

AGENDA
WEAKLEY COUNTY LEGISLATIVE BODY
REGULAR MEETING - SEPTEMBER 15, 1997

CALL TO ORDER - 7:00 P.M.

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES OF JULY 28, 1997 MEETING

ELECTION OF COMMISSIONER IN DISTRICT 5 TO REPLACE GARY HANKINS WHO RESIGNED
COMMITTEE ON COMMITTEES REPORT - JIMMY WESTBROOK, CHAIRMAN

ELECTION OF CHAIRMAN

ELECTION OF CHAIRMAN PRO TEMPORE

ELECTION OF COMMITTEES AND OFFICERS

SPECIAL RECOGNITION OF GARY HANKINS

SPECIAL RECOGNITION OF BOB SPELLINGS, ELECTED TO TENNESSEE VETERANS HOME BOARD OF DIRECTORS

REPORTS:

Trustee's Report

General Fund Report

Highway Dept. Report

School Dept. Report

Solid Waste Report

Annual Financial Reports, Fee Offices

Capital Projects Committee Report - Jimmy Westbrook, Chairman

Finance, Ways and Means Committee Report - Dick Phebus, Chairman

Financial Management Committee Report - Ronnie Bates, Chairman

Legislative Committee Report - Ronnie Bates, Chairman

Personnel Committee - John Salmon, Chairman

Public Health, Education and Welfare Committee - John Salmon, Chairman

Public Safety Committee - John Bucy, Chairman

Public Works Committee - George Broussard, Chairman

Nursing Home Committee - Vernon Dunn, Chairman

UNFINISHED BUSINESS:

NEW BUSINESS:

Appointment of Member to the Weakley County Library Board (Dr. Harry Hutson)

Resolution No. 1998-13 - Highway Department Budget Amendment

Resolution No. 1998-14 - Resolution Authorizing the County Executive to Execute an Agreement on Behalf of Weakley County with Certain Municipalities for the Allocation of Proceeds from any Additional County Sales Tax Levy.

Resolution No. 1998-15 - General Fund Budget Amendment - General Sessions Court

Resolution No. 1998-16 - General Fund Budget Amendment - Aged Program

Resolution No. 1998-17 - Initial Resolution Authorizing the Incurrence of Indebtedness by Weakley County of Not to Exceed \$7,400,000, by the Execution with the Public Building Authority of the County of Montgomery, Tennessee, of a Loan Agreement or Other Instrument Evidencing Such Indebtedness, to Provide Funding for Certain Public Works Projects, and to Fund the Incidental and Necessary Expenses Related Thereto.

Resolution No. 1998-18 - A Resolution to Approve a Loan Agreement for the Purpose of Providing Funds to Finance Certain Public Works Projects for Weakley County, TN.

Miscellaneous Announcements and Statements
Election of Notaries Public

ADJOURNMENT

WEAKLEY COUNTY LEGISLATIVE BODY
REGULAR MEETING SEPTEMBER 15, 1997

WEAKLEY COUNTY COMMISSION MEETING: September 15, 1997, 7 P. M.
County Executive, Ron Gifford called the meeting to order.

INVOCATION: Commissioner Dick Tidwell.

PLEDGE TO THE FLAG.

ROLL CALL by the County Clerk, Pat Scarbrough with seventeen
present, two absent and one vacancy.

Commissioner Westbrook, stated that due to the fact that proper
notice was not given to fill the vacancy, should we fill it
tonight without proper notice it would be illegally constituted
due to the fact that we don't fill it, district five will not be
properly represented and I move that we recess until next
Monday at 7 P. M. Motion seconded by Commissioner Sinclair.
County Executive, Gifford stated as a point of information the
vacancy of district five had appeared in both periodical
publications of Weakley in accordance with the law.
Voice vote. Aye's carried.

Meeting recessed until September 22, 1997, at 7 P. M.

WEAKLEY COUNTY LEGISLATIVE BODY
SEPTEMBER 22, 1997
RECESSED MEETING

MEETING WAS CALLED TO ORDER - 7 P.M. BY County Executive, Ron Gifford.

ROLL CALL BY County Clerk, Pat Scarbrough with nineteen members present and one vacancy.

