

**Weakley County Legislative Body
Regular County Commission Meeting
Weakley County Courthouse, Dresden, TN
Monday, November 16, 2020 – 5:30 P.M.**

The Weakley County Legislative Body was called to order by County Mayor Jake Bynum at 5:30 P.M. at the Weakley County Courthouse.

The invocation was given by County Mayor Jake Bynum

All members present gave the Pledge of Allegiance to the Flag.

County Clerk Kim Hughey called the roll. Answering present were Commissioners Dennis Doster, Bobby Dunlap, Eric Owen, Larry Hudson, James Roy Pope, Greg Usery, Gary Eddings, Colton Nanney, Larry Taylor, Steven Totty, David Bell, Dale Overton, David Hawks, Beth VanCleave, Roger Donaldson, Jack Vincent, Donnie Essary, and James Westbrook. No one was absent.

County Mayor Bynum called for a motion to approve the minutes from the September 21, 2020, Regular Meeting and October 8, 2020, Special Called Meeting. A motion was made by Commissioner Bell and a second was placed by Commissioner Eddings. A voice vote was taken and the minutes were approved with none opposed.

COMMUNICATION TO COMMISSION

County Mayor Bynum called for a motion to approve the Financial Reports. A motion was made by Commissioner Donaldson and a second was placed by Commissioner Doster. A voice vote was taken and the Financial Reports were approved with none opposed.

County Mayor Bynum called for a motion to approve the Veteran's Service Report. A motion was made by Commissioner Hawks and a second was placed by Commissioner Pope. Commissioner Hawks was recognized by County Mayor Bynum to speak. Commissioner Hawks stated that last Wednesday, November 11, 2020 was Veteran's Day. He stated that there are ten (10) suicide attempts every day, twenty-two (22) veterans who commit suicide every day, five (5) first responders who commit suicide every day, and one (1) active duty member who commits suicide every day. We need to remember to recognize and thank them for their service. A voice vote was taken and the Veteran's Service Report was approved with none opposed.

County Mayor Bynum called for a motion to approve the UT Extension Report to Stakeholders. A motion was made by Commissioner Vincent and a second was placed by Commissioner Eddings. A voice vote was taken and the UT Extension Report to Stakeholders was approved with none opposed.

MESSAGE FROM COUNTY MAYOR

County Mayor Bynum gave an update on the county's COVID-19 numbers. As of today, November 16, 2020 the total cumulative case count is 1,943. That is 1 in 17 citizens have had or currently have COVID-19. Total active cases are 253; therefore, 1 in 132 citizens currently have COVID-19. The active case numbers are important because it allows you to understand that if you were in a crowd of 150 people, such as a ballgame, at least 1 of those people will probably have COVID-19. Since November 1, 2020 there has been an increase of 310 active cases. The total cumulative death count is 38. Social distancing, wearing a mask, and washing your hands are still extremely important in mitigating the spread of COVID-19. The State of Tennessee will have certain County Health Departments open for extended hours on November 23, 2020 and November 30, 2020 for COVID testing. The County Health Departments open for extended hours in West Tennessee are Dyer, Fayette, Hardin, Haywood, Obion, and Tipton.

Commissioner Vincent asked if the COVID test determines if you have already had COVID. County Mayor Bynum stated that the test only determines if you actively have COVID and that an antibody test would determine if you have already had COVID. Currently, if you donate blood during a blood drive they are testing for antibodies. Commissioner Vincent asked for an update on the school system. County Mayor Bynum stated that school is still in session. The increasing COVID numbers do put the county at risk of having to send the students home and change to virtual learning. We are trying to refrain from that option as best as possible.

County Mayor Bynum made a motion to move to recess allowing for the PATH Group Presentation and a comment from a citizen Mr. Edd Daniels from Dukedom, TN. A motion was made by Commissioner Owen and a second was placed by Commissioner Pope. A voice vote was taken with all in favor and none opposed approving to move into recess at 5:39 p.m.

Weakley County Legislative Body was called back into session at 5:54 p.m.

