

## WEAKLEY COUNTY LEGISLATIVE BODY REGULAR MEETING

SEPTEMBER 21, 2015

The Weakley County Legislative Body Regular Meeting was called to order at 5:30 p.m. by County Mayor Bynum in the Weakley County Commission Room.

Road Supervisor Charles Ross gave the invocation.

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

County Clerk Hughey called the Roll with 17 members present and one member, Commissioner Pope, was absent.

County Mayor Bynum called for a Motion to approve the minutes from the July 29, 2015 meeting. Commissioner Hawks made a motion and a second was placed by Commissioner Fortner. There were not any additions, deletions, or corrections and a voice vote was taken, the ayes have it with none opposed. The minutes from the Weakley County Legislative Body Regular Meeting of July 29, 2015 were approved.

### **COMMUNICATIONS TO COMMISSION:**

The Financial Reports were included in the packets. Commissioner Dennis Doster made a motion to accept the reports as filed and Commissioner Vincent placed a second to the motion. A voice vote was taken and the ayes have it with none opposed. The Financial Reports were accepted as filed.

### **MESSAGE FROM COUNTY MAYOR:**

County Mayor Bynum recognized Road Supervisor Charles Ross and commented that he had some health issues; he is recovering and back up and feeling better.

The Everett-Stewart Regional Airport was recognized and Mayor Bynum commented that the Women's Air Race Classic that included 12 stops across the nation and involved 100 pilots was held September 4<sup>th</sup> and 5<sup>th</sup>. Everett-Stewart Regional Airport won the best stop award for the 2015 Air Race Classic.

Mayor Bynum commented that Dresden Elementary was chosen again as one of the three finalists for the S.C.O.R.E. Award. The winner will be announced in late October. Dresden Elementary was the 2014 S.C.O.R.E. winner.

Also Dresden Elementary will receive one of eighteen value added achievement awards in the State of Tennessee. Winners are among the most effective elementary and middle

Tennessee Schools of nearly 1300 across the state. The award is given by the Education Consumer Foundation, which is a non-profit organization.

Also the packets include a power point presentation given by the Governor on the State of Tennessee Transportation Infrastructure. A meeting is planned on October 1, 2015 at 10:00 a.m. at the Development District with Senator Jim Tracy discussing this power point presentation.

Next on the agenda was the Veterans Service Report. Commissioner Chandler made a motion to accept the report as filed and Commissioner Donald Doster placed a second. A voice vote was taken and the ayes have it with none opposed. The Veterans Service Report was accepted as filed.

The Ag Extension Report was next and Commissioner Owen made a motion and Commissioner Hudson placed a second. A voice vote was taken and the ayes have it with none opposed. The Ag Extension Report was accepted as filed.

**REPORTS OF SPECIAL AND STANDING COMMITTEES:**

There were not any special or standing committee reports.

**SPECIAL RECOGNITION:**

None.

**ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:**

First was the election of Chairman. County Mayor Bynum turned the meeting over to Chairman Pro-Tempore Hawks. Chairman Pro-Tempore Hawks opened the floor for nominations. Commissioner Vancleave made a motion to nominate County Mayor Bynum, there were not any other nominations and Commissioner Taylor placed a second. A voice vote was taken and the ayes have it with none opposed. County Mayor Bynum was elected as Chairman of the County Commission. Chairman Pro-Tempore Hawks turned the meeting back over to County Mayor Bynum.

County Mayor Bynum called for nominations for Chairman Pro-Tempore. Commissioner Fortner made a motion to nominate Commissioner Hawks and Commissioner Owen placed a second. A voice vote was taken and the ayes have it with none opposed. Commissioner Hawks was elected Chairman Pro-Tempore.

Next was the re-appointment of County Safety Officer, Jamison Peevyhouse. Commissioner Vincent made the motion and Commissioner Overton place a second. County Clerk Hughey called the Roll with 17 ayes and one absent. The re-appointment of County Safety Officer Jamison Peevyhouse was confirmed.

Next was the re-appointment of County Service Officer Ronald Cheatham. Commissioner Hawks made the motion and Commissioner Donald Doster placed a second. County Clerk Hughey called the Roll with 17 ayes and one absent. County Service Officer Ronald Cheatham's re-appointment was confirmed.

The Election of Notaries Public was next and Commissioner Fortner made the motion and Commissioner Donaldson placed a second. A voice vote was taken and the ayes have it with none opposed. The election of Notaries Public was confirmed.

