

WEAKLEY COUNTY LEGISLATIVE BODY REGULAR MEETING
NOVEMBER 18, 2019

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

A moment of silence was observed for the late County Commissioner Roger VanCleave and Chairman of the Weakley County Public Records Commission, Mike Thompson whom recently passed away.

Pastor Josh Moore gave the invocation.

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

County Clerk Hughey called the Roll. Answering present were Commissioner Doster, Commissioner Dunlap, Commissioner Owen, Commissioner Hudson, Commissioner Usery, Commissioner Eddings, Commissioner Nanney, Commissioner Taylor, Commissioner Fortner, Commissioner Bell, Commissioner Overton, Commissioner Hawks, Commissioner Donaldson, Commissioner Vincent, Commissioner Essary, and Commissioner Westbrook. Sixteen members answered present and Commissioner Pope was absent.

County Mayor Bynum called for a motion to approve the minutes from the September 16, 2019 meeting. Commissioner Donaldson made the motion and Commissioner Bell placed a second. Commissioner Vincent was recognized and he commented that in the September 16, 2019 minutes, the motion on the UT Extension Report to Stakeholders was not correct. After going back and checking the notes and tape from the September 16, 2019 meeting, the proper corrections were made and the September 16, 2019 minutes will be presented in the January 21, 2020 meeting for approval. (This was at the recommendation of C.T.A.S.)

COMMUNICATION TO COMMISSION:

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

Next was the Report on Debt Obligation. Commissioner Doster made the motion and Commissioner Bell placed a second. There was not any discussion and a voice vote was taken. The ayes have it with none opposed. The Report on Debt Obligation was accepted as filed.

Next was the Contract Between the State of TN Department of Homeland Security and the Weakley County Clerk. Commissioner Westbrook made the motion and Commissioner Overton placed a second. A voice vote was taken and the ayes have it with none opposed. The motion was approved.

The Veterans Service Report was next and Commissioner Fortner made a motion to accept as filed. Commissioner Hawks 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.

Next was the UT Extension Report To Stakeholders. Commissioner Hudson made the motion and Commissioner Usery placed a second. A voice vote was taken and the ayes have it with none opposed. The UT Extension Report to Stakeholders was accepted as filed.

MESSAGE FROM COUNTY MAYOR:

County Mayor Bynum announced that the County Employee Christmas Luncheon has not been scheduled yet, but it will be scheduled soon and a memo will be sent out with the date and time.

County Mayor Bynum announced that David Tuck and Keith Jones will have their Annual Christmas Breakfast on December 19, 2019 at 9:00 a.m.

County Mayor Bynum recognized County Attorney Whitledge and she gave a status report for delinquent tax sales this year. Changes were made this year and Attorney Whitledge wanted to make everyone aware of what takes place with the delinquent tax sale. Some highlights were that the delinquent tax sale started with 581 parcels turned over for collection. Of this 363 county parcels originated in the Trustee's Office, once they are certified and sent to Clerk and Master, County Attorney Whitledge works with the Trustee's Office in a timely manner to file complaints. This started with 134 title searches over the last couple of years. County Attorney Whitledge split these with Carol Godwin's Law Office. The purpose of these title searches is to identify other lien holders and mortgage companies. The Sheriff's Department served an estimated 1500 summons and in addition, posted notices on numerous properties to help the owner be aware leaving no stone unturned on property taxes due. The Clerk and Master's Office spent many man hours answering tax questions. An on-line tax sale auction was started with five parcels and all of the five parcels were sold. A tremendous effort and successful job by all the staff of the Trustee, Clerk and Master and Sheriff's Office are to be commended on working as a team and executing the sales excellently.

The Commission gave a round of applause.

REPORT OF SPECIAL AND STANDING COMMITTEES:

None.

SPECIAL RECOGNITION:

None.

ELECTION, APPOINTMENTS AND CONFIRMATIONS:

The Election of Notaries Public was presented. Commissioner Fortner made the motion and Commissioner Essary placed a second. A voice vote was taken and the ayes have it with none opposed. The List of Notaries Public was approved.

