

**AGENDA
SPECIAL CALLED MEETING
FEBRUARY 14, 2005**

CALL TO ORDER – 5:30 p.m.

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL

SPECIAL CALL:

Resolution 2005-16 – Resolution By The Commissioners Of Weakley County
Ratifying The Amended Weakley County Growth Plan
Dated October 19, 2004

WEAKLEY COUNTY LEGISLATIVE BODY SPECIAL CALLED MEETING

FEBRUARY 14, 2005

The Weakley County Legislative Body met in a Special Called Meeting at the Weakley County Courthouse on February 14, 2005 at 5:30 p.m. in the Weakley County Commission room. Chairman Dick Phebus called the meeting to order .

Commissioner Buckley gave the invocation.

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

The County Clerk, Pat Scarbrough, called the Roll with all 18 members present.

Chairman Phebus gave a brief run down concerning why this meeting was called, and to outline the ground rules set by Chairman Phebus in order to have a fair and equitable discussion of this Resolution that is on the floor.

RESOLUTION 2005-16: Resolution By the Commissioners of Weakley County Ratifying The Amended Weakley County Growth Plan Dated October 19, 2004.

Chairman Phebus commented that this Commission in November 2004 first considered this Resolution. At that meeting the Resolution was tabled. If this Resolution had stayed tabled, and since the Commission did not consider it again in the January 2005 meeting, this would have been a dead issue. At the November 2004 meeting, Commissioner Vincent moved to refer this Resolution to the Health, Education and Economic Development Committee, therefore, in essence it was taken off the table. The Health, Education and Economic Development Committee met in December 2004 and later in this meeting Chairman Phebus called for the Chairman of the Health, Education and Economic Development Committee to give a Report on this meeting. There was not any discussion of this Resolution in the January 2005 term of Court, had there been, it would have been a dead issue. This was not discussed and therefore, there is not a time limit on the Committee Reports from the Health, Education and Economic Development Committee. This Resolution is before the Commission again, and the reason for this Special Session is that the Chairman was petitioned by twelve members of this County Body to call a special session. By State Law, anytime the Chairman of the Commission is petitioned by the majority membership, he must call this special session.

Resolution No. 2005-16 is in consideration of the ratification of the urban growth boundary of Weakley County and it was submitted to the county urban growth Committee in August 2004, that Committee met at least three times. Two of these times were Public Hearings. The Plan itself was approved unanimously by those committees and passed on to the Weakley County Legislative Body.

Chairman Phebus instructed that in the course of this debate, the Chair will entertain a Motion and a Second to place the Resolution on the Floor for discussion. Because you make a motion, does not mean you are going to vote for this Resolution, but the Resolution has to be put on the Floor for discussion by a motion and second by this legislative body. The Motion cannot be to reject the Resolution, but the motion will be to place the Resolution on the Floor for discussion. After a second to this motion has been made, then the Commission will enter into a debate. Each County Commissioner will be allowed to debate the issue. Once that County Commissioner has finished making his remarks, he will not be allowed to speak again, unless all other County Commissioners have had an opportunity to address the issues if they so choose.

Chairman Phebus commented that he would call on Mayor Danny Forrester at the appropriate time, since it directly affects the City and his Urban Growth Boundary, to make a statement. Chairman Phebus commented that he would also call upon Mayor Jack Dunning of Gleason, if he so wishes to make a statement, at the appropriate time as well.

Chairman Phebus entertained a Motion to place Resolution 2005-16 on the floor for discussion. Commissioner Owens made the Motion and Commissioner Barner placed the second. Discussion was called.

Commissioner Westbrook was recognized. Commissioner Westbrook commented that it appears that there is a lot of interest in this Resolution and that he felt there was some misunderstanding about the Resolution. Commissioner Westbrook commented the Law says that there are three distinct areas in the County; an urban growth boundary, which is what is being discussed in the Resolution, a planned growth area; and a rural area.

Urban growth boundary is territory that contains the corporate limits of municipalities and the adjoining territory where growth is expected.

The plan growth area includes sections outside the current municipalities and urban growth boundaries where growth is expected.

The rural area is for agriculture, recreation, forest and wildlife.