Commissioner Hawks made a motion for the county attorney to research the possibility of a special act enforcing zoning regulations on chicken farmers building their barns within a certain distance from residential housing. A second was placed by Commissioner Bell. Commissioner Owen stated that there was a committee set up 10-12 years ago to address the chicken barn problems without success. Commissioner Westbrook stated that the best time would have been years ago to set up some zoning regulations.

REPORTS OF SPECIAL & STANDING COMMITTEES

Commissioner Westbrook gave an update on the annual report for the Weakley County Municipal Electric System. The electric company made about \$1.2 million last year, and paid in lieu of taxes the sum of \$712,000 to Weakley County.

SPECIAL RECOGNITION

None.

ELECTIONS, APPOINTMENT, AND CONFIRMATIONS

Appointment of Two (2) Members to the Solid Waste Board

Greg Usery and Jeff Cosby were recommended for Appointment to the Solid Waste Board. A motion was made by Commissioner Overton and a second was placed by Commissioner Doster. A voice vote was taken and the appointments to the Solid Waste Board were approved with none opposed.

Appointment of One (1) Member to the Weakley County Municipal Electric Board

County Mayor Bynum opened the floor for nominations. County Mayor Bynum recognized Commissioner Eddings who nominated David Lamb to serve on the Weakley County Municipal Electric Board. County Mayor Bynum recognized Commissioner Hawks who nominated David Hutchins. There were no other nominations. Both nominees have submitted an application and met all the qualifications. County Mayor Bynum asked County Clerk Kim Hughey to call roll. Commissioners Dennis Doster, Bobby Dunlap, Larry Hudson, James Roy Pope, Greg Usery, Gary Eddings, Colton Nanney, Larry Taylor, Steven Totty, David Bell, Dale Overton, Beth VanCleave, Roger Donaldson, Donnie Essary, and James Westbrook placed votes for David Lamb. Commissioners Eric Owen, David Hawks, and Jack Vincent placed votes for David Hutchins. Having the majority of the votes, Mr. David Lamb was appointed to the Weakley County Municipal Electric Board.

Election of Notaries Public

County Mayor Bynum called for a motion to approve the list of Notaries Public. A motion was made by Commissioner Pope and a second was placed by Commissioner Dunlap. A voice vote was taken approving the Notaries Public with none opposed.

OLD BUSINESS

County Mayor Bynum called for a motion to approve the Revised Weakley County Surplus Auction Item List. A motion was made by Commissioner Pope and a second was placed by Commissioner Usery. Commissioner Pope asked if this list was only submitted by the Department of Education. County Mayor Bynum stated that the list is from all county departments. The list was approved last month, but there were some departments that added items to the list. Marvin Alexander will be doing the auction, and the plan is to have it online. A voice vote was taken and the surplus auction list was approved with none opposed.

NEW BUSINESS

FINANCIAL RESOLUTIONS

RESOLUTION NO.2021-16: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2021. Passed FWM Committee with vote of 7 yeas, 0 nays, 1 pass, 1 absent.

Sponsored by: Commissioners Dennis Doster and Beth VanCleave

County Mayor Bynum called for a motion to approve Resolution 2021-16. A motion was made by Commissioner Owen and a second was placed by Commissioner Pope. Commissioner Owen stated that the amended Resolution 2021-16 in the packets reflect expenditures for deputies, school resource officers, dispatchers, and guards. Those expenditures will come out of the Sheriff's Department budget not the general fund. Commissioner Owen made a motion to approve the amended Resolution 2021-16 and a second was placed by Commissioner Bell. County Clerk Kim Hughey called the roll to vote on the resolution as amended. The resolution passed with 17 commissioners answering "yes" and Commissioner Eddings passed.

County Mayor Bynum called for a motion to combine Financial Resolutions 2021-12, 2021-13, 2021-14, 2021-15, 2021-17, 2021-18, 2021-19, and 2021-20. A motion was made by Commissioner Owen and a second was placed by Commissioner Vincent. A voice vote was taken and the motion to combine the financial resolutions was approved with none opposed.

RESOLUTION NO.2021-12: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Purpose School Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through HEED and FWM Committees.

