

WEAKLEY COUNTY LEGISLATIVE BODY REGULAR MEETING
NOVEMBER 16, 2015

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

Brother Kylan Mann gave the invocation.

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

County Clerk Hughey called the Roll with all 18 members present.

County Mayor Bynum called for a Motion to approve the minutes from the September 21, 2015 meeting. Commissioner Fortner made a motion and a second was placed by Commissioner Jones. County Attorney Whitledge commented that one correction needed to be made on page three. The T.C.A. Code should be T.C.A. Code 5-5-109 and **not** T.C.A. Code 5-5-09. There were not any other additions, deletions or corrections. A voice vote was taken and the ayes have it with none opposed. The minutes from the Weakley County Legislative Body Regular Meeting of September 21, 2015 were approved with one correction.

COMMUNICATIONS TO COMMISSION:

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

The Comptroller of Treasury FY 15-16 Budget Receipt Letter was included in the packets. Commissioner Donald Doster made a motion to accept and include in the minutes of this meeting. Commissioner Taylor placed a second. A voice vote was taken and the ayes have it with none opposed. The Comptroller of Treasury FY 15-16 Budget Receipt was accepted and made a part of the minutes.

The Veterans Service Report was next on the agenda and Commissioner Hawks made a motion to accept as filed and Commissioner Wright placed a second to the motion. A voice vote was taken and the ayes have it with none opposed. The Veterans Service Report was accepted as filed.

The W.C.M.E.S. Report was next and Commissioner Owen made a motion to accept as filed and Commissioner Westbrook placed a second. Commissioner Westbrook touched on a few of the highlights in the report. The Utility Plant less depreciation is worth \$31.8 million as of June 30, 2015. Other property and investments were \$250,000. Total assets and other debits were \$45.9 million. Earnings Reinvested in system assets at \$32.1

million, this is future pension cost not health cost. Other non current liabilities are \$3.1 million for post retirement benefits. Total operating revenue is \$46 million. Net income is \$162,811; this is \$110,000 less than last year. Commissioner Westbrook made mention that Weakley is one out of three County owned municipal electric systems in the State of Tennessee.

A voice vote was taken and the ayes have it with none opposed. The W.C.M.E.S. Annual Report was accepted as filed.

Next was the Weakley County Nursing Home Report. Motion was made by Commissioner Pope and a second was placed by Commissioner Wright. Commissioner Taylor commented that he did not have a report to give tonight and the Commission would take this up in the January meeting. No further action was taken on this Report.

Next was the Weakley County Chamber Three Star Letter. Commissioner Donald Doster made a motion to accept as filed and Commissioner Fortner placed a second to the motion. Discussion was called and a voice vote was taken. The ayes have it with none opposed. The Weakley County Chamber Three Star Letter was accepted as filed.

MESSAGE FROM COUNTY MAYOR:

First UTM has finished their football season at home. The County has appropriated a donation of \$150,000 over a five year period for renovations to the UTM Football Stadium. The work has begun today to make these renovations ASAP.

Second the county has received 18 tickets for each UTM Home Basketball game. You have a schedule before you with the home games and a date out beside the game date that we need to know if you can attend this game. These will be on a first come, first serve basis. There is a ticket for each Commissioner and if you do not wish to attend the tickets will be distributed, either to spouses or the county employees.

Third concerns road projects. There is a Resolution in the packet funding Road Projects. Governor Haslem went on a speaking tour this week to talk about road funding. A list has been distributed at the meeting that outlined all the projects that are not even in consideration for funding. There is a \$6 billion back log. Weakley County has over \$8 million in projects that we have identified that may potentially not be funded.

Weakley County unemployment in September was 6.7 percent, down a few tenths of a percent and below the 7.5 percent in the area.

The Weakley County Courthouse will be closed November 26 and 27th for Thanksgiving and December 24, 25 and 28th for Christmas.

County Mayor Bynum recognized that Commissioner Westbrook was appointed President of TCSA and congratulated him on this appointment.