APPROVAL OF MINUTES OF JULY 28, 1997 MEETING: Motion by Commissioner Buckley and seconded by Commissioner Parham. County Executive Gifford ask for corrections or additions to minutes. Commissioner Westbrook stated on page four the Trustee's relief of taxes need to specify that the County Commissioners granted the Trustee relief for errors and double assessments and the amount. The amount is \$133,523.30. On page five, should read July 28, 1997. Commissioner Salmon stated that the addition to the minutes was a statement made by him that was left out of the minutes. County Executive, Gifford stated that was a verbatim statement by Commissioner Salmon. That everyone had a copy. After minutes were corrected, it was put to a voice vote. Aye's carried, minutes approved as corrected.

ELECTION OF COMMISSIONER IN DISTRICT 5 TO REPLACE GARY HANKINS WHO RESIGNED.

Motion made by Commissioner Broussard to nominate Tommy Jones and seconded by Commissioner Westbrook. Motion made by Commissioner Bates for nomination to cease and be elected by acclamation and seconded by Commissioner Stewart. Upon roll call by the County Clerk, nineteen for and one vacancy. Motion carried.

County Clerk, Pat Scarbrough gave the oath of office to Tommy Jones.

COMMITTEE ON COMMITTEES REPORT: JIMMY WESTBROOK, CHAIRMAN
Commissioner Westbrook stated that he would defer his report later, right before the election of committees and officers.

ELECTION OF CHAIRMAN

Motion made by Commissioner Salmon to elect Ron Gifford to Chairman of the Weakley County Commission and seconded by Commissioner Simmons. Upon roll call by the County Clerk, twenty for and none opposed. Motion Carried.

ELECTION OF CHAIRMAN PRO TEMPORE

Motion made by Commissioner Sinclair to elect Commissioner Mac Buckley and seconded by Commissioner Stewart. Upon roll call by the County Clerk, twenty for and none opposed. Motion carried.

ELECTION OF COMMITTEES AND OFFICERS

Commissioner Westbrook made motion to approve the Committee on Committee report on nomination of officers and members of standing committees, and special committees for the year of 1997-98 and seconded by Commission Dunn. Upon roll call by the County Clerk, twenty for and none opposed. Motion carried.

SPECIAL RECOGNITION OF GARY HANKINS

Mr. Hankins was presented a plaque of appreciation by County Executive, Gifford.

SPECIAL RECOGNITION OF BOB Spellings, ELECTED TO TENNESSEE VETERANS HOME BOARD OF DIRECTORS

County Executive, Gifford presented Mr. Spellings with a certificate of appreciation.

REPORTS:

TRUSTEE'S REPORT

GENERAL FUND REPORT

HIGHWAY DEPT. REPORT

SCHOOL DEPT. REPORT

SOLID WASTE REPORT

ANNUAL FINANCIAL REPORTS, FEE OFFICES

Capital Project Committee Report Jimmy Westbrook, Chairman

Commissioner Westbrook stated that Library was pretty much on schedule. Also, gave a report on schools.

Commissioner Stewart ask if this is the appropriated time to ask questions about the jail site. There was much discussion between Commissioner Stewart, Commissioner Westbrook and County Executive, Gifford. Commissioner Westbrook gave out information on the jail site and explained it.

Finance, Ways and Means Committee Report Dick Phebus, Chairman

Commissioner Phebus stated that they had met twice in regards to Resolutions No. 14-15-16-17-18 and 19. All Resolutions were passed by unanimously vote.

Financial Management Committee Report Ronnie Bates, Chairman

Commissioner Bates stated that the Committee had met Friday afternoon at 3:30, for bids, for the Construction Management firm for the jail complex opening that morning, and the Financial Management Committee met that afternoon and approved Henson Construction Management firm to managein County.

County Executive, Gifford stated that he would be requesting a vote by the full commission on the construction management company.

Legislative Committee Report Ronnie Bates, Chairman

Commissioner Bates stated that the committee would met in a few weeks.

Personnel Committee John Salmon, Chairman

Commissioner Salmon stated that they were currently working with the Department Heads on finalizing the new hand book which meets the requirements of the new personnel policy act of 1997. Will meet the 25th for another work session on this project.

Public Health, Education and Welfare Committee John Salmon, Chairman

Commissioner Salmon stated they did not met in August. They will be meeting Wednesday for this month.

