

WEAKLEY COUNTY LEGISLATIVE BODY REGULAR MEETING
JUNE 29, 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 17 members present and one member, Commissioner Pope, was absent. Commissioner Pope answered roll call at the next vote.

County Mayor Bynum called for a motion to approve the minutes from the May 18, 2015 meeting. Commissioner Hawks made the motion and a second was placed by Commissioner Fortner. There were not any additions, deletions or corrections and a voice vote was taken, the ayes have it with none opposed. The minutes from the Weakley County Legislative Body Regular Meeting of May 18, 2015 were approved.

COMMUNICATIONS TO COMMISSION:

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

MESSAGE FROM COUNTY MAYOR:

County Mayor Bynum did not have any comments to make at this time.

REPORTS OF SPECIAL AND STANDING COMMITTEES:

None.

ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:

The first appointment was six (6) members to the Ethics Board. County Mayor Bynum recommended Commissioner Chandler, Commissioner Donaldson, Commissioner Fortner, Commissioner Overton, Commissioner Taylor and Commissioner Wright with a one year term ending August 31, 2016. Commissioner Donald Doster made the motion and Commissioner Dennis Doster placed a second. A voice vote was taken and the ayes have it with none opposed. The appointments to the Ethics Board with a one year term ending August 31, 2016 were approved.

The next appointment was for one (1) member to the Audit Committee. County Mayor Bynum recommended Charles Covington with a term ending August 31, 2018. Commissioner Chandler made the motion and Commissioner Pope placed a second. A voice vote was taken and the ayes have it with none opposed. The appointment of Charles Covington was approved with a term ending August 31, 2018.

The next appointment was for three (3) members to the Health and Safety Standards Board. County Mayor Bynum recommended reappointing Troy Jones, John Salmon and appointing Ty Smithson. Commissioner Jones made the motion and Commissioner Wright placed a second. A voice vote was taken and the ayes have it with none opposed. The re-appointment of Troy Jones, John Salmon and the appointment of Ty Smithson were approved with a term ending June 30, 2019.

The next appointment was for two (2) members to the County Electric (Public Utilities) Board. County Mayor Bynum recommended Jerry Brigrance of Sharon, TN and Larry McCartney of Bradford, TN with a term ending June 30, 2019. Commissioner Hawks made the motion and Commissioner Jones placed a second. A voice vote was taken and the ayes have it with none opposed. The appointments of Jerry Brigrance and Larry McCartney with a term ending June 30, 2019 were approved.

The next appointments were for four (4) members to the Industrial Development Board. County Mayor Bynum recommended Adam Adkins, K.K. (Anikke) Brown, Donnie Davis and Dee Pritchett with terms ending June 30, 2021. Commissioner Usery made the motion and Commissioner Donald Doster placed a second. A voice vote was taken and the ayes have it with none opposed. The re-appointments of Adam Adkins, K.K. (Anikke) Brown, Donnie Davis and Dee Pritchett with a term ending June 30, 2021 were approved.

The next appointment was for three (3) members to the Economic Community Development Board. County Mayor Bynum recommended John Bucy, Alex Bynum and Nick Dunnagan. 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 re-appointments of John Bucy, Alex Bynum and Nick Dunnagan with a term ending June 30, 2019 were approved.

The last item under elections, appointments and confirmations was the election of Notaries Public. Commissioner Fortner made the motion and Commissioner Pope placed a second. A voice vote was taken and the ayes have it with none opposed. The election of Notaries Public was approved.

OLD BUSINESS:

None.

NEW BUSINESS:

The first item was the approval of Director of Schools Randy Frazier Official Statutory Bond with a term beginning July 1, 2015 and ending June 30, 2016. Commissioner Pope made the motion and Commissioner Fortner placed a second. A voice vote was taken and the ayes have it with none opposed. The bond of Director of Schools, Randy Frazier, was approved.

RESOLUTION NO. 2015-40: Resolution To Increase The Threshold Over Which Public Advertisement And Sealed Competitive Bids Or Proposals Are Required.
Sponsored by Commissioners Westbrook and Hawks.

Commissioner Pope made the motion and Commissioner Vincent placed a second. Commissioner Vincent commented that this resolution passed the Financial Management Committee. Discussion and the question were called. A voice vote was taken and the ayes have it with none opposed. The motion carried.