**OLD BUSINESS:**

The election of the Rules Committee Members was under old business. County Mayor Bynum commented that it has been determined that it takes ten votes for a confirmative vote; this was not a valid vote from the last meeting and we need to take a re-vote. County Mayor Bynum called for the recommendation from the old Rules Committee. Commissioner Westbrook commented that it was not the Rules Committee recommendation. Commissioner Westbrook made a motion to nominate Commissioner Bynum, Owen, Usery, Jones, Wright, Taylor, Hawks, Vincent and Westbrook. Commissioner Owen placed a second to the motion. Discussion was called. Commissioner Vancleave made a motion to amend the rules and add the following sentence. Each member of the Rules Committee must receive the most votes in his or her district in the last Weakley County General Election in each district to be qualified on the Rules Committee. Commissioner Donaldson place a second on the motion to amend. Discussion was called. Commissioner Vancleave gave an example that Commissioner Usery, Commissioner Wright and Commissioner Hawks all had the most votes in their district and they would be eligible to be on the Rules Committee. There was further discussion from Commissioner Donald Doster and he commented that he respected everyone on the Commission and their efforts and hard work. Commissioner Donald Doster commented that in the last meeting he made a motion that had nothing to do with personalities, but it was inclusive of the new people on the Commission, this was discounted by state law requiring ten (10) votes to be confirmative. There was not any other discussion and a voice vote was called for on the amendment; in turn a Roll Call vote was requested. County Clerk Hughey called the Roll with 8 ayes, 8 nays, one pass and one absent. Motion to amend failed. County Mayor Bynum passed on this amendment. Commissioner Taylor questioned that ten (10) votes was needed according to T.C.A. 5-5-09 to have a majority and pass the motion.

Commissioner Westbrook renewed his motion – a voice vote was called and in turn a roll call vote. County Clerk Hughey called the Roll with 8 ayes, 8 nays, one pass and one absent. The motion failed.

Commissioner Hawks made a motion to approve Commissioner Westbrook's recommendation with the stipulation that in the next election of 2018 that the Commissioner with the most votes be seated on the Rules Committee. Commissioner

Westbrook commented that you could pass this motion, but he felt it would not be worth the paper it is written on. Commissioner Hawks withdrew his motion.

Commissioner Vancleave commented that until a successor is chosen, the old Rules Committee will stay in place. County Mayor Bynum commented that the Rules state that every July a new Rules Committee will be elected.

Commissioner Fortner made a motion to form a special sub-committee consisting of Commissioner Fortner, Commissioner Hawks, Commissioner Westbrook, Commissioner Vincent and County Mayor Bynum to meet prior to the November meeting and come up with a better consensus that could be adopted.

Commissioner Overton questioned what was wrong with the Rules we have now, why do we need to change them. Commissioner Westbrook commented that it takes ten (10) votes of the governing body to pass this, so whatever the Rules committee states is not worth the paper it is written on without ten (10) votes of the governing body. Every governing body has this Rule. Commissioner Donaldson commented that we need to compromise and have so many new and meet in the middle and come up with the nominations and make it work.

County Mayor Bynum questioned if anything is keeping us from setting up a sub-committee.

Commissioner Hudson commented that we nominate four (4) or five (5) new and four (4) or five (5) old. Commissioner Owen commented that we went through all of this last year and went from six (6) committees down to four (4) with nine (9) members on each committee and we are having a problem with having a quorum. We are putting the Commission in a bind. Commissioner Chandler commented that there was other suggestions other than four (4) committees and does not understand why it was so hard to come to a compromise and it be out of the question.

Commissioner Fortner questioned the County Attorney if it was a valid motion for a sub-committee. County Attorney Whitledge commented that there is not anything that prevents this, but there is not anything that states you can appoint a sub-committee under this Rules Committee. It is specific that the Board of County Commissioners shall elect the members of the board of commissioner committees. Commissioner Fortner re-stated his motion to form a special sub-committee to meet prior to the November Term of court consisting of Commissioner Fortner, Commissioner Hawks, Commissioner Westbrook, Commissioner Vincent and County Mayor Bynum to meet and come up with a list for the Rules Committee to be presented in the November Meeting and to be voted on in November Meeting. Commissioner Vancleave commented that the list was the Commissioners on the Financial Management Committee. County Mayor Bynum called for a second twice and the Motion died for lack of a second.

County Mayor Bynum commented that the way the Rules are interpreted, a Rules Committee is elected every July. County Mayor Bynum commented that this will continue to be brought up in every meeting as Old Business until a new Rules Committee is elected.

Commissioner Westbrook commented that it would be best to have a Rules Committee in place, but the Rules Committee does not have much business except meeting the first term after the election and this committee normally does not meet except every four years. County Mayor Bynum commented that up to this point, the Rules Committee met every four (4) years. The rules are not written like this, but this was the practice up until now.

There was further discussion by Commissioner Donaldson, Commissioner Chandler, Commissioner Taylor and Commissioner Donald Doster concerning this committee. Commissioner Westbrook commented that it is a Federal and State Law with a TCA code specific to County Legislative Bodies that it takes a majority vote of the full body to pass a motion. Commissioner Vancleave made a motion to table; there was not a second to table. Commissioner Westbrook made a motion to move on to the next item of business and Commissioner Donald Doster placed a second. A voice vote was taken and the ayes have it with none opposed.

**NEW BUSINESS:**

The Approval of Director of Schools Randy Frazier Official Bond, with a term beginning July 1, 2015 and ending June 30, 2016 – Additional Bond Value Requirement Increase.

A motion was made by Commissioner Vancleave and a second was placed by Commissioner Hudson. A voice vote was taken and the ayes have it with none opposed. The additional bond value requirement increase of Randy Frazier was approved.