Public Safety Committee John Bucy, Chairman

Commissioner Bucy stated that they had met once and elected officers. Received and reviewed the 911 audit. We received faze one report from T L M concerning the jail site. Review the progress on the ambulance site in Greenfield that went on line 24 hour a day, seven day a week, after money was appropriated.

Public Works Committee George Broussard, Chairman

Commissioner Broussard stated meet one time and would answer any question.

Nursing Home Committee Vernon Dunn, Chairman

Commissioner Dunn stated that each one had a copy of the report of the Nursing Home in your packet.

Weakley County Electric System, Junior Moore was present and gave a report on the Company.

Motion made by Commissioner Stewart to approve reports and seconded by Commissioner Buckley. Upon roll call by the County Clerk, twenty for and none opposed. Reports approved.

UNFINISHED BUSINESS:

Commissioner Westbrook asked that Commissioners refer back to the minutes on page 4, their was not an error on the Clerk's part, this is a error on our part, I guess it's my part or who's part, it's not an error in the minutes it's and error in the motion. On page 4 about in the middle of the page where its says Committee on Committee members, and then down there where a motion made by Commissioner Broussard, go to last seven, no first line, no last seven. I would like to recede this motion that would be the first. County Executive stated that we have a motion to recede. Commissioner Westbrook stated he wanted to recede the motion. County Executive, Gifford asked if he wanted to recede the motion along with the two amendments. Commissioner Westbrook stated the whole paragraph. County Executive stated that we have passed the meeting, would have to have a motion to recede. Commissioner Westbrook made a motion to recede his motion and seconded by Commissioner Bucy. County Executive stated that there is no discussion on motion to recede, you are receding the motion in it's entirety along with the amendments.

Commissioner Westbrook stated that he just wanted to recede one faze of it, can you do that Madam Attorney. County Attorney advised to recede the whole things and start all over again. Motion to recede along with it's two amendments, it was been duly seconded. Upon roll call by the County Clerk, twenty for and none opposed. The motion in question is receded.

Commissioner Westbrook, I move to purchase thirty acres from the City of Dresden for site for new jail for \$75,000.00, that this purchase subject to confirmation of T L M and the property is environmental safe and suitable for the facility to be constructed, and T L M to be employed as architect engineers on the project and Henson Construction Services Inc. to employed as construction manager of the site. Seconded by Commissioner Broussard. There was discussed on the motion. Commissioner Caudle stated that he failed to see the need of a construction manager, on a single project, I fail to see that their services are needed at this time. If these firms do their jobs, I can't see that this is logical. Commissioner Westbrook, my soul purpose in doing this is getting H & M out Henson in and out and what else you want to do.....and that the only change in intend to make there. Commissioner Caudle, under the intentions here hoping to perhaps be of use of the equipment and facility that have been purchase for the school construction. I have yet to see a accurate list of materials returned to our source of construction. Commissioner Bates stated that at the last meeting with Financial Management and the Finance Director, I believe she said she was in the process of doing it, to having an accurate list and a current list of materials, equipment, hand tools, nail guns and different items like that, that was purchase for the schools construction project. Was in the process of doing that so the Commissioners or the Capital Project Committee or anyone else, so we would know what was on hand. We expect soon accountability in that area. Commissioner Farmer County Executive asked if there was a wish to amendment the motion. Commissioner Caudle made a motion to amend to open up the construction responsibility to general contractor bids and seconded by Commissioner Rook. Commissioner Phebus stated that he not necessarily come to the defense of Mr. Henson or any construction manager, but I do know that Weakley County has had good success in the past in the service of a construction manager. Mr. Henson worked on the Martin Primary-Elementary school several years ago and returned considerable savings back to the County for the worked he preformed. AS

Construction Manager for the school project just completed, it is my understanding they also returning a sufficient amount of savings to the County for the work they did. I realize the jail issue, the jail construction is not or maybe not as complex as the recent school, but we do need the personnel that will be looking for cost savings in the areas that we can save cost, I like the best vehicle to provide that for the County is to use a Construction Management. I would encourage you to vote against the amendment. Commissioner Caudle, under the opposed handout for the retention center, I failed to see where \$103.00 a square foot for office space, \$125.00 a square foot for arraignment space, \$168.00 a square foot for facility as a whole for bidding construction. Bid savings, you can say they returned savings on schools, but no one knows what those cost have been competitively bid at, or how much money they save. Commissioner Bucy, stated that he respected Commissioner Caudle's views on the construction management vs competitive bidding, but I would like to take exceptions a little bit about what Commissioner Phebus said just now. As we have looked at Public Safety jail and retention centers we find that they are more complexed than schools, due to the security packages, the lock up packages, the electronic kind of things that go into making them work and we are all the more reason for construction management.