Sponsored by: Commissioners Roger Donaldson and Dale Overton

RESOLUTION NO.2021-13: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through HEED and FWM Committees.

Sponsored by: Commissioners Steven Totty and Roger Donaldson

RESOLUTION NO.2021-14: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through Public Safety and FWM Committees.

Sponsored by: Commissioners Eric Owen and David Hawks

RESOLUTION NO.2021-15: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Purpose School Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through HEED and FWM Committees.

Sponsored by: Commissioners Larry Hudson and Dennis Doster

RESOLUTION NO.2021-17: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, Highway Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through FWM Committee.

Sponsored by: Commissioners Roger Donaldson and Larry Taylor

RESOLUTION NO.2021-18: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Purpose School Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through HEED and FWM Committees.

Sponsored by: Commissioners Donnie Essary and Bobby Dunlap

RESOLUTION NO.2021-19: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through HEED and FWM Committees.

Sponsored by: Commissioners Larry Hudson and Dale Overton

RESOLUTION NO.2021-20: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, Solid Waste/Sanitation Fund for the Fiscal Year Ending June 30, 2021. Passed unanimously through Public Safety and FWM Committees.

Sponsored by: Commissioners Larry Taylor and Beth VanCleave

County Mayor Bynum called for a motion to approve Resolutions 2021-12, 2021-13, 2021-14, 2021-15, 2021-17, 2021-18, 2021-19, and 2021-20. A motion was made by Commissioner Nanney and a second was placed by Commissioner Doster. County Mayor Bynum asked County Clerk Kim Hughey to call the roll. The resolutions were approved unanimously with all eighteen (18) commissioners present answering "yes".

NON-FINANCIAL RESOLUTIONS

RESOLUTION NO.2021-21: Resolution Declaring a Certain Weakley County Government Property to be Property for Public Purpose

Sponsored by: Commissioners Larry Taylor and Dennis Doster

County Mayor Bynum called for a motion to approve Resolution 2021-21. A motion was made by Commissioner Owen and a second was placed by Commissioner Hudson. A voice vote was taken and Resolution 2021-21 was unanimously approved with none opposed.

RESOLUTION NO.2021-23: Resolution to Request Unclaimed Balance of Accounts Remitted to State Treasurer Under Unclaimed Property Act. Passed unanimously through FWM Committee.

Sponsored by: Commissioners Dennis Doster and Beth VanCleave

County Mayor Bynum called for a motion to approve Resolution 2021-23. A motion was made by Commissioner Doster and a second was placed by Commissioner VanCleave. A voice vote was taken and Resolution 2021-23 was unanimously approved with none opposed.

RESOLUTION NO.2021-25: Resolution to Affirm Compliance with Federal Title VI Regulations
Sponsored by: Commissioners Gary Eddings and David Bell

County Mayor Bynum called for a motion to approve Resolution 2021-25. A motion was made by Commissioner Dunlap and a second was placed by Commissioner Usery. A voice vote was taken and Resolution 2021-25 was unanimously approved with none opposed.

RESOLUTION NO.2021-22: Resolution to Authorize the Complete Build of a Fiber Internet Infrastructure Network Throughout the Unincorporated Areas of Weakley County, Tennessee.
Passed unanimously through Fiber Committee

Sponsored by: Commissioners Dennis Doster and Roger Donaldson

County Mayor Bynum called for a motion to approve Resolution 2021-22. A motion was made by Commissioner Doster and a second was placed by Commissioner Donaldson.

Commissioner Bell stated that his company works for Frontier in Weakley County and does not gain anything financially from the approval of this resolution. Commissioner Essary stated that he needed to know if this would raise any taxes. County Mayor Bynum stated that his job is not to appropriate tax dollars. Commissioner Pope asked if this would need to go through Finance, Ways, and Means (FWM). County Mayor Bynum stated that this resolution does not appropriate any money. It just states that the county will enter in an agreement and be willing to pay up to \$10.5 million. FWM would then have to come up with an actual appropriation. Commissioner Pope asked if there is a way to make sure that the work is completed before the county pays. County Mayor Bynum stated that there is a section added to the resolution that states WK&T will submit a detailed plan of completion and cost to the Health, Education, and Economic Development (HEED) & Finance, Ways, and Means (FWM) Committees for approval before any allocation of funding prior to the initiation of aforementioned improvements.