RESOLUTION NO. 2015-41: Resolution To Amend The Weakley County, TN Sick Leave Policy. *Sponsored by Commissioners Westbrook and Fortner.*

Commissioner Fortner made the motion and Commissioner Taylor placed a second. Commissioner Vincent commented that it passed the Financial Management Committee unanimously. Discussion and the question were called. A voice vote was taken and the ayes have it with none opposed. The motion carried.

Commissioner Westbrook made a Motion to combine Resolutions 2015-42, 2015-43, 2015-44, 2015-45, 2015-46, 2015-48, 2015-49 and 2015-50 and place on the floor for discussion. Commissioner Overton placed a second to the motion. A voice vote was taken with the ayes carrying and Commissioner Vancleave opposing.

RESOLUTION NO. 2015-43: Resolution Authorizing Budget Amendments To The Weakley County, TN Solid Waste Fund for The Fiscal Year Ending June 30, 2015.
Sponsored by Commissioners Taylor and Donaldson.

RESOLUTION NO. 2015-44: Resolution Authorizing Budget Amendments to the Weakley County, TN Drug Control Fund For The Fiscal Year Ending June 30, 2015.
Sponsored by Commissioners Jones and Hawks.

RESOLUTION NO. 2015-45: Resolution Authorizing Budget Amendments To The Weakley County, TN Highway Fund For The Fiscal Year Ending June 30, 2015.
Sponsored by Commissioners Jones and Vincent.

RESOLUTION NO. 2015-46: Resolution Authorizing Budget Amendments To The General Purpose School Fund For The Fiscal Year Ending June 30, 2015. *Sponsored by Commissioners Hudson and Pope.*

RESOLUTION NO. 2015-48: Resolution Authorizing Budget Amendments To The Weakley County, TN Child Nutrition Fund For The Fiscal Year Ending June 30, 2015. *Sponsored by Commissioners Pope and Donald Doster.*

RESOLUTION NO. 2015-49: Resolution Authorizing Budget Amendments To The Weakley County, TN Debt Service Fund For The Fiscal Year Ending June 30, 2015. *Sponsored by Commissioners Westbrook and Hawks.*

RESOLUTION NO. 2015-50: 2015-2016 FY Tentative Budget For The Weakley County General Fund, Weakley County Highway Fund, Weakley County Debt Service Fund, Weakley County Department of Education Fund, And Solid Waste Fund For The Fiscal Year Ending June 30, 2015. *Sponsored by Commissioners Westbrook and Hawks.*

Discussion was called and Commissioner Vancleave had a question on Resolution 2015-42 concerning a cable franchise fee in revenue, do they pay us to have a franchise and does all cable franchise in the county pay us. County Mayor Bynum did not have an answer and Finance Director Francisco commented that there is a franchise fee from every cable company in the county.

Discussion continued and Commissioner Vancleave had comments on Resolution No. 2015-49. He commented that just looking at Resolution No. 2015-49 – it looks like a regular resolution and yet there had been a whole lot of discussion on this about some funding changes that need to be made. Comments have been made that this was not a big deal in the Debt Service about the 1.9 million dollars that happened to be over-looked in last year's budget. Commissioner Vancleave commented that he thought it was a big deal to miss 2.0 million dollars. He commented that when the old county commission, the former county commission, trusted the people to get all the information right and when it came to a vote that they knew everyone knew what they were doing and it was correct to be passed. He commented that it was a big deal that we owed 2 million dollars we might not have made the 2.7 million dollar early payment. The money could be used right now to service debt, buy road department equipment, fix roads and the Courthouse repairs without raising taxes. He commented it was a big deal if the county commission knew we were 2 million dollars short, we might not have given an extra 2 million dollars to the school construction. He commented it was important to know that none of the new county commissioners had anything to do with this cash flow problem, but from this day forth the decisions we make will determine whether we will be a part of this problem or

be a part of the solution. He commented that when the audit discrepancy was first noticed we assumed that it was the audit that was wrong, because the budget must be correct. Commissioner Vancleave commented that all the investigation was because the audit was wrong and on May 15, 2015 we found out the audit was correct and the budget was wrong. He commented that we were close to calling the Comptroller of the Treasury and requesting a new audit. Commissioner Vancleave commented that he did not know what would have happened if the state would have come back in for another audit. He commented everyone should be looking at the budget and not take anyone's word for anything. If someone says they have figures, he wants to see them. I will not take anyone's word. He commented that there was an incident that we had 2 million dollars that got added to the school construction and when it came before the Finance Ways and Means Committee there were comments about different members having figures and no one ever saw them and we added 2 million dollars. He commented that with this being said, he moved that we adopt Resolution 2015-49.

