

WEAKLEY COUNTY LEGISLATIVE BODY MEETING  
SEPTEMBER 15, 2014

The Weakley County Legislative Body met in Regular Session on September 15, 2014 in the County Commission Room. County Mayor, Jake Bynum, called the meeting to order at 5:30 p.m.

Judge Tommy Moore gave the invocation.

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

County Clerk, Kim Hughey, called the roll with 16 members present and two members; Commissioner Usery and Commissioner Dennis Doster were absent. Commissioner Dennis Doster answered roll call prior to the first item of business on the Agenda.

Commissioner Vancleave made a Motion to take a brief recess and Commissioner Owen placed a second. A voice vote was taken and the ayes have it. Motion to recess was approved. The County Commission took a brief recess at 5:33 p.m. to take a group picture of the County Commissioners. The commission was back in session at 5:37 p.m.

County Mayor Bynum called for a Motion to approve the Minutes from the July 28, 2014 meeting. Commissioner Fortner made a motion and Commissioner Wright placed a second. 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 July 28, 2014 meeting were approved.

**COMMUNICATION TO COMMISSION:**

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

**MESSAGE FROM COUNTY MAYOR:**

County Mayor Bynum commented that on August 13, 2014 President Obama issued a major disaster declaration for the State of Tennessee triggering the release of federal funds to help communities recover from the severe storms, tornados, straight line winds and flooding that occurred on June 5<sup>th</sup> through the 10<sup>th</sup> of 2014. This disaster declaration was amended to include Weakley County. Due to this declaration Weakley County is eligible to apply for assistance under the Hazard Mitigation Grant Program. Anyone with questions concerning this grant should contact Mr. Jamison Peevyhouse.

County Mayor Bynum went on to comment that Weakley County was awarded, as one of the 85 counties in the Three Star status and in addition would receive funds for a school mentoring program. Weakley County has saved approximately 10 million dollars toward CDGB infrastructure grants by participating in the Governors Three Star program. Anyone needing information on this may contact Barbara Virgin, Chamber Director or Ronny Price.

County Mayor Bynum went on to comment that Dresden Elementary School is a finalist for the state on Reforming Education or Score prize. Dresden Elementary School is one of the top three schools in the state up for this award. The nomination and award recognizes public schools that exemplify how to improve academic performance while we also raise academic expectations in our state. If awarded, the school will receive \$10,000 cash prize. This is one of the biggest awards the school system has received academically. The Score prize will be announced at 6:00 p.m. on October 27, 2014 in Nashville at an Awards Ceremony. For additional information, contact Director of Schools, Randy Frazier.

#### **REPORTS OF SPECIAL AND STANDING COMMITTEES:**

None.

Next was the Veterans Service Officer Report. A motion was made by Commissioner Hawks to accept as filed and Commissioner Taylor placed a second. There was not any discussion and a voice vote was taken. The ayes have it and the Veterans Service Report was accepted as filed.

Next was the Annual Report of the WCMES Board. Commissioner Westbrook gave a brief report touching on some of the highlights included in the Report. WCMES has assets in the amount of \$45,809,230. There was a referendum in 1938 and the voters cast 2,188 vote in favor of and 114 votes were opposed, which was probably one of the best decisions made by the citizens of the county and the county court, allowing WCMES to borrow \$215,000 to purchase the electric company from the KY/TN Electric Power. At that time it furnished power to the cities and very little out in the county. Starting in 1939 the street lights in the towns burned all night for the first time. Weakley County has not put any money into the operation of the electric company. In 2014 WCMES paid \$703,707 in lieu of tax payment to Weakley County. There are only three county owned municipal electric systems in Tennessee and that is Weakley, Carroll and Benton counties. All others are co-op or city owned systems. Rule 9, C-3 in the Rules, requires this report. There was a Motion by Commissioner Donald Doster and a second by Commissioner Pope to approve. There was not any questions and the County Clerk, Kim Hughey, called the Roll with 17 ayes and one absent. The Report was accepted.

**SPECIAL RECOGNITION:**

None.

**ELECTIONS, APPOINTMENTS AND CONFIRMATIONS:**

The election of Chairman was the first item and Commissioner Westbrook, Chairman of the Rules Committee, commented that it was their recommendation to nominate County Mayor Jake Bynum as Chairman. There were not any other nominations and Commissioner Westbrook made the Motion and Commissioner Overton placed a second. County Clerk Hughey called the roll with 17 ayes and one absent. The election of County Mayor Bynum as Chairman was confirmed.