Commissioner Westbrook commented that most of the people present are interested in the incorporation area. The urban growth boundary is not what governs the incorporation. The urban growth boundary is not what has to do with the incorporation; it is the plan growth area. The law says that a town may incorporate within the planned growth area and the County must approve its urban growth boundary and municipal limits. Commissioner Westbrook commented that the maps that have been made available and the Resolution before the Commission does not identify the plan growth area, which is the concern of the people at this meeting today, not the urban growth boundaries. However, after reviewing the map again, it looks as if maybe the municipalities might have got a little ambitious, in their urban growth boundaries.

Commissioner Westbrook made a motion that Resolution 2005-16 be rejected, because it is not sufficiently clear as to the plan growth areas. The urban growth boundaries are clear, but the plan growth area is not clear nor is neither the Resolution nor the map provided, and that this Resolution be referred back to the coordinating Committees.

Chairman Phebus commented that Commissioner Westbrook had a motion on the table, which very well may be reason to vote against the Resolution No. 2005-16, and if this is the case we will vote nay when the vote is called. Chairman Phebus commented that the motion is on the floor to consider the Resolution. The reason that this must be done in this way, is that if we don't reject this Plan, or if we do not vote on it one way or the other; then it automatically takes effect two days from this date. Chairman Phebus commented that a decision would have to be made one way or the other on this particular Resolution. Chairman Phebus commented that the facts that Commissioner Westbrook stated might very well be a reason for any Commissioner to vote no on the Resolution. Chairman Phebus commented that the Motion on the floor right now is the prevailing motion. Chairman Phebus called for an opinion from the County Attorney, Bill Neese, he commented that the Resolution on the Floor is the prevailing motion. Commissioner Westbrook could make a motion to amend the Resolution, but County Attorney Neese commented that he did not think that this was what Commissioner Westbrook

wanted to do. At this time, Commissioner Westbrook withdrew his motion from the Table.

Chairman Phebus called for any other Commissioner that wanted to make comments. Commissioner Barner was recognized. Commissioner Barner commented that no City could use its voting power to interfere with agriculture and that 90 percent of these people present are involved in agriculture. Commissioner Barner commented that if we are to vote the law, lets vote, and vote this Resolution down. Commissioner Barner had a book on these issues that he felt the City of Dresden and the City of Gleason needed to read.

Chairman Phebus recognized Mayor Danny Forrester of Dresden. Mayor Forrester read a prepared statement for Tommy Moore, Chairman of the Dresden Planning Commission. Mayor Danny Forester read,

“Good evening. As the Mayor of the City of Dresden, I have been asked by Tommy Moore, Chairman of the Dresden Planning Commission to come before the county commission tonight to discuss Dresden’s Urban Growth Boundary. Tommy Moore had a previous engagement.

Tennessee Public Act of 1998 required Dresden to have an urban growth boundary. By the year 2000 we were to have an urban growth boundary in place. One of the reasons the urban growth boundary was put in place was to give the municipalities the capabilities to enhance industrial development. During the past two years, the City of Dresden has been fortunate to have an increased interest in job location for our citizens. As we were reviewing our program in our urban growth boundary, we realized that part of the Dresden industrial park had been omitted by oversight. This has been included in this year’s revision.

The rest of the growth plan contains the maximum area that Dresden could provide services through a twenty-year program (such as water, sewer, and other infrastructures improvements). Over the past two years, the City of Dresden has had an Opportunity for employment for the citizens of Weakley County in most of these areas. If the land within these areas is to be sold by the property owners, the city would have trouble negotiating water, sewer and other infrastructure improvements due to the fact that they are outside the urban growth area of Dresden.

The Weakley County Coordinating Committee has already passed this recommendation unanimously. In attendance with the Coordinating Committee was County Mayor Ron Gifford. Two public hearings have been held and we have not had a dissenting vote. This is not a plan for annexation, but a plan that outlines where the City can provide city services over a twenty-year period.

A plan for future growth will keep us from being where we are now in industrial growth. A detailed plan twenty years ago for economic survival might have stopped a reduction in population, negative school growth and a increase in free school lunches.

Again, I want to say that this is not a plan for annexation, but a plan to enhance industrial development.

I want the county commissioners to know that I respect each of you and your service to the county. The City of Dresden looks forward to working with the county commission to improve the quality of life and economic development of Dresden for Weakley County. Thank you”.

Chairman Phebus recognized Mayor Jack Dunning from Gleason and asked if he had any comments he might want to share with the commission. Mayor Dunning did not have anything to add to the discussion.