County Mayor Bynum called for committee reports on Resolution No. 2015-42, 2015-43, 2015-44, 2015-45, 2015-46, 2015-48, 2015-49 and 2015-50. Commissioner Chandler commented that they passed Health, Education and Economic Development Committee unanimously; Commissioner Westbrook commented that they passed Public Safety and Public Works Committee unanimously and Commissioner Owen commented that it passed the Finance Ways and Means unanimously. Question was called and a voice vote was taken, the ayes have it with none opposed. Resolution No. 2015-42, 2015-43, 2015-44, 2015-45, 2015-46, 2015-48, 2015-49 and 2015-50 were approved.

RESOLUTION NO. 2015-51: Resolution Authorizing A Loan Pursuant To A Loan Agreement Between Weakley County, Tennessee, And The Public Building Authority Of The City of Clarksville, Tennessee, In the Principal Amount Of Not To Exceed \$12,800,000; Authorizing The Execution And Delivery Of Such Loan Agreement And Other Documents Relating To Said Loan; Approving The Issuance Of A Bond By Such Public Building Authority; Providing For The Application Of The Proceeds Of Said Loan And The Payment Of Such Indebtedness; And, Consenting To the Assignment Of The County's Obligation Under Such Loan Agreement; And Certain Other Matters.

Sponsored by Commissioners Westbrook and Hawks.

Commissioner Pope made the motion and Commissioner Usery placed a second. Commissioner Owen commented that it passed Finance Ways and Means Committee 8-0. Discussion was called. Commissioner Taylor had questions concerning page two, item (c). about what "Put option" means, does this mean calling in the bond at the end of seven years. Also Commissioner Taylor had questions concerning the language on Page 2 concerning retaining an independent municipal advisor. Commissioner Westbrook commented that this was standard language. County Attorney Whitledge commented that she would review the loan agreement for any legalities concerned, but as to financial

advisement with regard to investment purposes she commented she would not issue an opinion concerning the financial part.

Commissioner Fortner questioned if the loan agreement will be set up for ten years and if it can be called in at seven years. Commissioner Vancleave made a motion to postpone until July meeting after the tax rate is set. Commissioner Chandler placed a second to the motion.

Discussion continued on the motion to table. County Mayor Bynum commented that the reason Director of Schools Frazier wanted this passed in the June was so work can start immediately. If this is not passed this will stop the work scheduled to begin. Commissioner Chandler commented she was not comfortable at this time with the Resolution and thought more options needed to be considered, rather than the ten-year term. Commissioner Owen commented that the Finance Ways and Means Committee looked at 10 and 15 year terms and decided on 10 years with a variable rate. The anniversary date would be May and we would have sixty (60) days to set the rate and right now the rate is in the neighborhood of 1.32 or 1.35. He commented that right now he felt it was in the County's best interest financially to not go to a 7 or 8 set rate and later on if we see we need to, we can set the rate at that point.

Commissioner Donald Doster commented that it is cheaper at ten (10) years. Commissioner Westbrook commented the difference between going 10 to 20 years, depending on the variable rate, would be 2 million dollars more in interest. He commented he did not think the people of Greenfield and Martin would agree with paying that much more in interest for the project. Commissioner Vancleave questioned why not 15 or 20 years capital outlay. Commissioner Westbrook commented that you can not issue a capital outlay note for over 12 years.

Commissioner Vancleave commented that the commission was under the impression the county would look at 10, 15 and 20 years. The Tennessee Municipal Bond fund came in, along with Cumberland Securities, which offered 10, 15 and 20 years. Commissioner Vancleave commented that Tennessee Municipal Bond Funds offered 10 years; he commented he contacted the legal coordinator for Tennessee Municipal Bond and asked why they did not submit a 20 year proposal. They commented that we did not request a 20 year proposal. Commissioner Vancleave commented that we were misrepresented when this request for proposals was made. Commissioner Vancleave commented that by wording or actions, Commissioner Westbrook keeps talking about capital outlay notes and it may be true on a capital outlay note, we are after a public building authority loan and it can be amortized for up to 25 years. He then questioned Commissioner Westbrook and asked was this true. Commissioner Westbrook commented that he would not respond to anything Commissioner Vancleave said, because it is either wrong, intentionally or unintentionally, trying to mislead and confuse this body. Commissioner Westbrook commented that you wanted 20 years, I got your 20 years and it is 2 million dollars more. Commissioner Westbrook commented if you want to put it out for 20

years, for what reason, I don't know why, you would want to do that. Can you answer that question for me? Why would you want to go 20 years, rather than 10 years, and cost 2 million dollars more in interest?

