

AGENDA  
WEAKLEY COUNTY COMMISSION MEETING  
NOVEMBER 15, 2004

CALL TO ORDER - 5:30 p.m.

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES OF SEPTEMBER 20, 2004 MEETING

SPECIAL RECOGNITION:

ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:

APPOINTMENT OF EMERGENCY MANAGEMENT DIRECTOR FOR WEAKLEY COUNTY

APPOINTMENT OF MEMBERS TO THE WEAKLEY COUNTY EMERGENCY COMMUNICATIONS BOARD OF DIRECTORS

ELECTION OF NOTARIES PUBLIC

REPORTS:

Trustee's Report

General Fund Report

Highway Dept. Report

School Dept. Report

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

Financial Management Report - Roger Stewart, Chairman

Health, Education and Economic Development Committee - Jimmy Westbrook, Chairman

Personnel Committee Report - John Salmon, Chairman

Public Safety Committee Report - Jack Vincent, Chairman

Public Works Committee Report - David Rook, Chairman

Nursing Home Committee Report - Mac Buckley, Chairman/ David McBride, Administrator

Agricultural Extension Service Report - Jeff Iannom Extension Agent & Director

UNFINISHED BUSINESS:

NEW BUSINESS:

RESOLUTION NO. 2005-11 - RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO THE FEDERAL PROJECTS FUND

RESOLUTION NO. 2005-12 - RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE GENERAL FUND-JUVENILE COURT

RESOLUTION NO. 2005-13 - RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO GENERAL PURPOSE SCHOOL FUND

RESOLUTION NO. 2005-14 - A RESOLUTION DISSOLVING THE LAKE, OBION AND WEAKLEY COUNTIES MUNICIPAL SOLID WASTE PLANNING REGION AND CREATING WEAKLEY COUNTY'S MUNICIPAL SOLID WASTE PLANNING REGION.

RESOLUTION NO. 2005-15 - TENNESSEE DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT SMALL CITIES BLOCK GRANT PROGRAM/CDBG FOR FISCAL YEAR 2005.

RESOLUTION NO. 2005-16 - RESOLUTION BY THE COMMISSIONERS OF WEAKLEY COUNTY RATIFYING THE AMENDED WEAKLEY COUNTY GROWTH PLAN DATED OCTOBER 19, 2004.

Miscellaneous statements and announcements

ADJOURNMENT

## WEAKLEY COUNTY LEGISLATIVE BODY MEETING

NOVEMBER 15, 2004

The Weakley County Legislative Body met in Regular Session on November 15, 2004 at 5:30 p.m. in the County Commission Room of the Weakley County Courthouse. Chairman Dick Phebus called the meeting to order.

Commissioner Buckley gave the invocation.

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

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

Chairman Phebus called for a motion to approve the September 20, 2004 minutes. Commissioner Baltz made the motion and Commissioner Sinclair placed a second. Chairman Phebus called for any discussion, there being none, a voice vote was taken and the ayes carried with none opposed. The minutes of the September 20, 2004 meeting was approved as presented to the Commission.

### **SPECIAL RECOGNITION:**

Commissioner Rich was recognized and she complimented Finance Director, Shawn Francisco for the excellent job she had done on the Web Site for Weakley County. Commissioner Rich went on to comment that Weakley County is now comparative to other counties. Chairman Phebus commented that the Finance Office, especially Shawn Francisco with the aide of Mr. Steve Holt was the contract person that presented a very well laid out web site for Weakley County.

### **ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:**

The Appointment of the Director of Emergency Management and Safety Director for Weakley County was the first appointment on the Agenda. County Mayor Gifford had submitted the name of Rickie Dowland to serve as Weakley County Emergency Management Director. Chairman Phebus called for any discussion. Commissioner Vincent was recognized. Commissioner Vincent, Mr. Bill McClain and Bob Spellings were asked by County Mayor Gifford to be part of a search Committee. This committee met two times. The first meeting there was four applications. There was discussion on the qualifications of an Emergency Management Director, and at the second meeting we had two applicants at the meeting. The question was asked if this was a part-time Emergency Management Spot. The question was asked of Mr. Dowland if he would be willing to take this full-time job at a part-time salary, and Mr. Dowland answered that he could not do this. County Mayor Gifford asked to try to make this a full-time position and this was voted down too. Out of the two applicants, one of the Applicants was Mrs. Beth Forrester she commented that she could take this position as a part-time job but not as a full-time job. Commissioner Vincent commented that he had read the letter that the County Mayor has handed out from the Tennessee Emergency Management Agency's Regional Director, Charles Bryant. This letter stressed that the job should be made a full-time position and that the situation within the county's emergency management program needs to be stabilized or state funding could be taken away. Commissioner Vincent commented that the Commission could not let this go on for much longer, it is important to have someone in a spot that will be there. Commissioner Vincent commented that the appropriate committees had not approved this.