The next item was for Chairman Pro Tempore. Vice Chairman Wright of the Rules Committee gave the recommendation for Commissioner Westbrook to be elected as Chairman Pro Tempore. Commissioner Donald Doster nominated Commissioner Hawks; Commissioner Vancleave made a motion for the nominations to cease. County Clerk Hughey called the Roll with 8 ayes for Commissioner Hawks and 7 ayes for Commissioner Westbrook, two passed and one absent. Commissioner Hawks was elected Chairman Pro Tempore.

Next was the appointment for one member to the WCMES Board. The Rules Committee nominated Commissioner Westbrook. Commissioner Vancleave made a motion to defer the appointment to the next meeting. Commissioner Owen called for the question. Commissioner Fortner called for point of order, in regards to a second to Commissioner Vancleave's motion, County Attorney Washburn commented, a call for an amendment to the original question, as Commissioner Vancleave did, would need a second at that point and time to proceed with a vote on that particular motion, if there were not a second to that motion, then a call for a vote on this motion would be appropriate. Commissioner Fortner commented that the Chairman did not call for a second to Commissioner Vancleave's motion to defer until the next meeting. Commissioner Fortner commented that he felt there would have been a second if it had been called for. Commissioner Owen commented that even without a second, it was up to the Chairman to accept the question under Robert's Rules of Order. Commissioner Westbrook commented that you do not need a second on an appointment. Commissioner Vancleave commented that it was a motion to defer. Commissioner Westbrook placed a second to the motion to defer until the next meeting. A voice vote was taken and a Roll Call was called. County Clerk Hughey called the roll with 9 ayes, 7 nays, one pass and one absent. Motion to defer until the next meeting was approved.

Next was the appointment of County Safety Officer. Commissioner Westbrook made a motion to appoint Jamison Peevyhouse and Commissioner Hawks placed a second. A voice vote was taken and the ayes have it with none opposed. The appointment of Jamison Peevyhouse was confirmed as County Safety Officer.

Next was the appointment of County Service Officer. Commissioner Westbrook made a motion to appoint Ron Cheatham and Commissioner Jones placed a second. A voice vote was taken and the ayes have it with none opposed. The appointment of Ron Cheatham was confirmed as County Service Officer.

The next item was the appointment of one member to the Everett-Stewart Regional Airport Board. A motion was made by Commissioner Westbrook to appoint Commissioner Fortner and Commissioner Donaldson placed a second. A voice vote was taken and the ayes have it with none opposed. The appointment of Commissioner Fortner to the Everett-Stewart Regional Airport Board was confirmed.

The next item was the appointment of one member to the Weakley County Economic Development Board to fill the unexpired term ending June 30, 2015. Commissioner Westbrook made a motion to appoint Alex Bynum and Commissioner Overton placed a second to the motion. A voice vote was taken and the ayes have it with none opposed. The appointment of Alex Bynum to the Weakley County Economic Development Board was approved.

Next were the appointments of the Weakley County Board of Commissioners Committee Members. Commissioner Westbrook gave the Rules Committee Report and he commented that the List of Committee Members passed the Rules Committee 8 for and one against. There were two changes made in the Rules Committee with Commissioner Usery replacing Commissioner Taylor on Finance Ways and Means and Commissioner Taylor replacing Commissioner Usery on Health Education and Economic Development. Commissioner Vancleave made a motion to move these appointments to the hill of the agenda. Commissioner Dennis Doster placed a second. A voice vote was taken and the ayes have it with one no vote. The motion to move this to the hill of the agenda was approved.

The next item was the Election of Notaries Public on the agenda. Motion was made by Commissioner Wright to approve the Notaries Public List and Commissioner Fortner 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:**

**RESOLUTION NO. 2015-06:** Resolution Regulating the Procedures of the Weakley County Commission. *Sponsored by Commissioners Westbrook and Jones.*

Commissioner Westbrook made a motion to place the Resolution on the floor and Commissioner Wright placed a second to the motion. Commissioner Hawks made a motion to amend Rule 9.B-1, concerning the Finance Ways and Means Committee and making it a nine-member committee rather than six-members with each district being represented. Commissioner Donald Doster placed a second. Discussion was called. Commissioner Owen commented on the number of State of Tennessee and the House of Representatives and how many serves on the Finance Ways and Means Committee are 20 and how many are on the Senate and the number on the Finance Ways and Mean Committee are 11. Representative Holt does not serve on this committee and he represents our district. He went on to comment that the more you have on a committee the more it would cost the county. There was more discussion from Commissioner Owen and Commissioner Hawks and the question was called. A voice vote was taken and in turn a Roll Call vote was called. County Clerk Hughey called the Roll with 9 ayes, 8 nays and one absent. The amendment carried.

