

AGENDA  
WEAKLEY COUNTY LEGISLATIVE BODY  
REGULAR MEETING—NOVEMBER 25, 2002

CALL TO ORDER - 6:00 p.m.

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES OF SEPTEMBER 16, 2002 MEETING

SPECIAL RECOGNITION:

REPORTS:

Trustee's Report

General Fund Report

Highway Department Report

School Department Report

Solid Waste Report

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

Financial Management Report - Roger Stewart, Chairman

Health, Education and Welfare Report - Jimmy Westbrook, Chairman

Personnel Committee Report - John Salmon, Chairman

Public Safety Committee - Tommy Hunt, Chairman

Public Works Committee Report - David Rook, Chairman

Nursing Home Committee Report - Mac Bucklèy, Chairman

Agricultural-Extension Service Report - Jeff Lannom, Extension Director

Weakley County Emergency Management & Communications Report - David McAlpin, Director

UNFINISHED BUSINESS:

NEW BUSINESS:

Weakley county Library Appointment to Replace Gertie Sheffield Whose Term Has Expired

Resolution No. 2003-09 - Litter Grant Amendment Resolution

Resolution No. 2003-10 - Resolution to Urge the General Assembly to Amend Chapter 255 of Private Acts of 1982.

Resolution No. 2003-11 - School Resource Officers Resolution

Resolution No. 2003-12 - Budget Amendment and Creating New Line Item for Litter and Trash Grant Highway Department.

Resolution No. 2003-13 - General Purpose School Resolution

~~Resolution No. 2003-14 - Solid Waste Budget Amendment (Failed Finance, Ways & Means Committee)~~

Resolution No. 2003-15 - Highway Department Road Addition - Rolling Hills Lane

Miscellaneous announcements and statements

Election of Notaries Public

ADJOURNMENT

## WEAKLEY COUNTY LEGISLATIVE BODY MEETING

NOVEMBER 25, 2002

The Weakley County Legislative Body met on November 25, 2002 at 6:00 p.m. in the County Commission Room at the Weakley County Courthouse. County Executive Ron Gifford called the Meeting to order and Commissioner Rook gave the invocation. All members present gave the pledge to the Flag.

County Clerk Pat Scarbrough called the roll with 17 members present and one member, Mac Buckley, was absent.

County Executive Gifford asked if there were any additions or corrections to the minutes for the September 16, 2002 meeting. Commissioner Page made a motion, and a second was placed by Commissioner McAlpin to approve the September 16, 2002 minutes. A voice vote was taken and the ayes carried with none opposed. The September 16, 2002 minutes were approved.

### **SPECIAL RECOGNITION:**

There was not any special recognition.

### **REPORT:**

The Trustee's Report, General Fund Report, Highway Department Report, School Department and the Solid Waste Report were included in the packets distributed to each of the Commissioners. County Executive Gifford called for any Standing Committees that wished to report at that time. There being none, the Chairman moved on to the Nursing Home Report. David McBride, Director of the Nursing Home, delivered copies to all the members. The next item was the Agricultural-Extension Service Report, and Jeff Lannom, Extension Director, mailed copies to each of the members. David McAlpin, Director, also mailed the Weakley County Emergency Management and Communications Report to the members.

The Chair called for a motion to accept the Reports and Commissioner Rich made a motion and Commissioner Gardner placed the second. County Clerk Scarbrough called the roll with 17 ayes and one absent. The Reports were accepted.

### **UNFINISHED BUSINESS:**

There was not any unfinished business to come before the Commission at this time.

### **NEW BUSINESS:**

County Executive Gifford made note that under miscellaneous announcements and statements that there would be a presentation by the Director of Public Safety, Mr. J. D. Sanders, of the City of Martin. Commissioner Phebus made a motion to suspend the rules and place this presentation to the forefront of the New Business. Commissioner Wright placed a second. Discussion was called and the question, a voice vote was taken with the ayes carrying and none was opposed.

Director Sanders, expressed appreciation on behalf of the Police Chiefs of Weakley County and the Cities represented. The Police Chiefs and Mayors of these towns have been meeting for approximately one and a half years. The issues brought up were the D. U. I. fines and the jail fees associated with these fines. The County Legislative Body has previously discussed this issue on

numerous occasions. At this time Director Sanders gave out handouts and showed a film on the Law that was adopted in 1984 by Tennessee on mandatory D.U. I. sentencing laws. These laws established times for jail terms for this offense. The first offense was 48 hours mandated by law, second offense was 45 days and the third offense was 120 days and any subsequent offenses would be certified as a Class D Felon. This law also established a range of fines and minimum fines. The first offense fines was \$350 to \$1100, the second offense was \$600 to \$3500 and the third offense is \$1100 to \$10,000. The Law was established to get tough with D.U.I. offenders and to pass along the cost to the offenders.