OLD BUSINESS:

None.

NEW BUSINESS:

NON-FINANCIAL RESOLUTIONS:

RESOLUTION NO. 2020-27: Resolution Updating the Weakley County Waste Tire Program. Passed unanimously before the Public Works and FWM Committees.
Sponsored By: Commissioner Donaldson and Taylor.

Commissioner Doster made the motion to place the Resolution on the floor for discussion and Commissioner Usery placed a second.

Commissioner Hawks commented on the Solid Waste Tire Disposal. He felt there should be a separate account for the tire rebate funds and that the bills connected to tire waste disposal be paid from that account. Commissioner Hawks commented that it is possible that we are in violation of the Statue and asked that County Attorney Whitledge address this issue. County Attorney Whitledge commented that she has pulled some statutes and agreed that the tire disposal fees should be used for the purpose of tire disposal. She commented that she had spoke with the Finance Director, John Liggett, and a solution would be to move forward and ear mark these funds so there is a clear ledger on tire disposal.

Commissioner Doster called for a Point of Order and questioned are we discussing the Resolution or another issue all together? County Mayor Bynum commented that we are on the Resolution and Commissioner Doster commented we have a motion and second on the Resolution. County Mayor Bynum commented that he recognized Commissioner

Hawks and he spoke to the funds on tire disposal. Commissioner Hawks was recognized and he commented on the Resolution in 2015 that was passed for a tire waste disposal fee in accordance with Tennessee Law. In the Resolution 2020-27 on the fifth Whereas the fee was established at \$2.00 per tire for Weakley County residents only, with no tire vendors permitted to utilize the convenience center for collection of and/or disposal of new or used tires. The County was paying Liberty Tire Company for tire disposal and the county is not paying this anymore. The County is charging fees mandated by the State that goes to the County. The County gets the whole price and now we are saying they have to fit the whole price, which they have been doing anyway to dispose of the tire. Commissioner Hawks commented that there is \$130,000 in Solid Waste Funds, and there is not anyway to track these funds and believes the majority of this is rebate on tires.

Commissioner Doster was recognized and he commented that this resolution was brought forward to try to reduce waste tires that are piling up at different places in the County. The intent of this resolution is to encourage more tires to be brought in for disposal by reducing the fees from \$2.00 to \$1.00 per tire.

County Mayor Bynum commented on the 2015 Resolution to clarify that this resolution excluded tire dealers and has always excluded tire dealers. This was established in 2015 and this resolution does not exclude tire dealers, this was established in the 2015 Resolution, and this resolution does not change this.

Commissioner Essary was recognized and made comments concerning dealers paying \$1.35 and then would be required to pay an additional \$1.00. The dealers are already putting the money in the tax base with sales tax and business tax and then the dealer is penalized for tire waste disposal.

Commissioner Hawks commented that from 2005 to 2015 the County was paying for the disposal of the tires. When the county stopped furnishing a trailer, the same number of tires is being disposed of and this is putting an undue burden on the dealers.

Commissioner Bell was recognized and he commented that it was his understanding that the tire dealers charge the public a fee that is collected by the state, not the county, so he questioned how the county can dictate what the state does with the money.

Commissioner Westbrook was recognized and he commented the people that are buying the tires are paying the fee.

Commissioner Essary commented that the dealer collects \$1.35 per tire, the state gets .25 cents, the dealer gets .15 cents per tire and the county gets \$1.00 back, so what is the county doing with this money.

Commissioner Bell commented that this is state funds that are a state statute.

Commissioner Doster commented that he had requested some invoices from tire dealers and on one of the invoices from Bell Tire in Martin, the customer pays \$4.35 for tire disposal and they get \$3.00 of this and the state gets \$1.35. Reynolds Brothers charges \$1.35 plus \$1.50 making a total of \$2.85. The customers are the one paying the fee, therefore talking about rebates; the customer should be getting it.

