School Building Program of 2001, including new classrooms and cafeterias at New Prospect Elementary School and Leoma Elementary School and new classrooms and gymnasium expansion at South Lawrence Elementary School and including new gymnasiums at Loretto High School and Summertown High School; and to fund highway improvements and equipment and a building addition to the Columbia State Community College building; and

WHEREAS, it is in the best interests of the county that an additional motor vehicle privilege tax in the amount of TWENTY FIVE DOLLARS (\$25.00) for every motor driven vehicle and FIFTEEN DOLLARS (\$15.00) for every motorcycle or motor driven bicycle and scooter be levied in Lawrence County as provided herein so that the total motor vehicle privilege tax in Lawrence County will be FIFTY DOLLARS (\$50.00) for each motor driven vehicle and THIRTY DOLLARS (\$30.00) for each motorcycle, motor driven bicycle or scooter.

NOW, THEREFORE, be in resolved by the county legislative body of Lawrence County, Tennessee, meeting in special session at Lawrenceburg, Tennessee, on the 10th day of April, 2001, that:

SECTION 1. For the privilege of using the public roads and highways in Lawrence County, Tennessee, there is levied upon motor-driven vehicles (including motorcycles and motor driven bicycles and scooters) and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and except all motor-driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such county, which tax shall be in the amount of TWENTY-FIVE (\$25.00) DOLLARS for each such motor-driven vehicle and FIFTEEN (\$15.00) DOLLARS for each such motorcycle or motor-driven bicycle and scooter.

This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within said County, this tax shall be in addition to all other motor vehicle taxes in Lawrence County.

SECTION 2. The tax herein levied shall be paid to and collected by the County Clerk of Lawrence County, who shall collect this tax at the same time he collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State.

The County Clerk shall not issue to a resident of Lawrence County a state license for the operation of a motor driven vehicle to which this tax applies, unless at the same time the

said resident shall purchase the appropriate license as provided for the operation of his motor driven vehicle under this resolution.

SECTION 3. The privilege tax or "wheel tax" herein levied, when paid together with full, complete and explicit performance of and compliance with all provisions of this Act, by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid and on which the decal or emblem has been affixed as herein provided, to operate or allow to be operated his vehicle over the streets, roads, and highways of the County for a period of one year which shall run concurrently with the period established for the state privilege tax by Section 55-4-104 of the Tennessee Code.

In the event that the wheel tax decal is sold by the Clerk for a period of more or less than a calendar year, the fee imposed shall be proportionate to the annual fee fixed for the vehicle and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar.

SECTION 4. Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the Clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal or emblem also issued by the Clerk, which shall be displayed by affixing the same on and to the lower right-hand corner of the license plate in the space provided for such decal.

SECTION 5. For his services in collecting the aforesaid tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, the Clerk shall not be entitled to any fees but shall only collect the \$1.00 fee.

The Clerk will faithfully account for, make proper reports of, and pay over to the County Trustee in his official capacity, at monthly intervals, all funds paid to and received by him by the payment of the aforesaid motor vehicle privilege tax or "wheel tax".

SECTION 6. The design of the decal of emblem shall be determined by the County Clerk (provided, however, that the decal or emblem for motorcycles, motor-driven bicycles and scooters shall be different than that of the decal or emblem issued for other motor-driven vehicles). The expense incident to the purchase of such decals and emblems herein required as well as the expense of obtaining proper receipts and other records necessary for the performance as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the Clerk shall be paid from the funds of the County Clerk's Office.

SECTION 7. In the event any motor-driven vehicle for which the wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county on in the event that the owner transfers the title to such vehicle, and the owner makes proper application to the Clerk for the issuance of a replacement decal or emblem to be used by him on another vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that the applicant is entitled to the Issuance of such a replacement decal or emblem, and the owner pays into the hands of the Clerk the sum of THREE (\$3.00) DOLLARS, the Clerk will then issue to such owner a duplicate receipt, cancelling the original receipt delivered to him by the owner, and will deliver to the owner a replacement decal or emblem, which shall be affixed to the motor-driven vehicle for which it is issued, as herein provided, and such replacement decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the streets, roads and highways of said county for the remainder of the period from which the original decal or emblem was issued.

Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced, or is destroyed under the provisions of this Act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing much circumstances and facts to be true, then the Clerk, upon receipt from the owner of THREE (\$3.00) DOLLARS may issue and deliver to the owner, a duplicate decal or emblem.

SECTION 8. That the proceeds from the tax herein imposed, when collected by the Clerk and paid into the hands of the Trustee, shall be placed in a special fund and said funds shall be used exclusively for the purpose of

1. Retiring the School Bonds, Series 2000, in the aggregate total amount not to exceed THIRTEEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$13,800,000.00) of Lawrence County, Tennessee, and General Obligation Public Improvement Bonds, Series 2001, in the aggregate total amount not to exceed FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$4,700,000.00) of Lawrence County, Tennessee, and
2. Toward the retirement of other school building debts incurred by the county; and
3. Shall be applied, when proceeds are remaining, to the Lawrence County Debt Services Account.

SECTION 9. The tax herein levied shall be collected beginning on the first day of the month after its approval by the county election as provided in Section 10 of this Regulation.

SECTION 10. This resolution shall have no effect unless it is approved by the majority of the number of qualified voters of Lawrence County, Tennessee, voting in an election on the question of whether or not the tax should be approved. The County Election Commission, upon passage of this resolution shall call an election on the question of whether or not the motor vehicle privilege tax or "wheel tax" should be levied to be held at a special election, with the ballots having printed on them the substance of this resolution. The voters shall vote for or against the approval of this resolution and the result of such referendum certified by the County Election Commission to the county legislative body. The cost of the election shall be paid by Lawrence County. The proposition which shall appear on the ballot shall be substantially as follows:

Should Lawrence County levy a motor vehicle privilege tax or "wheel tax" as a condition precedent to the operation of a motor vehicle in Lawrence County, the owner of which resides within Lawrence County, in the amount of TWENTY-FIVE (\$25.00) DOLLARS for each such motor-driven vehicle and FIFTEEN (\$15.00) DOLLARS for each such motorcycle or motor-driven bicycle and scooter (so that the total motor vehicle privilege tax will be \$50.00 for each motor driven vehicle and \$30.00 for each motorcycle, motor driven bicycle or scooter) and the proceeds of such tax to be used for the purposes of:

1. Retiring the School Bonds, Series 2000, in the aggregate total amount not to exceed THIRTEEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$13,800,000.00) of Lawrence County, Tennessee, and General Obligation Public Improvement Bonds, Series 2001, in the aggregate total amount not to exceed FOUR MILLION SEVEN HUNDRED THOUSAND

DOLLARS (\$4,700,000.00) of Lawrence County, Tennessee;

2. Toward the retirement of other school building debts incurred by the county; and
3. Shall be applied, when proceeds are remaining, to the Lawrence County Debt Services Account?

FOR THE WHEEL TAX (     )

AGAINST THE WHEEL TAX (     )

All persons in favor of adopting a wheel tax shall mark an "X" in the square opposite the phrase "For the Wheel Tax" and all persons opposed to adopting the Wheel Tax shall mark an "X" in the square opposite the phrase "Against the Wheel Tax".

SECTION 11. If this motor vehicle privilege tax is not approved by a majority of the number of qualified voters of Lawrence County, Tennessee, voting in an election on the question of whether or not the tax should be approved, then, Resolution No. 18032701 adopted March 27, 2001, Resolution No. 19032701 adopted March 27, 2001, Resolution No. 20032701 adopted March 27, 2001, and Resolution No. 21032701 adopted March 27, 2001, authorizing the issuance of bonds and the bond anticipation notes for improvements to schools and other county projects shall be rescinded.

SECTION 12. For the purpose of approving or rejecting the provisions of this resolution, it shall be effective upon being approved by a majority of the members of the Lawrence County legislative body, the public welfare requiring it. For all other purposes, this resolution shall take effect upon approval as provided in Section 10 above.