Amendment to the original motion where Henson Construction Co. will be removed from Construction Manager and substituted in it's place by amendment is placed this project out for general constructor competitive bid. Upon roll call vote by the County Clerk, seven for and thirteen against. Amendment failed.

Original motion to purchase thirty acres of land from the City of Dresden for \$75,000.00, to retain T L M Associates of Jackson as the architect firm for this project and to retain Henson Construction of Jackson for the Construction Manager on this project. Upon roll call by the County Clerk, sixteen for and four opposed. Motion carried.

County Executive stated that the minute from the July 28, 1997, meeting will remain the same, the minutes from this meeting will supersede on this particular issue. As we receded the vote we have a new vote that is passed. There will be some difference in the minutes, but the most resent vote succeeds.

NEW BUSINESS:

Appointment of Member to the Weakley County Library Board (DR. Harry Hutson)

Motion to approved appointment of Dr. Harry Hutson by Commissioner Sinclair and seconded by Commissioner Wright. Voice vote, Aye's carried.

RESOLUTION NO. 1998-13

Motion for approval and discussion made by Commissioner Farmer and seconded by Commissioner Broussard. After discussion among the Commissioners. County Executive stated that the dates on the Resolution should read September 22, 1997, and not September 15, 1997. Upon roll call vote by the County Clerk, twenty for and none opposed. Motion carried.

RESOLUTION NO. 1998-14

Motion for approval and discussion made by Commissioner Dunn and seconded by Commissioner Bucy. Commissioner Phebus explained the Resolution to the Commissioners. County Executive, Gifford is to have the cities to sign off of this agreement as well as himself, on behalf of the County and will go to a referendum vote on the May ballot by the voters of Weakley County. Commissioner Phebus, stated that what we would like to do is have an agreement contact in place prior to the time the Commission calls for a referendum on the sales taxes, then that way everyone realizes, and hopefully it's advertised by the press and radio that this what we are doing and the cities have agreed to it, and at any rate it is an alturity option that we have come up with in order to pay for funding of the jail, for

the structure jail project, and involve the increase of the sales tax from current 2.25% locally to 2.75% and the cities pledge their part for retirement of that debt to such time that it is retired then after that it goes back to the cities, so I would think that once the County Commission adopts this for authorization hopeful we can get all the cities involved in contract, I would like to see individually or all at one time or all the cities sign the same contract. County Executive, Gifford stated that were provision for that on Exhibit 1. Commissioner Phebus, the exact amounts that each city is allocated for this project is spelled out in the agreement and I am sure each city would want to review it and the County Attorney would want to review it for completeness and the sooner we can get the contract signed for this propose the better, then the press a few legal people can take theof what we are trying to do. Commissioner Caudle said he would like to amend Exhibit no 1, Article 4, to show that, that is the maximum indebtedness for each municipality but not the minimum and seconded by Commissioner Stewart. Commissioner Caudle stated that this amendment replaces the maximum contribution of any city. Commissioner Caudle stated that, that was the intend the way I understand it to began with. This schedule represented the maximum but it was not to represent the minimum. In other words they come up in the twelve months and they like and have not placed enough revenue to meet this amount, then it would not necessarily be due in the twelve months, only the half cent that they collect that they collect in the twelve months. County Executive, Gifford asked that the Clerk put in minutes the statement that was made by Commissioner Caudle, so they can refer back to minutes for original sponsors if this amendment passes, it will amend accordingly. Commissioner Westbrook asked that the wording be correct where it want get screwed up down the road. Commissioner Phebus, said to further clarify, he agreed with Mike, the intend of the Resolution is we are only talking about the additional one-half cent to get it passed, and we are not talking about this amount being equal and being divided over twelve months, and saying whatever the additional half cent bring in a month that what the County Trustee will distribute to the debt service fund, that is the way we have it set up, for the payment of this debt. Over a period of a year. After that twelve months the City of Dresden, their half cent does not add up to \$59860.00, then the County is the one that makes up the difference, not the City. Whatever the amount of the twelfth of the half cent bring in over an annual basis that is what the County will get and if it goes over that line in this agreement then it reverts to the City. If it is under the County makes up the deference. Commissioner Westbrook stated for the record and everybody's information these figures here on the last page were not just pulled out of the air that is the figures, that had this agreement been in existence, 1996-97, that's what the additional half cent would have produced. County Executive, Gifford stated that we are voting to in insert that this schedule represent the maximum city contribution on an annually basics. Upon roll call by the County Clerk, nineteen for and one opposed. The amendment passes. The sponsor does not object to revising it and it passing.