Chairman Phebus called for any other comments. Commissioner Page was recognized. Commissioner Page commented that the Resolution before the commission is on urban growth boundary, not planned growth boundary. Commissioner Page questioned what process would have to take place if this Resolution passed, before anything could be annexed, what would have to take place in the interim, between the passing of this resolution, what would come next, if annexation became a part of the plan? Commissioner Page continued with comments about if this has nothing to do with annexation, what happens after this, if this resolution were to pass.

Chairman Phebus responded by saying that if this resolution were to pass, the area included in the urban growth boundaries would be available for annexation at some future date. Chairman Phebus commented that this did not mean it would occur, but it just means that it would be available for annexation by the cities. The downside of this, the city would also obviously have to have the resources to and infrastructure in place to provide those services. Chairman Phebus commented that from looking at the map that it would be a considerable amount of money, more than I think they have the capacity to do at the present time.

Commissioner Page asked if the county commission would be asked to do anything else in the future, between this urban growth boundaries, and then what would be the plan for urban growth as far as annexation? Would we ever see this again, or would we have any other affiliation with this?

Chairman Phebus responded that unless any city in the county wished to revise their urban growth boundaries, it would go through the process of the coordinating committee meeting, and the cities in the county would have to agree to it and ratify it. It would then have to come to the county commission as this plan has for its ratification.

Commissioner McAlpin was recognized. Commissioner McAlpin wished to point out another thing that everyone needs to know on this situation. The county commission does not have the final say about this. If the county commission and the city can't come to an agreement, then administrative law judges are appointed in Nashville, and somebody else decides what happens. Just because we turn it down does not necessarily mean it is over. It just means it is going to cost somebody a lot of money. Commissioner McAlpin commented that at this point he did not think this resolution is going to pass and we are probably going to come back and maybe change some things and look at it again. If we continue to turn something down that somebody in Nashville or some administrative law judge is going to say is reasonable, that's what is going to happen and it is going to cost the county a lot of money for that to happen. Commissioner McAlpin felt that it was important to keep somewhat of an open mind about what is reasonable and what's not. Maybe this urban growth boundaries plan is not reasonable, but, if something comes up in the future that is reasonable, we need to have an open mind about it, because we can't keep it from happening.

Chairman Phebus followed up on Commissioner's Page's question and further explained that if the measure were rejected, the second time so to speak, it would automatically go back to the coordinating committee to be revised once more. When it is sent back to the cities and county for approval, if at that time it is rejected, then any city or the county could declare what is called an impasse, and ask the secretary of state to appoint an administrative law judge to adjudicate the matter. At that point, you are getting into some dollars being spent both by the county and by the cities to resolve the issue. It's in our court right now, and will be until, and unless, it is rejected the second time. Chairman Phebus commented that he would hope at some point, it would not have to go before the state.

Chairman Phebus called for additional comments. Commissioner Page commented that it is his understanding that Dresden's industrial park is not within the existing urban growth boundaries. Mayor Forrester replied that not all of Dresden's industrial park is within the urban growth boundaries. He added that the city has done a feasibility study, and at the present time, it is not cost efficient to annex. Mayor Forrester went on to say that the City of Dresden is not looking at annexation, the City is looking at what could happen in 20 years of growth. Mayor Forrester commented that if an industry came to Weakley County, it would be our responsibility to run water and sewer to them. But, if it is outside of our urban growth boundaries, we probably cannot do this and then we would lose those jobs. Basically what all of this is about, is jobs.

Commissioner Vincent was recognized, and he pointed out that if a plan fails tonight, and at the next meeting the commission can come to an agreement that the plan is livable, then it can be revised every three years and can be brought up again.

Chairman Phebus commented that if this Resolution is rejected tonight, the coordinating committee will be sent a notice on the reason or reasons why it has been rejected. If you vote no, be prepared to state your reason, because I may call upon you to state them.

County Attorney Neese pointed out that the Committee Report needed to be presented to the County Commission. Commissioner Westbrook gave the Health, Education and Economic Development Committee report and he commented that it passed this committee with favorable recommendation.

Commissioner Stewart was recognized and asked if the area south of Dresden in the Collins Subdivision is in the urban growth boundary, but not the planned growth boundary? He commented that it is his understanding that this area probably will not be annexed anytime soon, but could be annexed if in the urban growth boundary. Mayor Forrester commented that this was correct.

Commissioner Stewart questioned if the city would really cross the river with water and sewer? County Mayor Forrester replied, probably not, but added that it might be a possibility in 20 years.