Commissioner Essary commented that if the customer is paying the fee, then they should get the rebate. He went on to comment that some dealers never put it on their invoice and they absorb the cost. Commissioner Owen commented that this was the dealer's choice.

Commissioner Donaldson was recognized and he commented that the vendor pays the state and the state sends back to the County the \$1.00 for tire disposal. The question is should the vendor or customer get the rebate. Commissioner Donaldson commented this is a County Attorney question on how the County would rebate the vendor or the customer.

County Attorney Whitledge commented that she has looked at this issue and does not find anything in the statute that is specific to reimbursement, rebate or refund but she commented that she had spoken to an individual from the state and the Resolution from 2015 was prepared and proposed or contemplated or proposed for reimbursement and there is statutory authority that is cited by them. County Attorney Whitledge commented that she did not read it as specifically as reimbursement but felt like in speaking with them that if it was the pleasure of the Commission or the desires of Commission that rebate or reimbursement be made to dealers, but would not state tonight that she had not found any reason that this could not be done. County Attorney Whitledge commented that she did not have statutory authority for this to be done. County Attorney Whitledge commented that this statute was provided by Mike Stooksberry at the State, and in the old Resolution No. 2015-33 there is a paragraph that proposed for some type of reimbursement.

Commissioner Fortner moved to table this resolution and Commissioner Essary placed a second. A voice vote was taken and the ayes have it. The resolution was tabled.

Commissioner Westbrook questioned if it would be out of order for the Finance Director, John Liggett, to explain his thoughts on putting the amounts mentioned and to move forward with a new revenue line item for these funds. Finance Director Liggett commented that going back to 2004 through last year; the revenue for waste tires after expenditures was \$56,000. Roughly half of that fund balance from Line Item 116 can be tied back to waste tire disposal. County Finance Director Liggett thought that we take that amount, put in a descriptive account and start cost centering the revenue and expenditures to track in a another line item.

Commissioner Westbrook commented on 10,000 tires inside of city limits of Dresden that if it needs to be cleaned up, steps will need to be taken, either by the property owner or the state and recommended to call T.D.E.C. to clean up.

Commissioner Essary commented that on one is complaining about this tire dump and he would recommend the property owner clean it up or place a lien on the property.

Commissioner Donaldson called for a point of clarification. We voted to table and do a study. He questioned who was going to do the study on this and if this resolution goes back to the Public Works Committee to make recommendations.

County Mayor Bynum commented that the Resolution was tabled. County Mayor Bynum commented there is not anything that sends it back to Public Works.

Commissioner Doster commented that according to Roberts Rules of Order this would be the first piece of business addressed at the next full commission meeting.

Commissioner Usery questioned were we going to re-do the whole tire policy or are we back to the Resolution as it is.

Commissioner Hawks commented that he was not against the resolution and that we need to do a better job of tracking the revenue coming in and going out with these funds. Commissioner Hawks made a motion to reconsider this resolution and that he was not opposed to dropping the fees.

Commissioner Essary withdrew his second to table.

Commissioner Doster made a motion to take from the table Resolution 2020-27 and Commissioner Fortner placed a second. A voice vote was taken and the ayes have it. Back on the motion. Commissioner Donaldson called for the question and Commissioner Doster placed a second. A voice vote was taken and the ayes have it, the motion carried.

Commissioner Taylor commented that a lot has been said tonight on refunding this \$1.00 from the Solid Waste Fund. Weakley County sends \$1.35 to the state and the state sends \$1.00 back to the county to operate the Solid Waste Fund. Commissioner Taylor recommended that Finance Director Liggett contact the Comptrollers Office to see if it is legal to refund this back to customers.

There was more discussion from Commissioner Taylor and Commissioner Essary concerning the \$1.00 refund to vendors or individuals.

County Finance Director Liggett commented there is not over \$100,000 that is contributed from Waste Tire disposal. From 2004 to present, there is \$56,000; this includes revenue over the expenditures that can be tied back to Waste Tire Disposal.

Commissioner Westbrook commented that we voted to table and then to accept, do we have anything else that needs to be done.

