

WEAKLEY COUNTY SLATIVE BODY  
REGULAR MEETING --JANUARY 21, 2003

CALL TO ORDER - 6:00 p.m.

INVOCATION -

PLEDGE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES OF NOVEMBER 25, 2002 MEETING

SPECIAL RECOGNITION:

ELECTIONS, APPOINTMENT & CONFIRMATIONS:

Election of County Attorney

Appointment of Agricultural Extension Committee

Appointment of Member to the UTM Housing Committee

REPORTS:

Trustee's Report

General Fund Report

Highway Department Report

School Department Report

Solid Waste Report

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

Financial Management Committee Report - Roger Stewart, Chairman

Health, Education and Welfare Report - Jimmy Westbrook, Chairman

Personnel Committee Report - John Salmon, Chairman

Public Safety Committee Report - Tommy Hunt, Chairman

Public Works Committee Report - David Rook, Chairman

Nursing Home Committee Report - Mac Buckley, Chairman

Agricultural Extension Service Report - Jeff Lannom, Extension Director

Weakley County Emergency Management & Communications Report - David McAlpin, Director

Veterans Service Officer's Report - Dave Bradley, Director

UNFINISHED BUSINESS:

NEW BUSINESS:

Resolution No. 2003-16 - General Purpose School Resolution

Resolution No. 2003-17 - Personnel Handbook Resolution

Resolution No. 2003-18 - Resolution Endorsing the Adoption of Dresden's Urban Growth Boundary as its Planning Region.

Resolution No. 2003-19 - Resolution Requesting the Legislature to Declare a Moratorium on the Creation of Municipal Courts.

Resolution No. 2003-20 - Resolution to Request Unclaimed Balance of Accounts Remitted to the State Treasurer Under Unclaimed Property Act.

Resolution No. 2003-21 - Highway Department Budget Amendment

Resolution No. 2003-22 - Highway Department 2003 Road List

Resolution No. 2003-23 - Resolution Concerning Appointment of DUI Fines to Reimburse Incarceration Costs.

Miscellaneous announcements and statements

Election of Notaries Public

ADJOURNMENT

## WEAKLEY COUNTY LEGISLATIVE BODY MEETING

JANUARY 21, 2003

The Weakley County Legislative Body met on January 21, 2003 at 6:00 p.m. in the County Commission Room at the Weakley County Courthouse. County Executive Ron Gifford called the Meeting to order and Commissioner Vincent gave the invocation. All members present gave the pledge to the Flag.

County Clerk Pat Scarbrough called the roll with 18 members present and none was absent.

County Executive Gifford asked if there were any additions or corrections to the minutes for the November 25, 2002 meeting. Commissioner Buckley made a motion, and a second was placed by Commissioner Gardner to approve the November 25, 2002 minutes. A voice vote was taken and the ayes carried with none opposed. The November 25, 2002 minutes were approved.

### SPECIAL RECOGNITION:

There was not any special recognition.

### ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:

The next item on the agenda was the election of the County Attorney. County Executive Gifford called for the report from the County Attorney Selection Committee. Commissioner Phebus reported that the full commission appointed a Search Committee for the County Attorney and this committee after meeting voted unanimously to re-appoint Bill Neese as the County Attorney. Commissioner Phebus placed the motion to appoint Bill Neese and Commissioner Stewart placed a second to his motion. Commissioner Westbrook questioned if there was a conflict of interest, since Mr. Neese represents the Weakley County Industrial Board and Allegheny. Mr. Neese commented that he had looked into this matter and that there was not an adverse interest to the Weakley County Industrial Board since Allegheny is obligated to defend the Board and pay anything the Board might be charged. Therefore, Mr. Neese felt that there was not a conflict. Question was called and a voice vote was taken with the ayes carrying and none was opposed. Bill Neese was unanimously elected and County Executive Gifford issued the oath of office to Mr. Neese.

The next item on the agenda was the appointment of the Agricultural Extension Committee. County Executive Gifford commented that there was a letter before each of the Commission nominating Commissioner Earl Wright, representing the Weakley County Commission and Mrs. Amy Tuck, representing the Farm Woman Category. Motion was called for and Commissioner Westbrook moved to revise the question and vote one at a time on the appointments, not only on this appointment, but all other appointments. County Executive Gifford commented that this would be an appropriate motion at that time. A motion was made by Commissioner Westbrook to confirm Commissioner Wright and Commissioner Salmon placed a second. A voice vote was called for and the ayes carried with none opposed, the confirmation was confirmed on Commissioner Wright.