Commissioner Westbrook stated that in the fourth paragraph of the resolution the wording should be changed to "Now, therefore be it resolved" instead of "whereas". A motion was made by Commissioner Westbrook and a second was placed by Commissioner Bell. A voice vote was taken and the amendment changing the wording in Resolution 2021-22 was approved with none opposed.

Commissioner Hawks stated that he would like to make a motion to make the \$10.5 million available for grants only, and once the number of people signed up from the first \$2 million project are disclosed, then the commission can vote again on paying out the funds for this resolution. Commissioner Hawks stated that he is not comfortable agreeing to pay \$10.5 million without knowing the percentage of people that will sign up for fiber. County Mayor Bynum stated that the problem is you will not know how many people will sign up until you have that service available. Commissioner Hawks stated that he just wants the numbers from the first project before agreeing to this resolution. A second to the motion was placed by Commissioner Essary.

Commissioner Pope asked if Commissioner Hawks wants to use the numbers from Stage 1 as a guideline for the \$10.5 million project. Commissioner Doster stated WK&T cannot proceed to look for grants without a commitment. The numbers of citizens signed up where fiber is available are good and continue to grow. Martin has the lowest number of citizens signing up because there is more competition. Dresden has a 50% sign up rate. Commissioner Doster stated that the citizens of our county have a present need for education, work and even healthcare. It does not matter if you are looking at internet or any other type of communication, it will still require an infrastructure to be installed. The research shows there is plenty of interest for fiber in our county. Commissioner Eddings stated that the commission tried to get the survey out to the citizens by website, social media, and newspaper without much participation. The numbers are skewed low because a large number of citizens were not aware of the survey. Commissioner Eddings stated that he has been contacted by 50-75 people in his district that have an interest in signing up. More people will continue to sign up as fiber becomes more available.

Commissioner Donaldson stated that the fiber committee will continue to monitor the progress of the fiber project and will report all information to the full commission at each meeting. He welcomes any county commissioner to attend the fiber committee meetings for more information. If the resolution does not pass it will restrict our ability to apply for grants.

Commissioner Overton asked where the guidelines for the location of Grant Project 1 come from. County Mayor Bynum stated that WK&T and the State of Tennessee used responses from the survey as a guideline to what area in the county was more economically advantageous to build the network that connected to an already existing network.

Commissioner Hawks stated that he agrees to the \$10.5 million project only to match grants until the numbers are released of how many citizens will sign up once Grant Project 1 is complete. Commissioner Bell stated that roadway and electricity installation in our county was not based on survey numbers. The fiber committee will continue to update the commission on all valuable information regarding the fiber build, but we do not need to limit availability of funds. Commissioner Donaldson stated that the first grant awarded and currently being installed has a limited area available. This resolution approval will allow every house, outside the municipalities, in the county to have access to fiber.

Commissioner Westbrook stated that it is economically unfeasible to run fiber in rural Weakley County where citizens are far away from one another. The electric company loses money on rural Weakley County every year. Commissioner Donaldson stated that is exactly why you apply for grants to help offset the costs. Commissioner Hudson stated that in Gleason it will cost a business \$600 per month for high speed internet which is not feasible for a small business. This resolution does not address the municipalities. Commissioner Hudson asked if there were possible grants available for the municipalities. County Mayor Bynum stated that fiber is becoming an essential infrastructure and more grants may become available to assist with fiber installation. Commissioner Donaldson suggested that the mayors for Gleason, TN and Greenfield, TN contact the mayor of Dresden, TN regarding the grants they've been awarded for municipality fiber build since the commission cannot address the cities.

Commissioner Pope stated that he would be under the assumption that once the county has the infrastructure installed eventually it will spread inside the city limits without fiber and become more financially feasible. Commissioner Bell stated that once an area has the infrastructure installed then people can start signing up. They do not have to wait until the build is complete. Commissioner Pope stated that he doesn't feel like this is exactly the right plan for the county, but the citizens need good internet.