On December 7, 2015, UTM, Weakley County Chamber and the County Mayor's office will be going on a scheduled fiber optic field trip. Broadband is the interstate of the future. Weakley County is at a deficit much like most rural communities in our area and in the state. West Kentucky Tennessee Telecommunications, who has customers around the north part of the County, has expressed an interest to build out the Broadband in our area. This will probably be around lunch time on December 7th and transportation will be provided.

REPORTS OF SPECIAL AND STANDING COMMITTEES:

Commissioner Westbrook commented that the Public Works and Safety Committee had met and negotiated a franchise on rural garbage pickup collection. The five year contract has expired. A customer over 60 years old was paying \$35.82 and the price was negotiated to \$30.00 per quarter. This is a 16 percent reduction in cost. For customers under 60, their rate was \$57.58 and this is down to \$39.75 per quarter, which is a 31 percent reduction. The Public Works and Safety Committee has agreed to a three year contract at those prices, with the approval of the County Commission. The fourth year will have an increase not to exceed 3.5 percent and a fifth year increase not to exceed 3.5 percent. Commissioner Hawks recommended that this contract go into effect January 1, 2016.

Commissioner Westbrook made a motion to approve the contract with Barker Brothers/ Republic Services. County Mayor Bynum commented that County Attorney Whitledge had a change that needed to be made. County Attorney Whitledge suggested that on page 8 paragraph 14, the second sentence be struck from the contract, which basically states that the county is liable for all loss or damage to contractors' equipment which is defined as the trash receptacles. Commissioner Westbrook moved to strike this from the contract.

Commissioner Owen made a motion to approve the contract as amended and Commissioner Dennis Doster placed a second to the motion. Discussion was called. Commissioner Hawks commented that this would go into effect January 1, 2016 and that if anyone has all ready paid their January bill, they would not be eligible for a rebate. Commissioner Fortner suggested asking Republic Services if they would extend the senior discount rate to customers with permanent disabilities if possible. County Attorney Whitledge commented on who would be responsible for billing and determining the disability; disability is not always permanent in all regards. Commissioner Fortner commented that anyone who receives full and permanent Social Security income receives a letter stating that they have a full and permanent disability. County Mayor Bynum commented that he would be willing to request this addition to the contract.

There being no other discussion, a voice vote was taken and the ayes carried with none opposed. The contract, as amended, was approved for the County Mayor and County Clerk to enter into the franchise agreement and to ask if the disability could be included in the senior rate.

Next Commissioner Westbrook commented that the Public Works and Safety Committee had addressed the Road Name Signs for 911. There are 1166 road signs in the county, 424 are up and in good shape, 38 without a pole or sign and 667 with pole, but without the sign. There is an estimate that the signs are around \$30 to \$31 times 700. It was determined it was not feasible to make our own signs; the cost is still around \$28.50. There is \$2000 put in budget for replacement of poles and signs and this money has been spent. There was more discussion and it was suggested by Commissioner Hawks that we change the signs to numbers, if this is legal, as they are replaced to make them less collectible. Commissioner Owen commented that he had looked into other counties and the cost to replace road signs could be anywhere from \$20,000 to \$25,000. Commissioner Donaldson suggested so much money be placed in the budget and when it is gone that we would have to wait for the next budget for more money for replacements. Commissioner Westbrook commented that building permits are \$25 and this was decided years ago that this money should go for road sign replacement. This brings in approximately \$5,000 per year. There was not any action taken at this time.

SPECIAL RECOGNITION:

None.

ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:

The election of Notaries Public was next on the list. Motion was made by Commissioner VanCleave and a second placed by Commissioner Fortner. A voice vote was taken and the ayes have it with none opposed. The list of Notaries Public was approved.

OLD BUSINESS:

The Election of Rules Committee Members was the first item under old business. Commissioner Westbrook made a motion that Commissioners Bynum, Owen, Usery, Jones, Taylor, Wright, Hawks, Vincent and Westbrook be placed on the Rules Committee. Commissioner Wright placed a second. Discussion was called. Commissioner Fortner was recognized and he commented that he would like to see the top vote getters in each district to serve on the Rules Committee. There was not any other discussion and a voice vote was called and in turn a Roll Call vote was taken. County Clerk Hughey called the roll with 8 ayes, 9 nays and one pass. Motion failed.