Motion was made by Commissioner Westbrook to confirm Mrs. Amy Tuck and Commissioner Vincent placed a second. A voice vote was taken and the ayes carried with none opposed. The appointment of Mrs. Amy Tuck was confirmed.

Next on the agenda was the Appointment of a member to the UTM Housing Committee. County Executive Gifford recommended Commissioner John Salmon to the Committee. Commissioner Barner made the Motion and

Commissioner Wright placed a second. A voice vote was taken with the ayes carrying and none was opposed. The appointment was confirmed.

**REPORTS:**

The Trustee's Report, General Fund Report, Highway Department Report, School Department and the Solid Waste Reports were included in the packets distributed to each of the Commissioners. County Executive Gifford called for any questions or comments on the various funds. County Executive Gifford called for any standing Committees that wished to report at that time. There being none, the Nursing Home Report was next on the agenda and the report was presented to each of the members, Mr. McBride commented that he would be happy to answer any questions that the Commission might have. County Executive Gifford stated that the Nursing Home was running very smoothly and there seem to be a great deal of employee satisfaction at the Nursing Home.

The next item was the Agricultural Extension Service Report. Mr. Jeff Lannom handed out the reports to each of the Commission members and stated that he would be happy to answer any questions that the Commission might have.

The next item was the Emergency Management and Communications Report. Mr. McAlpin was not present but Beth Forrester, Assistant to Mr. McAlpin, commented that they did not have anything to report.

Mr. Dave Bradley, Director of Veteran Services, gave the Veterans Service Officer's Report. He stated that they each had copies of this semi-annual report and gave a brief summary of the information contained within the report. He commented that he would be happy to answer any questions the Commission might have.

The Chair entertained a motion to accept the Reports. Motion was made by Commissioner Rook and a second was placed by Commissioner Buckley. A voice vote was taken with the ayes carrying and none was opposed the Reports were accepted.

**UNFINISHED BUSINESS:**

There was not any unfinished business to come before the Commission.

**NEW BUSINESS:**

**RESOLUTION NO 2003-16:** General Purpose School Resolution.

County Executive Gifford called for the committee report from Health, Education and Welfare. Commissioner Westbrook stated that this passed his committee unanimously. Commissioner Phebus gave the Finance Ways and Means Report and this also passed his committee unanimously. A Motion was made by Commissioner Owen to place the resolution on the floor and a second was placed by Commissioner Page. Discussion was called and Commissioner Barber questioned the transfer of funds in this resolution, Mr. Barber clarified the transfer and the question was called. County Clerk Scarbrough called the roll with 18 ayes and none opposed, the motion carried.

**RESOLUTION NO. 2003-17:** Personnel Handbook Resolution.

Commissioner Salmon gave the Personnel Committee report and stated that they had worked on these updates for two years and that this had passed his committee unanimously and also had been reviewed by the County Attorney Neese. Motion was made by Commissioner Hunt to place on the floor and Commissioner Salmon placed the second. Discussion was called and the

question. A Roll call vote was taken by County Clerk Scarbrough with 18 ayes and none opposed, the motion carried.

**RESOLUTION NO 2003-18:** Resolution endorsing the Adoption of Dresden's Urban Growth Boundary as its Planning Region.

Committee Report from Health, Education and Welfare was given by Commissioner Westbrook which stated this passed his committee unanimously. Kim Robinson with the State of Tennessee Department of Economic and Community Development was present to help clarify any questions that the commission might have, she also had posted a map of the boundaries that this resolution covers. Ms. Robinson gave a brief summary to the Commission approving the Urban Growth Boundaries when the planning region is amended to coincide with the Urban Growth Boundaries. Commissioner Westbrook commented that this is making the Planning region the same as the urban growth boundaries and Ms. Robinson confirmed that this was correct. Commissioner Vincent questioned if this was not passed in the year 2000 and this was set for the next seven years, Ms. Robinson commented that it was good for three years and that this was the planning region, which is not the same as the urban growth boundaries. Commissioner Phebus made a motion and Commissioner Westbrook placed the second. Discussion was called and the question. County Clerk Scarbrough called the roll with 16 ayes, and two passes, the motion carried.

**RESOLUTION NO. 2003-19:** Resolution Requesting the Legislature to Declare a Moratorium on the Creation of Municipal Courts.