Commissioner Hawks made a motion to amend Rule 9.B-4 to go to a nine-member committee instead of a six-member committee on H.E.E.D. and the opposite members from Finance Ways and Means serve on this committee. Commissioner Donald Doster placed a second to the motion. Discussion was called and Commissioner Westbrook questioned how they arrived at the H.E.E.D. Committee to be nine-members, why not Public Works or Public Safety. Commissioner Hawks commented that when you are looking at the School Budget and the majority of money coming through the budget, it does not hurt to have extra sets of eyes on it. We have eight new commissioners on the commission that are in the dark right now. Commissioner Westbrook commented that seventy percent of the money for the school department has already been approved by the School Board, these other departments, the sheriffs department, jail, the nursing home, the highway department (we do not have the highway commission anymore) should have nine-members and not six-members, so why are you saying Health, Education and Economic Development instead of Public Works? Ninety percent of the business has to do with the Election Commission, Dresden Senior Citizens Center and the Sharon Senior Citizens Center in H.E.E.D. Commissioner Westbrook made a motion that in lieu of Health, Education and Economic Development to amend the Resolution to state a nine-member board for Public Works. Commissioner Vincent placed a second. There was more discussion from Commissioner Pope, Commissioner Taylor, Commissioner Fortner and Commissioner Westbrook. Commissioner Taylor recommended that the Health, Education and Economic Development Committee be eliminated and the departments that were heard by H.E.E.D. be sent directly to Finance Ways and Means. Commissioner Fortner commented that the Health, Education and Economic Development Committee do more than just looking at finances. Commissioner Fortner commented that part of the H.E.E.D. committee is Economic Development and this committee should be working with the County Mayor to lure businesses to our county. The question was called on the amendment to the amendment. The amendment to the amendment motion was that in lieu of H.E.E.D. to make Public Works a nine-member committee. A voice vote was taken with two ayes and the rest opposed. The amendment to the amendment failed.

Back to the amendment to make the H.E.E.D. committee a nine-member committee instead of a six-member committee and the opposite nine-members will serve on this committee different from Finance Ways and Means. A voice vote was taken and in turn a Roll Call vote was called. County Clerk Hughey called the Roll with 9 ayes, 8 nays and one absent. The amendment carried.

Commissioner Vancleave was recognized and he made a motion to amend Rule 1 by deleting the word at 5:30 p.m. in the first sentence and putting at the previous meeting or by the Chairman in its place in the first sentence of Rule 1. Commissioner Hudson placed a second. Commissioner Vancleave commented that the reason for this amendment is that there are 18 working middle class commissioners and 5:30 p.m. does not always work. Commissioner Westbrook commented that the County Commission created the Rules. A motion was made by Commissioner Westbrook to move to the Table this amendment. Commissioner Vincent placed a second. A voice vote was taken and in turn a Roll call vote was called. County Clerk Hughey called the Roll with 10 ayes, 7 nays and one absent. The Motion to table this amendment carried.

Commissioner Vancleave made a motion to delete Rule 8E. Commissioner Westbrook commented that this Rule was put in place for a certain purpose and this should have been brought up in the Rules Committee. This is a legal question about the right of the Juvenile Judge appointing the Juvenile Officer that he and his staff brings cases to testify against defendants before the Court. Commissioner Vancleave removed his motion to amend.

Commissioner Vancleave made a motion to amend Rule 18 by deleting in its entirety and inserting the following: These rules may be altered, amended or repealed and new rules may be adopted by a majority vote of the County Commission. Nothing herein shall be construed to in any way affect the right of the Commission in session to suspend the rules upon two-thirds vote. Commissioner Hawks placed a second to the amendment. Discussion was called. There was discussion by Commissioner Westbrook and Commissioner Owen. Commissioner Dennis Doster commented that this rule was a safe guard that gives the Commission time to think about a rule before it is changed. Commissioner Vancleave withdrew his Motion to amend.

Commissioner Westbrook made a motion to amend Rule 1, Line 7 to read from one-half to two-thirds of the regular meeting rate of the County Road Board. This would be a \$50 increase per regular meeting. The Rules Committee recommended this amendment with a vote of 7 ayes and 2 nay votes. Commissioner Jones placed a second to the motion. Discussion was called and Commissioner Donald Doster said he could not vote yes on this amendment. A voice vote was taken and in turn a Roll Call vote was called. County Clerk Hughey called the Roll with 8 ayes, 8 nays, one pass and one absent. County Mayor Bynum broke the tie casting an aye vote. The amendment passed.

Commissioner Westbrook made a Motion to amend Page 5, Rule 7D and move it up to 7C, which is regarding nominating members from one part of the Commission's rules and procedures to another. This is a housekeeping measure. Commissioner Vancleave placed a second. Discussion was called and the question. A voice vote was taken and the ayes have it with none opposed. The amendment carried.