Motion was made by Commissioner VanCleave to move to the next item of business and Commissioner Hawks placed a second to the Motion. A voice vote was taken and the ayes have it with none opposed.

The next item of Old Business was Resolution No. 2016-06 concerning waste tire disposal. There is a copy in the packet from the last meeting with the resolution that was passed; it is highlighted to remove and amend certain language recommended by the Public Works and Safety Committee by a unanimous vote. The Finance Ways and Means Committee did not vote on this. Motion was made by Commissioner Westbrook and a second was placed by Commissioner Owen. It was the recommendation of County Attorney Whitledge to remove the language from Now Therefore Be It Resolved; no tire vendors will be permitted to utilize the convenience center for collection of and/or disposal of new or used tires. ~~According to the State Attorney General this language is not permissible under Tennessee Law.~~ (This was deleted at the January 26, 2016 meeting to correct minutes at the request of County Attorney Whitledge.)

There was much discussion by Commissioner Hawks, Commissioner Donaldson, Commissioner Dennis Doster concerning the two dollars paid for each tire and the possibility of returning one dollar to the vendor when paid back to the county by the state, if the vendor disposes of his tires without going through the County.

Commissioner Westbrook called for the question on removing the language from the Resolution as recommended by County Attorney Whitledge. A voice vote was taken and the ayes have it. The resolution was approved with the language deleted as recommended by the County Attorney.

There was more discussion concerning the \$1.35 that vendors charge customers (required by state) and the additional \$2.00 charged by the vendor to dispose of tires. Right now Reynolds Brothers, Whitehouse and Co-op handle their own tires. At present we are awaiting an attorney general opinion on reimbursing the vendor the \$1.00 paid back to the County. County Mayor Bynum commented that the cost to dispose of these tires should not cost the tax payers to dispose of the tires. In this case we would have to go up on the cost if the county is out additional money over what is collected to dispose of the tires.

County Mayor Bynum commented that in the future any Resolution referencing a T.C.A. Code coming out of a committee be sent to County Attorney Whitledge for her to review the Code to make sure that we do not have this issue to come up again.

NEW BUSINESS:

Commissioner Owen made a motion to combine Resolution No. 2016-08, 09, 11 and 12. Commissioner Hawks placed a second to the motion. A voice vote was taken and the ayes have it. Resolution No. 2016-08, 09, 11 and 12 were combined.

RESOLUTION NO. 2016-08: Resolution Authorizing Budget Amendment to the Child Nutrition Fund. *Sponsored by Commissioners Donald Doster and Pope.*

RESOLUTION NO. 2016-09: Resolution Authorizing Budget Amendment to the General Purpose School Fund. *Sponsored by Commissioners Fortner and Hudson.*

RESOLUTION NO. 2016-11: Resolution Authorizing Budget Amendment to the General Fund. *Sponsored by Commissioners Vincent and Wright.*

RESOLUTION NO. 2016-12: Resolution Authorizing Budget Amendment to the General Fund. *Sponsored by Commissioner Dennis Doster and Fortner.*

Commissioner Owen made the Motion to place the Resolutions on the floor and Commissioner Fortner placed a second. Discussion and the question were called. County Mayor Bynum called for the Committee reports. Commissioner Chandler commented that Resolution No. 2016-08 and 09 passed Health, Education and Economic Development with 8 ayes and one absent. Commissioner Westbrook commented they passed Public Works and Safety Committee and Commissioner Owen commented that they passed Finance Ways and Means. County Clerk Hughey called the Roll with 18 ayes and none opposed. Resolution No. 2016-08, 09, 11 and 12 was adopted.