Commissioner Vancleave commented that the county could always pay a 20 year loan off early. Commissioner Vancleave commented that on a 20 year note, if you have a cash flow bind, we don't have to pay early. Commissioner Westbrook commented who told you we were in a cash flow bind, where did this information come from? Commissioner Vancleave commented because we thought we had a 3.1 million dollar balance and we only have a 1.1 million dollar balance. Commissioner Westbrook commented that he did not call a 1.1 million dollar balance a cash flow problem. Commissioner Westbrook called for the question to postpone until the tax rate is set. A voice vote was taken and in turn a Roll call vote was called for by Commissioner Vancleave. County Mayor Bynum called for a show of three hands for a roll call vote. Commissioner Owen requested clarification on what the commission was voting on. County Mayor Bynum stated it is to postpone the vote until after the tax rate is set in the July commission meeting. Commissioner Pope questioned if postponing the vote until after the tax rate is set would delay the construction and renovation projects. The Finance Director, Shawn Francisco, responded that if this is not passed tonight, the project will stop tomorrow morning. She added the Greenfield School is scheduled to being Wednesday. Commissioner Hawks questioned if we are starting construction before we borrow money and the County Attorney looks at the agreement before anything is signed. We are just giving the authority to borrow the money. Also the State Comptroller has got to approve the loan, commented County Mayor Bynum. Commissioner Chandler commented that we will borrow money for this particular funding as stated.

County Clerk Hughey called the roll with two yes, (Commissioner Chandler and Commissioner Vancleave) and 16 nays. Motion to postpone until after tax rate is set failed.

Back to the original motion. Commissioner Hudson commented that on page 3, section 6 that it talks about the custodian of the funds and he wanted to know who that is. County Mayor Bynum commented that the Trustee is the custodian of the fund.

Question was called. County Clerk Hughey called the roll with 16 yeas and two nays (Commissioner Chandler and Commissioner Vancleave) cast the nay votes. The motion carried.

RESOLUTION NO. 2015-52: Resolution Adding Road To Weakley County Road System. *Sponsored by Commissioners Chandler and Jones.*

Commissioner Pope made the motion and Commissioner Chandler place a second. This resolution passed the Public Safety and Public Works Committee by a unanimous vote according to Commissioner Westbrook. Discussion was called and Commissioner Jones

commented that this road is at the south end of Sharon. Question was called. A voice vote was taken and the ayes have it with none opposed. The motion carried.

RESOLUTION NO. 2015-53: Resolution Regulating Motor Vehicle Racing In Weakley County, Tennessee. *Sponsored by Commissioners Jones and Bynum.*

Commissioner Pope made the motion and Commissioner Donaldson placed the second. This resolution passed the Public Safety and Public Works Committee unanimously according to Commissioner Westbrook. Question was called and a voice vote was taken, the ayes have it with none opposed. The motion carried.

RESOLUTION NO. 2015-54: A Resolution Of The County Commission Of Weakley County, Tennessee Approving An Economic Impact Plan For The South Meridian Street Economic Development Area. *Sponsored by Commissioners Pope and Vancleave.*

Commissioner Pope made the motion and Commissioner Usery place a second. Discussion was called. County Mayor Bynum commented that Greenfield Mayor Cindy McAdams, Greenfield Industrial Development Board Director Mike Biggs and Attorney Jim Murphy were present to answer any questions or lend support to the Resolution.

Commissioner Hawks commented on giving Martin a Tax Increment Financing (TIF) a few years ago for a mall development. He went on to say he felt that this would be setting a bad precedent to approve a TIF for commercial development, rather than an industrial project. Commissioner Hudson commented he thought it was a bad idea for the county and the city. TIF was made for urban areas. He went on to comment that he felt McDonalds would come into Greenfield anyway. Commissioner Pope commented that he did not agree with Commissioner Hudson. Commissioner Pope commented without this incentive he did not feel that this project would continue. He went on to comment that this would give 20 jobs to the area as well as raise sales tax revenue and could turn into something nice. Commissioner Owen questioned if this had to be approved through the Comptroller's Office. County Mayor Bynum commented yes it would and also have to be approved by the Commissioner of the Economic Department of Community Development. Commissioner Owen commented that the only problem he had with this is substituting retail instead of industrial and that he voted against the Martin project.