APPROVED:

  
\_\_\_\_\_  
STEVE HILL, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
KENNETH WEATHERS, COUNTY CLERK



COUNTY COMMISSION, LAWRENCE COUNTY  
KENNETH WEATHERS COUNTY CLERK

RESOLUTION # 02041001		MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
Resolution to call a referendum on the question of whether a motor vehicle tax should be levied for Lawrence County								
BAILLY, JACKIE	9th District 762-3716 411 6th St L'Burg, TN 829-2358			X				
BENEFIELD, RONALD	7th District 91 Benefield Ln Ethridge 762-5501							X
BRAZIER, OLAN	5th District 175 Reed Patch Rd L'Burg 762-3167			X				
BUIE, JIM	9th District 508 8th St L'Burg 964-3404			X				
BURNS, FRANKLIN	6th District 383 LBurg Henryville Eth. 852-2211 762-1531			X				
DOSS, BARRY	3rd District 66 Shoally Br Rd Leoma 762-7118			X				
DRYDEN, JERRY	4th District 12 Ingram Rd Leoma 852-2899		X	X				
GABEL, JIM	1st District 2773 Hwy 43 POBox 176 Ieoma 852-2221 762-1016			X				
GOWEN, JIM	3rd District 114 Richardson RD Leoma 853-6709			X				
GREEN, ROBERT L	2nd District 404 N Military PO BX 224 Loretto 853-7221 766-1500			X				
MOORE, BOB	2nd District 11 Samuel Ln Loretto 762-5501			X				
MOORE, W. T.	5th District 305 Ford Field Rd West Point 762-8078 762-3217			X				
NIEDERGESES, MARK	4th District 4202 Marie Ln L'Burg 762-8007	X		X				
PERRY, TIM	6th District 1136 Eth.Red Hill Rd Ethridge 852-2870			X				
SHANNON, KEVIN	1st District 2757 Hwy 43S Leoma 829-2490			X				
TURNER, HENRY	7th District 37 Mint Spring Rd Ethridge 766-1040			X				
WOODALL, GLENN E	8th District 1401 Hart Ave L'Burg 762-7419			X				
WRAY, JOE R	8th District 1403 Beckham Ave L'Burg			X				X
				16				2

DATE April 10, 2001

COUNTY COMMISSION, LAWRENCE COUNTY  
KENNETH WEATHERS COUNTY CLERK

RESOLUTION #	ADJOURNMENT	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
	BAILEY, JACKIE 9th District 762-3716 411 6th St L'Burg, TN 829-2358							
	BENEFIELD, RONALD 7th District 91 Benefield Ln Ethridge 762-5501							
	BRAZIER, OLAN 5th District 175 Reed Patch Rd L'Burg 762-3167							
	BUTE, JIM 9th District 508 8th St L'Burg 964-3404							
	BURNS, FRANKLIN 6th District 383 LBurg Henryville Eth. 852-2211 762-1531							
	DOSS, BARRY 3rd District 66 Shoally Br Rd Leoma 762-7118							
	DRYDEN, JERRY 4th District 12 Ingram Rd Leoma 852-2899							
	GABEL, JIM 1st District 2773 Hwy 43 POBox 176 Leoma 852-2221 762-1016							
	GOWEN, JIM 3rd District 114 Richardson RD Leoma 853-6709							
	GREEN, ROBERT L 2nd District 404 N Military PO BX 224 Loretto 853-7221 766-1500							
	MOORE, BOB 2nd District 11 Samuel Ln Loretto 762-5501							
	MOORE, W. T. 5th District 305 Ford Field Rd West Point 762-8078 762-3217							
	NIEDERGESES, MARK 4th District 4202 Marie Ln L'Burg 762-8007							
	PERRY, TIM 6th District 1136 Eth.Red Hill Rd Ethridge 852-2870							
	SHANNON, KEVIN 1st District 2757 Hwy 43S Leoma 829-2490							
	TURNER, HENRY 7th District 37 Mint Spring Rd Ethridge 766-1040		X					
	WOODALL, GLENN E 8th District 1401 Hart Ave L'Burg 762-7419	X						
	WRAY, JOE R 8th District 1403 Beckham Ave L'Burg							
	Carried by unanimous Voice Vote							

DATE April 10, 2001