Commissioner Stewart commented that it might be a prudent matter to send this back to the committee on the urban growth boundary plan to resolve these issues and differences and include their industrial park and come back with a revised plan and go from there.

Commissioner Page commented that if he no voted this resolution and it becomes a dead issue, then this is kind of an oxymoron that we are working to grow industrial growth in Weakley County but yet we are not going to support a growth boundary. We have had 3000 industrial jobs leave this county, and our unemployment rate is over seven percent, it bothered Commissioner Page that we are not being proactive in trying to recruit jobs and support this type of

progression. On the other side of this situation, if there are things that are never going to take place, and who knows what 20 years is going to bring, then this is not a one time shot, let's get it down to where we can extend our urban growth boundaries, but at the same time, let's make it reasonable. How will we know that it is going back to that coordinating committee to be revisited and come back to this county commission.

Chairman Phebus commented that the commission would have to state its reasons for rejecting this resolution, and state these reasons plainly so the committee will understand where the commission stands on these particular issues. Commissioner Page questioned if this will be going back to the planning committee, and Chairman Phebus commented that yes it would be going back to the planning committee. According to state law, it goes back to the coordinating committees to take up and they can amend it and send it back to the county commission. The coordinating committee can only do this twice, after the second time it is rejected, there are two options, one is to forget it and the other is to declare an impasse and send it to the state.

County Attorney Neese directed Chairman Phebus to comment on the law that any city in the county or the county itself could declare an impasse and at that point it would automatically go to the state.

Commissioner Page also commented on the fact that there had not been any citizens at the two public hearings to lodge any complaints about the plan, yet there is a standing-room-only crowd at this meeting.

Chairman Phebus commented that it was just one man's opinion, but it was his feeling that a bunch of misinformation, half-truths, and probably some lies are going on as to what this really does. He went on to say that he was not accusing anybody, but that this was just his opinion.

Commissioner Barner complained that the public hearing announcement, was too small and went unnoticed in area newspapers. He suggested that in the future, they should be larger so as to be noticed. He also suggested that the meetings should be placed on the local radio stations. Commissioner Barner commented that this is one more step to annexation.

Chairman Phebus commented that reasonable people, and I include everyone in this room, if they are aware and understand the facts, they can come to a resolution. I think, what has happened is, a lot of people in this room do not know all of the facts. They are acting on what they think might happen, based on false information.

Commissioner Owen called for the question.

Chairman Phebus called for the County Clerk to call the Roll. Commissioner Westbrook called for parliamentary procedure and for Chairman Phebus to explain what the commission is voting on. Chairman Phebus explained the vote. If you are for the ratification of the plan and for this resolution, then vote yes. If you are against the ratification of this plan, then vote no. The County Clerk called the roll with all 18 members voting nay, the resolution is not ratified.

Chairman Phebus commented that it is now the duty of the county commission to send the plan back to the coordinating committee with reasons as to why it was not ratified.

Commissioner Westbrook commented that he was in favor of rejecting the resolution because the resolution and map is insufficient in defining the planned growth area which is what has to do with the annexation, annexation has nothing to do with urban growth boundaries it has to do with the planned growth areas

and this map and resolution does not address what the planned growth areas are. Also, I detect that it is the consensus of the commission that we think the urban growth boundary is too ambitious.

Chairman Phebus called for any other business to come before the commission. The County Attorney directed the Chair to call for any other reasons and Chairman Phebus called for other reasons that needed to be stated. Commissioner Salmon was recognized and he suggested that the revised urban growth boundaries plan should specify the road names and locations affected by the plan, and be printed in area newspapers so the public will know what the plan will be.

Chairman Phebus commented that when the coordinating committee meets at the next public hearing on a revised plan, that it would be helpful if people interested in this process show up and voice their concerns. This did not occur in step one.

Commissioner McAlpin commented that there is a big map that can be laid out on the table and anyone can tell what's going on from this map. He would encourage anybody that is interested to come to the public hearing.

A motion was made by Commissioner Westbrook to send these comments back to the coordinating committee and Commissioner Page placed a second. A voice vote was taken with the ayes carrying and none was opposed.

Motion to adjourn was made by Commissioner Sinclair and Commissioner McAlpin placed a second. The Special Called Session of the Weakley County Legislative Body adjourned at 6:05 p.m.

ATTEST:

Pat Scarbrough, County Clerk