Commissioner Fortner commented that financing a McDonalds and a couple of buildings beside it and his concern 20 years down the road what the liability could be. The Martin TIF was for 20 years as well. Commissioner Donaldson questioned if they will still pay taxes, anything above what they were paying, we are looking at about 7000 per year. Commissioner Donaldson felt this would offset money spent in the county by bordering counties. Question was called.

County Mayor Bynum called for Committee reports from Commissioner Chandler in the Health, Education and Economic Development Committee and it passed 8-0.

Commissioner Owen gave the Finance Ways and Means Report and it passed 5-2. A voice vote was taken and a roll call vote was called for by a show of three hands. County Clerk Hughey called the roll with 15 ayes and three nays, Commissioner Dennis Doster, Commissioner Hudson and Commissioner Owen cast nay votes. The motion carried.

RESOLUTION NO. 2015-55: Resolution Of Weakley County, Tennessee, Authorizing The Issuance Of Interest Bearing General Obligation Capital Outlay Notes, Series 2015, In An Amount Not To Exceed \$750,000 And Providing For The Payment Of Said Notes. *Sponsored by Commissioners Dennis Doster and Taylor.*

Motion was made by Commissioner Dennis Doster and a second was placed by Commissioner Donaldson. Discussion was called. Commissioner Chandler commented that in the rules stated in the handbook the Health, Education and Economic Development Committee have jurisdiction over county buildings and any type of remodeling. This resolution should have gone before Health, Education and Economic Development Committee and not just Finance Ways and Means. County Mayor Bynum commented that he would take responsibility for this shortcoming. The Public Safety and Public Works Committee took up the road portion and sent it to Finance Ways and Means and this committee took up borrowing that money and went ahead and included the portion of the Courthouse renovation and this is why it just went before Finance Ways and Means. Commissioner Owen gave the Finance Ways and Means report and it passed the Committee 7-0. Discussion was called and the question. County Clerk Hughey called the roll with 18 ayes and none opposed. The motion carried.

County Mayor Bynum called for a Motion to go into recess for business owner, Donnie Essary, to address the commission concerning the disposal fee for tires in the county. Commissioner Fortner made the motion and Commissioner Chandler placed a second. The commission went into recess at 6:15 p.m. County Mayor Bynum advised Mr. Essary that he had five (5) minutes to speak to the issue.

The County Commission was called back into session at 6:20 p.m. Commissioner Hawks recommended that this be sent to The Public Safety and Public Works Committee and revisit this issue. County Mayor Bynum requested that the Public Safety and Public Works Committee re-evaluate this issue to see if something can be worked out on the fees for disposal of tires.

COMMISSION MEMBERS' COMMENTS:

Commissioner Donaldson praised the Weakley County Nursing Home for winning a National Award. The Tennessee Health Care Association commitment of quality for the American Health Care Association Award. Commissioner Donaldson recommended for

the commission to go out and look around. There has been a lot of remodeling and he commented that he was proud of our Nursing Home.

Commissioner Fortner commented on the article in the paper about the air races that came through the Everett-Stewart Airport. He recommended that the people of Weakley County attend more of these events.

Commissioner Owen had the Director of Finance to pass out tax assessment summaries for 2014-15. These are not made up numbers, they are actual figures. This is out of Finance Ways and Means Committee last years 2014-15 assessment. He went on to comment how the tax rate was based on these figures. The 2015-16 numbers came from the Tax Assessor. Using these figures for 2015-16 the tax rate is the same. The Highway Department is the same, the General School Fund is a few more cents and four (4) cents will be moved from the Debt Service to the General Fund. Commissioner Owen commented that the Finance Ways and Means Committee will be meeting July 7, 2015 at 9:00 a.m. All Commission members are welcome to attend this meeting.

The next regular meeting will be July 28, 2015 at 5:30 p.m.

The Weakley County Legislative Body Regular Meeting stood adjourned at 6:28 p.m.

ATTEST:



Kim Hughey, Weakley County Clerk