The County Executive called for the Committee Report from Public Safety. Commissioner Hunt stated that this resolution passed his committee unanimously. Commissioner Phebus stated that it passed the Finance Ways and Means Committee unanimously. Commissioner Salmon made a motion to place this resolution on the floor and Commissioner Barner placed a second. Discussion was called. Commissioner Phebus commented that in his professional capacity, he works with cities in West Tennessee to promote growth and for this reason, he could not vote for a resolution that is against a city's ability to raise revenue. On the other hand, Commissioner Phebus commented as we are seeing in the current situation, the creation of the City of Martin Municipal Court would mean quite a bit of revenue decrease to the County. Commissioner McAlpin commented that he was going to vote for this Resolution. Commissioner McAlpin commented that if every city has a court, then the County would go from one to six General Sessions Courts and personnel, while the City will make some money off of this Court, it would not make as much as the County would be losing. The only way the people of Martin will be better off, is if the City of Martin lowers their tax rate an equal amount to what the County will have to raise their tax rate. Commissioner Baltz questioned the difference of being one or six Courts and if the County would pay for the General Sessions Judges. County Executive Gifford commented the County would pay for one and the Cities would pay for the others. This would be a duplication of personnel by five times. County Executive Gifford commented that with the loss of revenue to the County that this money would have to be made up by all of the taxpayers in the County. Commissioner Vincent commented that the county would be looking at approximately a ten-cent increase on the assessed value. Question was called and the County Clerk called the roll with 15 ayes, three nays and the motion carried.

**RESOLUTION NO. 2003-20:** Resolution to Request Unclaimed Balance of Accounts Remitted to the State Treasurer Under Unclaimed Property Act.

Commissioner Hunt gave the Public Safety Report and stated that this Resolution passed his committee unanimously. Commissioner Phebus commented that it also passed the Finance Ways and Means Committee unanimously. Commissioner Phebus made a motion to place the Resolution on the Floor and Commissioner Jones placed the second. Discussion was called and the question. The County Clerk, Pat Scarbrough, called the roll with 18 ayes and none was opposed. The Motion carried.

**RESOLUTION NO. 2003-21:** Highway Department Budget Amendment

Commissioner Rook gave the Public Works Report and commented that this was a transfer of money to take care of some Workman's Compensation and that the resolution passed his Committee unanimously. Commissioner Phebus stated that this resolution passed the Finance Ways and Means Committee unanimously. Motion was made by Commissioner Hunt to place the resolution on the floor and Commissioner Baltz placed a second. Discussion was called and the question. County Clerk Scarbrough called the roll with 18 ayes, none was opposed and the motion carried.

**RESOLUTION NO. 2003-22:** Highway Department 2003 Road List

Commissioner Rook gave the Public Works Committee Report and stated this resolution passed his committee unanimously. County Executive Gifford commented that it also passed the Road Board Committee. Commissioner Baltz made the motion to place on the floor and Commissioner Gardner placed the second. Discussion was called and Commissioner Westbrook questioned if only two roads were placed on the Road List last year. Question was called and the County Clerk called the roll with 18 ayes, none opposed and the motion carried.

**RESOLUTION NO. 2003-23:** Resolution Concerning Appointment of DUI Fines to Reimburse Incarceration Costs.

Public Safety Chairman, Hunt gave the report for his committee, and it passed his committee five to one. Commissioner Phebus gave the Finance Ways and Means Report and this resolution passed his Committee. Commissioner Stewart commented that the resolution that passed the Finance Ways and Means Committee was not the one being presented to the Commission. Commissioner Phebus made a motion to place the resolution on the floor for discussion and Commissioner Hunt placed the second. Discussion was called and Commissioner Phebus commented that in the joint committee meeting of Finance Ways and Means and Public Safety, an amendment was put on this Resolution to forgive each City of any amount occurring prior to May 17, 2001. Sheriff Mike Wilson felt that the cities should be presented with a board bill starting with May of 2001 to present. Commissioner Westbrook commented that when this resolution was drafted, the figures were not available to include the amounts. County Attorney Neese questioned from a Parliamentary Point of View, if the Resolution was being presented to the Commission amended or if this resolution is being amended on the floor. County Executive Gifford commented that since the amendment was not contained in the resolution, for the purpose of clarifying the minutes, we would need to take the recommendation of the Committee and handle the original resolution and amend the resolution and attach the amendment to the Resolution. County Attorney Neese commented that this amendment did not come before the Commission in the proper form and it needed to be re-written or pose this resolution with Committee amendments and vote on the Resolution in this fashion. County Attorney Neese stated that the question was if the commission could forgive a fee and charge, designated for a particular cost account by Statute. County Attorney Neese felt that the Commission could not forgive this state revenue allocated by State Statute and does not require the approval of this Commission or the allocation of the commission. This Revenue goes directly to the Jail through the Finance