Chairman Phebus commented that the County Budget calls for a part-time job, and if Mr. Dowland is approved that he understands that this is a part-time job, at least for the remainder of the year.

Chairman Phebus called for any other comments or discussions on the County Mayor's recommendation. Commissioner Baltz was recognized and asked the question of where the commission stands with the Emergency Management Director and this being a part-time position. Chairman Phebus commented that up until approximately six months ago the 911 Director filled the Emergency Management Director position. The 911 Director is a full-time position. The 911 Director resigned from the Emergency Management Director position. At this point, the County Mayor recommended someone for the appointment. There have been two appointments to this position, one of which was there for six weeks, and the other one was there for approximately nine hours. Chairman Phebus commented that the Commission confirms someone for this position.

Commissioner Rook questioned the definition of part-time. Chairman Phebus commented that the funding for the position is \$11,000 per year and they must be on call 24 hours a day if necessary. County Mayor commented that they are on call 24 hours a day, seven days a week. The nature of the job involves somewhat the condition of Homeland Security, which we all know is funded adequately by Congress. This funding helps provide emergency services throughout the nation as well. The money is there for this job and generates quite a bit of revenue and assistance to police, ambulance, rescue squads and fire protection services to this county. County Mayor Gifford commented upon the Letter from Mr. Charles Bryant, Regional Director of TEMA, and his recommendation that the position be made full-time. Commissioner Baltz asked the County Mayor to go over Mr. Dowland's qualifications; he does not have any other job, which was a problem with the other to appointments. Mr. Dowland is retired from the United States Army and retired with the rank of Captain. Mr. Dowland has worked with military police, and has been responsible for the funding, the operations, the staffing, the training and the equipment for a whole unit. Mr. Dowland is also a veteran of the Vietnam War and Operation Desert Storm. County Mayor Gifford commented that he believes him to be highly qualified for this position. Commissioner Gardner questioned if he does know the duties of this job and aware of what goes on. County Mayor Gifford commented that he had discussed thoroughly with Mr. Dowland his duties and does have the time and experience for this appointment.

Chairman Phebus called for a roll call vote and County Clerk Scarbrough called the roll with 16 ayes and 2 nays. The appointment of Mr. Dowland to the Emergency Management Director position was confirmed.

The next item on the Agenda was the appointment for the Weakley County Emergency Communications Board of Directors. The First appointment was for Kayla Anderson to replace Commissioner John Salmon. The County Clerk called the roll with 1 aye, 15 nays and 2 passes. The appointment of Kayla Anderson to replace Commissioner John Salmon on the Weakley County Emergency Communications Board of Directors was not confirmed.

The next appointment to the Weakley County Emergency Communications Board of Directors was for Dr. David Long to replace Chairman Dick Phebus on the Board. The County Clerk called the roll with 1 aye, 15 nays and 2 passes. Dr. David Long was not confirmed to replace Chairman Dick Phebus on the Emergency Communications Board of Directors.

The last appointment to the Weakley County Emergency Communications Board of Directors was for Phillip Johnson to replace Don Teal. The County Clerk called the roll with 16 ayes and 2 passes. The confirmation of Phillip Johnson to

replace Don Teal on the Weakley County Emergency Communications Board of Directors was confirmed.

**ELECTION OF NOTARIES PUBLIC:**

Commissioner Stewart made a motion to place the Election of Notaries Public on the floor and Commissioner Rook placed a second. A voice vote was taken with the ayes carrying and none opposed. The Notaries Public List was approved.

**REPORTS:**

Each of the Commission members received in their packets the Trustee's Report, General Fund Report, the Highway Department Report, the School Department Report, and the Solid Waste Report. Chairman Phebus called for any standing committee reports from the Chairman of the Committees. Chairman Phebus called for a motion to accept or recognize receipt of the reports filed. Commissioner Wright made a motion to accept and Commissioner Buckley placed a second to the motion. Discussion was called and a voice vote was taken with the ayes carrying and none opposed the reports were accepted.