Commissioner Westbrook made a Motion to amend Rule 9.C 2 page 10. The County Beer Board consists of five people and beer permits are \$250. Cutting this back to three members would save funds. Commissioner Hudson placed a second to the motion. Discussion and the question were called. A voice vote was taken and the ayes have it. The amendment was approved.

Commissioner Westbrook made a Motion to amend page 13 Rule 13.B – to state a County Mayor Chairperson can vote only in case of a tie. A member Chairperson may vote on all issues before the body, just as another member. Commissioner Pope placed a second. Discussion and the question were called. A voice vote was taken and the ayes have it with none opposed. The amendment carried.

Commissioner Westbrook made a motion to amend the rules to state chairperson everywhere it states chairman. Commissioner Fortner placed a second. A voice vote was taken and the ayes carried with none opposed. The amendment carried.

Back to the original Resolution with the amendments to Rule 9.B.1 from six to nine members on Finance Ways and Means, with one member from each district, Rule 9.B.4 from six members to nine members on Health Education and Economic Development, being the opposite of Finance Ways and Means, Rules 1 Line 7 from one-half to two-thirds of the regular meeting rate of the county road board, Rule 7.D and move to 7.C, Rule 9.C.2 from five members to three members, Rule 13B to read County Mayor chairperson can vote only in case of a tie, a member chairperson may vote on all issues before the body, just as another member and the final amendment is to insert Chairperson everywhere it states Chairman in the rules. A voice vote was taken and the ayes have it with two nays. The Resolution as amended carried.

**RESOLUTION NO. 2015-07:** Resolution to Approve Weakley County Officials Statutory Bonds. *Sponsored by Commissioners Westbrook and Overton.*

Commissioner Taylor made a motion and Commissioner Hawks placed a second. Discussion and the question were called. A voice vote was taken and the ayes have it with none opposed. The motion carried.

**RESOLUTION NO. 2015-08:** Resolution to Authorize Budget Amendments to the General Purpose School Fund for the Fiscal Year Ending June 20, 2015. *Sponsored by Commissioners Westbrook and Overton.*

Commissioner Wright made a motion and Commissioner Taylor placed a second. Discussion and the question were called. County Clerk Hughey called the Roll with 17 ayes and one absent. Motion was approved.

**RESOLUTION 2015-09:** Resolution to Appoint Rules Committee of the Weakley County Commission. *Sponsored by Commissioners Donald Doster and Vancleave.*

Motion was made by Commissioner Donald Doster to place the Resolution on the floor and a second by Commissioner Vancleave. Discussion and the question were called. A voice vote was taken and in turn a Roll Call vote was called. County Clerk Hughey called the roll with 9 ayes, 7 nays, one pass and one absent. The Resolution fails; it takes 10 ayes to pass a Resolution.

The Commission is now back to appoint members to the Weakley County Board of Commissioners Committee Members. Commissioner Westbrook gave the Rules Committee Report. Commissioner Westbrook made a motion to approve the list before the commission. Commissioner Fortner brought up the increase in members on Finance Ways and Means and Health, Education and Economic Development from six to nine members. Commissioner Hawks made a motion to amend the committees and passed around a list that he recommended these commissioners on the committees. Commissioner Hawks withdrew the motion to amend and Commissioner Vincent made a motion to place this back with the Rules Committee. Commissioner Westbrook commented the Rules Committee would meet at 8:00 a.m. Wednesday morning, September 17, 2014 at the Finance Office.

Commissioner Fortner made a motion to recess until Wednesday, September 17, 2014 at 5:30 p.m.

County Mayor Bynum commented that the rest of the agenda needed to be finished before the recess.

#### **COMMISSION MEMBERS' COMMENTS:**

County Mayor Bynum announced that the Tennessee County Commission Association Regional meeting would be September 25, 2014 at 6:00 p.m. Dinner will be provided and will be held at Paris Landing State Park. There is a signup sheet that will be passed around tonight, please sign up. This will be a very informative meeting; County Mayor Bynum commented that anybody that is new would need to be in attendance at this meeting.

The Tennessee County Service Association Annual Fall Conference will be October 28-30, 2014 at the Music Road Hotel in Sevier County. You will need to let Mrs. Francisco know if you are going to this conference.



Motion to recess by Commissioner Fortner and a second by Commissioner Hawks until September 17, 2014 at 5:30 p.m. A voice vote was taken and the ayes have it with none opposed. The Weakley County Commission stood in recess at 7:03 p.m.

ATTEST:

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Kim Hughey, Weakley County Clerk