Office. The roll that this commission plays is to consider these fees and it's allocation of the funds to maintain the Jail. County Attorney Neese stated he would be happy to write a letter to the cities, once he has had a chance to look at the statutory fines and cost that is subject to the approval of the County Commission. Commissioner Westbrook commented that the cities owe substantially more than the resolution stated and that he welcomed the city's request for audits of these accounts. County Attorney Neese commented that if he was directed by this Commission to file suit against these cities, that he would do so.

Commissioner Westbrook made a motion to table the amendment. The amendment had not been accepted and Commissioner Phebus removed his motion to amend. Commissioner Westbrook made a motion to Table Resolution 2003-23. Commissioner Phebus commented that this Committee and the Public Safety Committee brought this before the Commission to try and bring closure to a problem that has been ongoing, for at least two years and possibly longer. County Executive Gifford called for a second and Commissioner Sinclair placed the second. The question was called and the County Clerk called the roll with 18 ayes, none opposed, the Resolution No. 2003-23 was tabled.

Commissioner Westbrook moved that the Sheriff, the County Executive, or the Director of Finance advise the cities of the provisions and that if they abide by the spirit of these provisions, the Commission will consider what can be legally done within the next two months. Any city that does not want to comply within thirty days of notification, then the County Attorney would be instructed to file suit. Commissioner McAlpin placed a second to this motion. Discussion was called on the motion. County Attorney Neese commented that he would write an opinion letter to the County Executive and a copy to the Commission and file a copy with the County Clerk and give a County Attorney's Opinion on whether or not this commission has the authority to reduce these fees.

Commissioner Westbrook requested that the Weakley County Finance Director be directed to write the letters to the cities giving them notice and request payment thereof to be made within thirty days as pertaining to the above motion. Question was called and the County Clerk called the roll with 11 ayes, 7 against and the motion carried.

There being no other new or unfinished business the County Executive moved to the next item on the agenda.

#### **MISCELLANEOUS ANNOUNCEMENTS AND STATEMENTS:**

County Attorney Neese addressed the commission and expressed his appreciation for his appointment as County Attorney. He further commented that any questions concerning the best interest of the Commission or the job that he might be doing, to please call his office and let him know what he needs to do or if it needs to be done differently.

Commissioner Barner requested a time limit be placed on anyone addressing the commission. The County Executive commented that there would be a law enforcement officer present and anyone exceeding ten minutes would be removed.

Commissioner Westbrook commented that he had been contacted about the problem of junk cars, abandoned trailer etc on Jewel Store Road and wanted to know if anything had been done on this. Since Weakley County does not have a Zoning and Planning Commission, there are not any ordinances or regulations that would govern such items. The County Commission does have some authority to establish regulations. Road Supervisor Hopper went to Chicken Road and Jewel Store Road as directed by the Road Board and the rules and

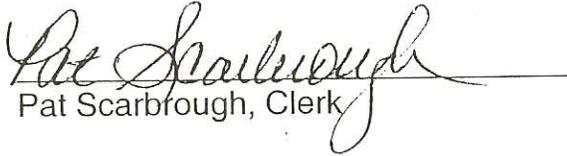
regulations governed by the Road Board have been met at these locations. County Executive Gifford talked about a Planning Commission for the County; some things would be grandfathered, but would preclude anything else from happening. He discussed pros and cons for a planning commission in the county. There was further discussion by numerous members and Commissioner Westbrook made a motion to refer this to Health Education and Welfare. Commissioner Phebus placed a second. Discussion and the question were called. A voice vote was taken with the ayes carrying and none was opposed.

**ELECTION OF NOTARIES PUBLIC:**

Commissioner Stewart made a Motion and Commissioner Buckley placed a second. A voice vote was taken with the ayes carrying and none was opposed. The Notary Public List was approved.

Commissioner Sinclair made a motion to adjourn and Commissioner Page placed the second. A voice vote was taken with the ayes carrying and none was opposed. The Weakley County Legislative Body adjourned at 7:25 p.m.