**UNFINISHED BUSINESS:**

Chairman Phebus called for any unfinished business. Commissioner Westbrook was recognized. Commissioner Westbrook recognized the Nursing Home Committee and Nursing Home Administrator for doing a good job for the last two years in a row. Commissioner Westbrook praised them and commented that they keep up the good work.

Commissioner Westbrook made a motion to remove Resolution 2005-09, concerning Adopting the Weakley County Strategic Economic Development Plan, from the table. Commissioner Page placed a second to the motion. Discussion was called and a voice vote was taken with ayes carrying and none opposed.

Commissioner Westbrook made a motion to place Resolution 2005-09 on the floor for discussion and Commission McAlpin placed a second to the motion. Discussion was called and Commissioner Westbrook commented that it passed the Health, Education and Economic Development Committee with six ayes and none opposed. Discussion was called and Commissioner Salmon was recognized and commented on major objectives on page 2 number 7 and under action plans, number 18 concerning land use and planning zones out in the County. Commissioner Westbrook met with Commissioner Kisber and he commented that major industrial prospects were not going to come to a county when they don't know and can't anticipate what problems they may have in the future. Commissioner Westbrook commented that other progressive counties have this in place. We are not adopting planning and zoning tonight. This will have to be done by the County Commission later, if at all. In addition, Commissioner Westbrook pointed out that this has nothing to do with prohibiting any Agricultural interest or occupations whatsoever. The State recommends that we setup a planning commission, but this does not mean that we are going to have zones. This just means that we need to have a Development Plan in place.

Commissioner Owen was recognized and commented that the commission is being hung up on the word implement and that it was his understanding that at some future date we can go back and change anything that needs to be changed. This will rest upon the County Commission to make a plan and there is a need to act and make a plan.

Chairman Phebus called for any other discussion on this Resolution. The Question was called and the County Clerk, Pat Scarbrough called the roll with 18 ayes and none opposed. The motion carried.

There wasn't any other unfinished business to go before the Commission and the Chairman moved to the next item on the Agenda.

**NEW BUSINESS:**

**RESOLUTION NO. 2005-11:** Resolution Authorizing Budget Amendments to the Federal Projects Fund.

Chairman Phebus called for a motion to place the Resolution on the Floor, Commissioner Jones made the motion, and Commissioner Sinclair placed the second. Chairman Phebus called for a Committee report from Health, Education and Economic Development. Commissioner Westbrook commented that this resolution passed his committee with six ayes and none opposed. Commissioner Phebus commented that it passed the Finance Ways and Means Committee with six ayes and none opposed. Discussion was called and the question. County Clerk Scarbrough called the roll with 18 ayes and none opposed. The motion carried.

**RESOLUTION NO. 2005-12:** Resolution Authorizing Budget Amendment to the General Fund-Juvenile Court.

Chairman Phebus called for a motion to place the Resolution on the Floor, Commissioner Hunt made a motion, and Commissioner Stewart placed a second. Commissioner Hunt gave the Public Safety Committee Report and this passed his committee unanimously. Commissioner Phebus gave a Committee report from Finance Ways and Means and the resolution passed the committee with six ayes, and none opposed. Discussion was called and the question. The County Clerk called the roll with 17 ayes and 1 nay. The motion carried.

**RESOLUTION NO 2005-13:** Resolution Authorizing Budget Amendments to General Purpose School Fund.

Chairman Phebus called for a motion to place the Resolution on the Floor, Commissioner Wright made a motion, and Commissioner Page placed a second. Discussion was called and the question. The County Clerk called the Roll with 18 ayes and none opposed. The motion carried.

**RESOLUTION NO 2005-14:** A Resolution Dissolving the Lake, Obion and Weakley Counties Municipal Solid Waste Planning Region and Creating Weakley County's Municipal Solid Waste Planning Region.