Original motion as amended. After more discussion. It was put to a roll call vote by the County Clerk, twenty for and none opposed. Motion carried.

RESOLUTION NO. 1998-15

Motion for approval and discussion made by Commissioner Bates and seconded by Commissioner Caudle. After discussion, it was put to a roll call vote by the County Clerk, twenty for and none opposed. Motion carried.

RESOLUTION NO. 1998-16

Motion for approval and discussion made by Commissioner Bates and seconded by Commissioner Tidwell. There was no discussion. Upon roll call vote by the County Clerk, twenty for and none opposed. Motion carried.

RESOLUTION NO. 1998-17

Motion for approval and discussion made by Commissioner Bucy and seconded by Commissioner Phebus. Discussion on Resolution. Commissioner Vincent made a motion to table Resolution No. 1998-17 and seconded by Commissioner Rook. Upon roll call vote by the County Clerk, five for and fifteen against. Motion failed.

Commissioner Salmon stated that the people in his district were not in favor of this. Commissioner Bucy stated that he was kinda like the people in your district, I'm not pretty much in favor of this, but it's one of the things that the County has got to do and so we have gone through the process and need to move on. I agree with the people here. Upon roll call by the County Clerk, seventeen for, two opposed and one passed. Motion carried.

Resolution is to be published in paper, notice of twenty one days.

There was more discussion on Resolution No. 1998-17. County Executive Gifford stated that there would be a meeting on Capital Projects October 6, 1997 at 5 P. M., on this Resolution.

RESOLUTION NO. 1998-18

Motion for approval and discussion made by Commissioner Stewart and seconded by Commissioner Phebus. Commissioner Phebus explained the Resolution to the Commissioners. Upon roll call by the County Clerk, seventeen for, two opposed and one passed. Motion carried.

RESOLUTION NO. 1998-19

Motion for approval and discussion made by Commissioner Phebus and seconded by Commissioner Dunn. There was no discussion. Upon roll call vote by the County Clerk, twenty for and none opposed. Motion carried.

County Executive Gifford stated that as we go through this project as County Executive, I will be expecting the County Commission to work with me on this. As you all know the County Executive must enter into the contracts and borrow the money, and I prefer not to have any slip-up, setups or any other mistakes if we can avoid it. I suppose there will come a time....that if you have revised all you are going to revise that is find. We need to go on with the plan that the architect has if that the cast. We now have an architect retained, construction manager retained and to be honest with you I am not going to let you out easy, we are all in this together. Commissioner Westbrook stated he was glad to hear you say that Mr. Chairman, I look forward to working with you on this as Chairman of the Capitol Projects, I would urge to go on and complete the contract with construction manager firm and architect engineer firm and execute the Resolutions as soon as possible and we are having a Capital Projects meeting on October 6, 1997, to discuss any questions anybody would have. Everyone is welcome to attend it is a public meeting.

County Executive, Gifford asked that all statements be put into the minutes.

Election of Notaries Public

Motion for approval and discussion made by Commissioner Sinclair and seconded by Commissioner Buckley. Upon roll call vote by the County Clerk, twenty for and none opposed. Motion carried.

ADJOURNMENT

Motion by Commissioner Sinclair and seconded by Commissioner Caudle.

ATTEST:

APPROVED:

PAT SCARBROUGH, COUNTY CLERK

RON GIFFORD, COUNTY EXECUTIVE

This the 22nd date of September, 1997.