ATTEST:

  
Pat Scarbrough, Clerk

**RESOLUTION 2003-23  
(TABLED 01-21-2003)**

**RESOLUTION CONCERNING APPOINTMENT OF  
DUI FINES TO REIMBURSE INCARCERATION COSTS.**

**WHEREAS**, Section 55-10-403(a)(2) states that a portion of any fine imposed upon a person for a violation of the section, up to the maximum fine actually imposed shall be returned to the sheriff of a county jail for the purpose of reimbursing such sheriff for the cost of incarcerating such person for each night such person is actually in custody for a violation of this section; and

**WHEREAS**, the General Assembly specifically made provisions for DUI fines to be used to offset the expenses of housing these prisoners as a result of passing more stringent DUI legislative; and

**WHEREAS**, the various towns and cities have ceased reimbursing the county for the costs of incarcerating DUI offenders as provided by this Section; and

**WHEREAS**, the County Attorney and the Attorney General of the State of Tennessee have opined and advised city officials of this liability; and

**WHEREAS**, the Municipal Technical Advisory Service (MTAS) advised municipal officials in a memorandum dated April 1, 1996 that cities were liable for board of DUI offenders; and

**WHEREAS**, despite being billed and advised of this obligation on several occasions the amounts unpaid as of December 31, 2002 are: City of Dresden (\$11,137), City of Gleason (\$2,645), the City of Greenfield (\$15,148), the City of Martin (\$25,811), and the City of Sharon (\$3,117); and

**WHEREAS**, it is in the best interest of all parties that this matter be resolved in an expeditious manner.

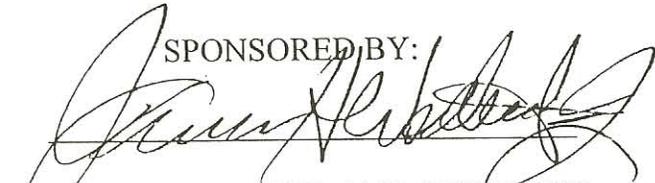
**NOW, THEREFORE, BE IT RESOLVED**, by the county legislature body of Weakley County, Tennessee, assembled in regular session on this the 21<sup>st</sup> day of January 2003, in Dresden, Tennessee, the various towns and cities of Weakley County owing the sheriff fees for the incarceration of DUI prisoners be asked to immediately make payment of such funds in the amount of \$57,858 or make arrangements with the Sheriff and Director of Finance for payment of the amount owed.

**BE IT FURTHER RESOLVED**, that if any city or town desires an audit of these accounts the expense of such audit shall be borne by the city making the request and that the amount determined to be the correct shall be the amount paid whether a lesser or greater amount than that set out above.

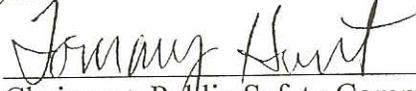
**BE IT FURTHER RESOLVED**, that if any city or town fails to pay or make arrangement to pay the amounts owed within thirty days the County Attorney is instructed to file a suit to recover funds owed.

Pursuant To The Rules Of The Commission, This Resolution Is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:

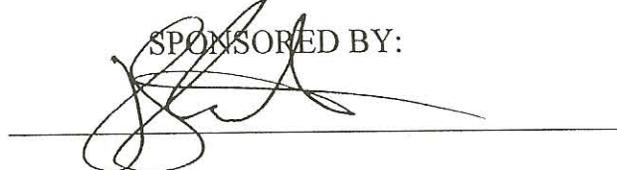
SPONSORED BY:



ACKNOWLEDGED AND APPROVED:

  
Chairman, Public Safety Committee

SPONSORED BY:



ACKNOWLEDGED AND APPROVED:

  
Chairman, Finance, Ways, & Means Committee

Motion made by \_\_\_\_\_ that the foregoing resolution be adopted:

Motion seconded by \_\_\_\_\_.

Upon being put to a roll call vote, Motion \_\_\_\_\_ by a vote of \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays,

\_\_\_\_\_ Passed and \_\_\_\_\_ Absent.

APPROVED:

\_\_\_\_\_  
Ron Gifford, County Executive

ATTESTED:

\_\_\_\_\_  
Pat Scarbrough, County Clerk

This the 21st day of January 2003

**Amendment**  
**Resolution 2003-23**

Motion to amend Resolution 2003-23 to forgive each city of all amounts incurred prior to May 17, 2001. All amounts incurred after May 17, 2001 should be paid in full or arrangements be made with the Sheriff and Director of Finance for payment within thirty (30) days, if arrangements are not made then the full amount is due. Any city desiring an audit of these claims should make arrangements for the audit to be completed within 30 days or pay the amount due under protest pending results of the audit.