Chairman Phebus called for a motion to place the Resolution on the Floor, Commissioner Jones made the motion, and Commissioner Page placed a second. Discussion was called and Commissioner Westbrook gave the Health, Education and Economic Development Committee Report, this resolution passed his committee with six ayes and none opposed. Commissioner Owen requested an explanation of the Resolution. Chairman Phebus commented that Weakley, Lake and Obion County entered an agreement several years ago to form a Solid Waste Planning Region. This has been in operation for several years, however the Planning Committee has had on almost every occasion hardly anyone to show up for a quorum and they haven't been able to transact any business. Recently Lake and Obion counties have voted to dissolve the region. This Resolution dissolves Lake, Obion and Weakley counties Municipal Solid Waste Planning Region and creates Weakley County's Municipal Solid Waste Planning Region. The main purpose of the committee is to meet once a year to approve any updates that need to be done. The Weakley County Municipal Solid Waste Regional Board member shall be appointed by the County Mayor and approved by the Board of the County Commissioners. Discussion was called; Chairman Phebus commented that this Resolution is a requirement of T. C. A. Question

was called and the County Clerk called the Roll with 18 ayes and none opposed. The Motion carried.

**RESOLUTION NO. 2005-15:** Tennessee Department of Economic and Community Development Small Cities Block Grant Program/CDBG for fiscal year 2005.

Chairman Phebus called for a motion to place the Resolution on the Floor, Commissioner Westbrook made the motion, and Commissioner Salmon placed the second. Discussion was called and the question the County Clerk called the Roll with 18 ayes and none opposed. The motion carried.

**RESOLUTION NO. 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 Resolution had not been before any committees. Commissioner McAlpin made a motion to place on the floor and Commissioner Buckley placed a second. Discussion was called, and Chairman Phebus commented that Chapter 1101 was adopted several years ago, that the State level required all cities and counties to adopt plan growth areas. The original plan was adopted by all the cities in Weakley County and in the County also. Anytime the city wants to amend their plan growth boundary they have to submit the amendments to the Steering committee of the County and they hold a public hearing and get it approved. Chairman Phebus commented that it was his understanding that the City of Gleason and the City of Dresden have requested a change in their plan growth area, as reflected on the map on the Commission Table. The Steering Committee has met, and has had the required public hearings and has adopted this plan on October 19, 2004, and they have submitted it to the County Commission for approval. It is also Chairman Phebus' understanding that each City in the County has to approve this plan. The City of Sharon has approved the plan. Chairman Phebus called for any questions on the Resolution on the Table. Commissioner Vincent made a motion to table and Commissioner Owen placed a second to the Motion to Table. County Clerk Scarbrough called the roll with 16 ayes and 2 nays. The Resolution was tabled.

Commissioner McAlpin questioned if this was being tabled for a reason or to be referred to committee.

Commissioner Vincent made a motion to refer this Resolution to the Health, Education and Economic Development Committee and Commissioner Hunt placed a second to the motion to refer to committee. A voice vote was taken to refer to committee and the ayes carried.

Commissioner Hunt requested that someone come up with a Map for all the commissioners to show the old growth plan and the new growth plan.

Chairman Phebus called for any more new business to come before the Commission. Commissioner Stewart commented that according to the Commission by-laws that annually at the first meeting of the New Year the county commission elects a county attorney for a term of one year. In the past, we have had a Search Committee to nominate a County Attorney for our January meeting. Commissioner Stewart made a motion to nominate Commissioner Gardner, Commissioner Vincent, Commissioner Salmon and Commissioner Owen for the Search Committee to report at the January meeting. Commissioner Baltz placed a second. Discussion was called and a voice vote was taken with the ayes carrying and none was opposed.

**MISCELLANEOUS STATEMENTS AND ANNOUNCEMENTS:**

Commissioner Baltz commented that the commission had received in their packet a letter concerning the lawsuit with Allegheny concerning some problems and complaints. Commissioner Baltz made a motion to recommend the Health Education and Economic Development committee look into the problem. Commissioner McAlpin placed a second to the motion. A Voice vote was taken with the ayes carrying and none opposed.

Commissioner Barner addressed the commission on the problem of the methamphetamine labs. He felt that the commission needs to get with their legislature and make a law that any one arrested for making meth, automatically go to jail for one year.

A Motion was made to adjourn by Commissioner Stewart, Commissioner Westbrook placed a second, a voice vote was taken with the ayes carrying, and none was opposed. The Weakley County Legislative Body adjourned at 6:23 p.m.

ATTEST:

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Pat Scarbrough, County Clerk