Next was the Approval of Director of Finance Shawn Francisco Official Statutory Bond, term beginning September 1, 2015 and ending September 30, 2016.

A motion was made by Commissioner Donald Doster and a second was placed by Commissioner Jones. A voice vote was taken and the ayes have it with none opposed. The Official Statutory Bond of Shawn Francisco was approved.

**RESOLUTION NO. 2016-05:** Resolution To Affirm Compliance With Federal Title VI Regulations. *Sponsored by Commissioners Bynum and Hudson.*

Commissioner Taylor made a motion to place the resolution on the floor and Commissioner Chandler placed a second. This resolution passed Health, Education and Economic Development unanimously. Discussion and the question were called. A voice vote was taken and the ayes have it with none opposed. The motion carried.

**RESOLUTION NO. 2016-06:** Resolution Regarding Weakley County Convenience Center. *Sponsored by Commissioners Dennis Doster and Jones.*

Commissioner Dennis Doster made the motion and Commissioner Fortner placed a second. Discussion was called and Commissioner Hawks was recognized. Commissioner Hawks made a motion to amend the resolution by including that the fees received back to the County from the State be paid to the vendors in the County by the invoices that they maintain for disposal of tires. Commissioner Owen placed a second to the motion. Commissioner Taylor questioned if this was possible and commented that this needs to be run by the Comptroller's Office to see if this is legal.

There was discussion by Commissioner Westbrook, Donaldson, Donald Doster and Vancleave. County Mayor Bynum commented that the \$2.00 fee is what Crockett, Henry and Carroll County are doing for residents and that tire dealers are not allowed to take tires to the convenience center in these counties.

County Attorney Whitledge commented that the regulations do not allow you to return the money. This money is used for the purpose of the convenience center and segregated from the General Fund.

The vendors are required to charge the \$1.35 per tire, when the tires are sold by a dealer. This resolution established a rate of \$2.00 per tire for Weakley County residents only and prohibits vendors from utilizing the convenience center for the collection of and/or the disposal of new or used tires.

Commissioner Westbrook noted that in 2014-2015 we were paid \$14,800 by residents and vendors and it cost the County \$26,797 to dispose of the tires.

Commissioner Hawks withdrew his motion and Commissioner Owen withdrew his second.

County Attorney Whitledge commented that T.C.A. Section 68-211-866 (b) requires that each county shall provide directly, by contract or through solid waste authority, at least one site to receive or store waste tires for use by the residents of the county. T.C.A. 68-211-835 (g) (1) allows for a reasonable fee to be charged by the County to cover the cost of the county handling the tires above the amount reimbursed by Tennessee Department of Revenue. It is not meant to be a money-making fee for the County. It is intended for the County to break even more or less.

The question was called and a voice vote was taken, in turn the County Clerk Hughey called the Roll with 10 ayes, 5 nays, (Commissioner Fortner, Hawks, Vancleave, Donaldson and Dennis Doster) two passes (Commissioner Hudson and Chandler) and one absent. The motion was approved.

**RESOLUTION NO. 2016-07:** Resolution to Establish the Weakley County Heritage Protection Resolution. *Sponsored by Commissioners Fortner and Hudson.*

Commissioner Fortner made the motion to place resolution on the floor and Commissioner Chandler placed a second. This resolution passed the Health, Education and Economic Development Committee. Commissioner Fortner made a motion to amend the original resolution on the second therefore be it resolved that the rest of that sentence be struck and add concerning Veteran Memorials, Weakley County will comply with T.C.A. 4-1-412 – Tennessee Heritage Protection and also to strike Section 1. In Section (2) that a unanimous roll call vote of the Weakley County Commission will be required and strike out  $\frac{3}{4}$  vote. Commissioner Hudson placed a second to the amendment and a voice vote was taken, the ayes have it with none opposed. The amendment was approved. Back to the original motion as amended. Discussion and the question was called. A voice vote was taken and the motion as amended was approved.

**COMMISSION MEMBER COMMENTS:**

Commissioner Hawks commented that on October 7, 2015 the first Wednesday in the month, at 7:00 a.m. there will be a God and Country Morning of Prayer at the front of the Courthouse to pray for our Country. This will last around 30 minutes and everyone is invited to attend.

Commissioner Fortner commented that he would like for the Health, Education and Economic Development Committee to look at offering health insurance and benefits to the County Commissioners. A lot of cities and counties do offer this to their alderman, county commissioners and school board members. Commissioner Fortner commented he would like for this to be looked at in the possible future.

Commissioner Hawks commented that if each of the Commissioners here would consider maybe stepping down and allowing the new members to come on board on the Rules Committee that this might be a common ground we could meet on.

The next meeting will be November 16, 2015 at 5:30 p.m.

Commissioner Donaldson made a motion to adjourn and Commissioner Wright placed a second. The Weakley County Legislative Body Regular Meeting stood adjourned at 6:35 p.m.

ATTEST:

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Kim Hughey, Weakley County Clerk