RESOLUTION NO. 2016-10: Resolution to Urge State of TN General Assembly to Recognize and Support County Highway Departments Role in the Success of Overall State of TN Transportation System. *Sponsored by Commissioners Westbrook and Fortner.*

Commissioner Taylor made the motion to place on the floor and Commissioner Westbrook placed a second. Commissioner Westbrook commented on the fourth whereas that the Tennessee County Commission should read Tennessee County Service Association (TCSA). Commissioner Chandler wanted it on record that caution be taken into account prior to tax hikes. She went on to comment that this is not a good time to raise taxes. It is Commissioner Chandler's understanding that Tennessee is third in maintenance of roads and third in debt, she went on to comment that we have a revenue surplus and this surplus can be applied to anywhere in the budget. Commissioner Chandler cautioned that everything be taken into account prior to making these increases in taxes.

Commissioner Donaldson commented that he served on the Committee and met in Murfreesboro. We are asking for some way to do this funding. The tax letter explains everything this County Commission Association is trying to do and send to the Legislature. Commissioner Donaldson commented that he had been told that the legislature would be reluctant to do anything during an election year.

There was not any other discussion and the question was called. A voice vote was taken and the ayes have it with none opposed. The motion carried.

The next item on the Agenda was Rick Workman, County Coroner's Bond with a term beginning August 31, 2015 and ending August 31, 2016. A motion was made by Commissioner Owen and a second was placed by Commissioner Wright. A voice vote was taken and the ayes have it with none opposed. The County Coroner's Bond for Rick Workman was approved.

COMMISSIONER MEMBERS' COMMENTS:

Commissioner Chandler commended the new Adult Agriculture/ 4-H Youth Development Extension Agent, Lauren Stinson, for going out and helping youth of the County; she is doing an excellent job.

Commissioner Donald Doster recognized Donna Snyder for being sworn in as the President of the State Register's Association at the County Official's Association meeting last week.

Commissioner Hawks commented that the Rolling Thunder, which he is a member of, placed a Missing Man P.O.W. Chair and flags on the second floor landing. He urged everyone to go by and see this display in the Courthouse.

Commissioner Fortner commented that he serves on the Education Subcommittee for the Weakley County Circuit. Anyone with concerns can go out to the Education Department and see the new testing that is taking the place of TCAP. The test is no longer multiple choice and is computerized where the teachers are not able to teach how to pass this test.

Commissioner VanCleave commented on two items. One was concerning the school building program with two new gyms being built and suggested that there be plaques placed on these buildings and he would like to see that the plaques contain the Mayor, Finance Ways and Means Committee members, Health, Education and Economic Development Committee members and the Weakley County School Board Members along with the Director of Schools names on these plaques.

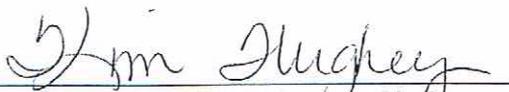
Commissioner VanCleave would like to recommend that the Commission start having an informal session in January. County Mayor Bynum commented that Madison County has an informal session and he plans to attend one of these informal sessions and report back to the Commission in January. Commissioner Taylor commented that the City of Martin had informal sessions and every item presented on the Agenda was brought up in the informal meeting. He went on to comment it did save a lot of time. Commissioner Owen commented that he thought that this was what the Committees are for and why would we still need committees. Commissioner Owen commented that everyone is welcome to

attend these committee meetings and the dates and times are posted on the website. Commissioner Fortner questioned if this would double the cost and it was commented that these meetings would be at no charge to the county. The informal meeting would not be mandatory to attend. Commissioner VanCleave commented that only items discussed in the informal session could be brought up at the formal session, unless the rules were suspended with a two-thirds vote by the Commission.

County Mayor Bynum commented that the next meeting will be January 26, 2016 at 5:30 p.m., he commented that it should be noted that this is on a Tuesday night.

Commissioner Jones made a motion to adjourn and Commissioner Pope placed a second. The Weakley County Legislative Body Regular Meeting stood adjourned at 6:42 p.m.

ATTEST:



Kim Hughey, Weakley County Clerk