County Mayor Bynum commented that there has been a lot of discussion over the last several months about things the county has done improperly. He commented he wanted to give John, the Finance Director, the opportunity to address those and state that we do not feel anything has been spent improperly, and that we have handled the Solid Waste Fund properly clarifying this on the record before we move forward.

FINANCIAL RESOLUTIONS:

County Mayor Bynum called for a Motion to combine Resolutions No. 2020-17, 2020-18, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26 and 2020-28 and place on floor for discussion. Commissioner Doster made the motion to combine and Commissioner Hudson place a second. Commissioner Westbrook made a motion to exclude Resolution No. 2020-28 and Commissioner Fortner placed a second to exclude Resolution No. 2020-28. A voice vote was taken and the ayes have it with none opposed to combine Resolutions No. 2020-17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 and to exclude Resolution No. 2020-28.

RESOLUTION NO. 2020-17: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the Public Safety and FWM Committees. *Sponsored By: Commissioners Bell and Pope.*

RESOLUTION NO. 2020-18: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Purpose School Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the HEED and FWM Committees. *Sponsored By: Commissioners Eddings and Fortner.*

RESOLUTION NO. 2020-19: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Purpose School Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the HEED and FWM Committees. *Sponsored By: Commissioners Eddings and Fortner.*

RESOLUTION NO. 2020-20: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Purpose School Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the HEED and FWM Committees. *Sponsored By: Commissioners Fortner and Overton.*

RESOLUTION NO. 2020-21: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the Public Safety and FWM Committees. *Sponsored By: Commissioners Bell and Pope.*

RESOLUTION NO. 2020-22: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Capital Projects fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the FWM Committee. *Sponsored By: Commissioners Taylor and Doster.*

RESOLUTION NO. 2020-23: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, Debt Service Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the FWM Committee. *Sponsored By: Commissioners Donaldson and Taylor.*

RESOLUTION NO. 2020-24: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, Education Capital Projects Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the HEED and FWM Committees. *Sponsored By: Commissioners Fortner and Essary.*

RESOLUTION NO. 2020-25: Resolution Authorizing Budget Amendments to the Fiscal Year Ending June 30, 2020. Passed unanimously before the HEED and FWM Committees. *Sponsored By: Commissioners Fortner and Overton.*

RESOLUTION NO. 2020-26: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the HEED and FWM Committees. *Sponsored By: Commissioners Eddings and Fortner.*

Discussion and the question was called. County Clerk Hughey called the Roll with 16 ayes and one absent. The Motion carried.

RESOLUTION NO. 2020-28: Resolution Authorizing Budget Amendments to the Weakley County, Tennessee, General Fund for the Fiscal Year Ending June 30, 2020. Passed unanimously before the FWM Committee. *Sponsored By: Commissioners Donaldson and Taylor.*

Commissioner Essary made the motion and Commissioner Donaldson placed a second. Discussion was called and the question. County Clerk Hughey called the Roll with 13 ayes, 3 nays and one absent. Voting Nay were Commissioners Fortner, Hawks and Westbrook. The motion carried.

COMMISSION MEMBERS' COMMENTS:

Commissioner Hawks was recognized and had comments on November 11th, Veterans Day. Commissioner Hawks had passed out American Flags prior to the meeting. Commissioner Hawks went on to comment that every twenty-four hours, twenty-two veterans commit suicide, five first responders commit suicide, and one active duty person commits suicide. Commissioner Hawks requested that with each of these groups we please stand as designated. These folks all put their lives on the line to protect us. If you know a Veteran, give these flags to them and thank them for their service.

Commissioner Hudson was recognized and commented on numerous complaints on trash pickups and this issue needs to be looked into. County Mayor Bynum commented that the trash pickup is up to be re-bid in the near future.

County Mayor Bynum commented the next Regular Meeting will be held on Tuesday, January 21, 2020 at 5:30 p.m.

The Weakley County Legislative Body Regular Meeting stood adjourned at 6:21 p.m.

ATTEST:

Kim Hughey, Weakley County Clerk