County Mayor Bynum stated that the county's money is not dependent on grants available because there will be some areas not eligible for grant money. For every dollar the county spends WK&T will spend a dollar also. The total project is estimated at \$26 million, and the county is only agreeing to pay \$10.5 million.

Commissioner Owen asked if the county will be withdrawing one of the \$2 million grants. County Mayor Bynum stated that the grant is still active. The county applied for two \$2 million dollar grants simultaneously. If one of the grants were approved we would drop the other, but if one grant was denied, we would still have another grant active. One of those grants we applied for was denied; therefore the other one is still active. Commissioner Pope asked that if a grant was approved would the grant amount be deducted from the costs of the project, splitting the grants between the county and WK&T. County Mayor Bynum stated that those statements were not listed in this resolution but it is in a contract.

Trevor Bonnsetter, a representative from WK&T, stated that the county is only responsible for a maximum amount of \$10.5 million and WK&T will be responsible for the remainder of cost to complete the project. WK&T will use the grants to decrease the cost of the project until the costs are equal. Once that is accomplished, other grants approved will be split 50/50 between WK&T and the county.

Commissioner Westbrook made a motion to go into recess and a second was placed by Commissioner Hawks. A voice vote was taken with all in favor and none opposed approving to move into recess at 6:33 p.m. A motion to go back into session was placed by Commissioner Westbrook and a second was placed by Commissioner Eddings. The Weakley County Legislative Body was called back into session at 6:36 p.m.

Commissioner Westbrook called for a motion to make an amendment to add a sentence to the fifth paragraph in the resolution. All such assurances, agreements, or contracts shall clearly state that Weakley County's contribution shall not exceed \$10.5 million which will be used for the cost of the improvements and any other expenses that may be incurred including surveys, cost of teaching clients, etc. A second was placed by Commissioner Overton. A voice vote was taken and the amendment to the resolution was approved with none opposed.

Commissioner Westbrook called for a motion to make an amendment adding a paragraph. Be it further resolved, that WK&T continue to seek state and/or federal grants that might be available as the project proceeds. A second was placed by Commissioner Bell. A voice vote was taken and the amendment to the resolution was approved with none opposed.

County Mayor Bynum called for a motion to go into recess. A motion was made by Commissioner Pope and a second was placed by Commissioner Bell. A voice vote was taken with all in favor and none opposed approving to move into recess at 6:40 p.m. A motion to go back into session was placed by Commissioner Pope and a second was placed by Commissioner Bell. The Weakley County Legislative Body was called back into session at 6:43 p.m.

Commissioner Vincent stated that he has a lot of reservations for this deal, but gives thanks to the fiber committee for all their hard work. The citizens have been heard and we understand their need for internet. Commissioner Owen stated that we need to go ahead and work on adding the funds into our budget for this project and not waiting until year 2024-2025.

County Mayor Bynum asked County Clerk Kim Hughey to call roll to vote on the resolution as amended. Commissioners Dennis Doster, Bobby Dunlap, Eric Owen, Larry Hudson, James Roy Pope, Greg Usery, Gary Eddings, Colton Nanne, Larry Taylor, Steven Totty, David Bell, Dale Overton, David Hawks, Beth VanCleave, Roger Donaldson, Jack Vincent, and James Westbrook voted yes. Commissioner Donnie Essary voted no. The resolution passed with 17 commissioners answering "yes" and one opposed.

Commissioner Hawks stated that he hopes that the fiber committee keeps the full commission informed. Commissioner Donaldson stated that he invites any commissioner to attend the fiber committee meetings. Commissioner Donaldson stated that Alex Britt and his team at the election commission did an outstanding job this year with the election.

County Mayor Bynum announced that the next Regular Meeting will be January 19, 2021 at 5:30 p.m.

The Weakley County Legislative Body Regular Meeting stood adjourned at 6:52 p.m.

Respectfully submitted by:

Christina Oliver, Deputy Clerk

ATTEST:

Kim Hughey, Weakley County Clerk