On July 1, 1998 the County Commission enacted a half-cent sales tax increase to pay for the Construction of the new Jail, and all cities agreed to forego their part of this increase and designated this increase for the construction of the new Jail. Director Sander went on to give statistics of the funds that each City contributed for the construction of the new jail and statistics on the percentages on the breakdown of how the funds were obtained i.e. inside city limits, rural areas and also included was the hotel motel tax. He tied these funds into the amount of revenue the county is receiving and debt owed by cities for jail fees.

Director Sanders discussed that 90 percent of D.U.I fines come from within City Limits. He also talked about the amount of time officers have to spend on D.U.I. arrests. He discussed the cost, other factors involved by the officers, funds to carryout their duties and the training involved. Director Sanders stated he would be happy to answer any question the commission might have on the film clip or handout. He went on to state that the Cities felt that they were paying their bills and asked that the County Commissioner re-consider and waive the fees that the County is billing the cities for on these jail fees and hold the cities harmless.

**WEAKLEY COUNTY LIBRARY APPOINTMENT:** This appointment is to replace Gertie Sheffield whose term has expired.

County Executive Gifford nominated Tommy Moore. There was not another nomination and a motion was made by Commissioner Salmon to approve the nomination and seconded by Commissioner Stewart. A voice vote was taken and the ayes carried with none opposed.

**RESOLUTION 2003-09:** Litter Grant Amendment Resolution.

County Executive Gifford called for the Committee Report from Commissioner Rook, Public Works Chairman, he stated this was a resolution for a Grant to be accepted. Commissioner Phebus, Finance Ways and Means Chairman, stated that this resolution passed his Committee. Commissioner Rook made a motion and Commissioner Hunt placed a second. Discussion was called and the question. County Clerk Scarbrough called the roll with 17 ayes and one absent. The Motion carried.

**RESOLUTION 2003-10:** Resolution to Urge the General Assembly to Amend Chapter 255 of Private Acts of 1982.

County Executive Gifford called for the Committee Report from Public Safety Chairman, Hunt, he stated that it passed his committee by 2/3 votes. However, Commission Hunt stated that due to circumstances that had arisen since this vote, Commissioner Hunt made a motion to Table Resolution 2003-10 and Commissioner Stewart placed a second. Question was called and a voice vote was taken with the ayes carrying and none was opposed. The Motion carried and Resolution 2003-10 was tabled.

**RESOLUTION 2003-11:**

County Executive Gifford called for the Committee Report from the Public Safety Chairman Hunt. Commissioner Hunt stated it passed his committee by 2/3 votes. Finance Ways and Means Chairman, Phebus stated the Committee met but it failed for the necessary vote. Commissioner Phebus commented on his concerns for the information that has been put out by the news media. There are concerns for funding of this program. The City of Martin has had this program for four years. The people, in general, that have communicated with Commissioner Phebus have spoken highly of this program, but there are some people that are opposed.

The Commission needs to take action on this resolution at this meeting or this Grant will be lost. Sheriff Wilson stated that if the Commission votes in favor of this Grant at this meeting, the County would not be obligated until the first draw down in May. A Committee has been appointed to determine cost, where the officers will be located, and how many will be needed. Commissioner Phebus requested that this committee make every effort to get the most qualified people for these positions and to report back to the commission before a request for the first draw down. If the commission refuses at this point, then this grant will be forever lost, Commissioner Phebus stated he would support this resolution to the extent of acceptance pending further study by Sheriff Wilson and the Advisory Committee. This would determine the number of officers, where they will be placed and to better inform the public, so that they might have a better understanding of what this grant does.

Commissioner Phebus placed a Motion to approve this resolution pending the further study by Sheriff Wilson and the Advisory Committee. Before the Committee makes a draw down, the committee would come back to this commission to get authorization, in the mean time information needs to be put together so that the public at large has a better ideal of what this program will do. Commissioner Wright placed the second to the above motion. Discussion was called and Commissioner Westbrook commented that the commission normally does not approve a draw down, but customarily approves whether to participate or not to participate. Commissioner Vincent questioned if these funds would not be taken from the Fund Balance, and the motion would include that no money would be taken, if this was acceptable to Sheriff Wilson. Commissioner Westbrook stated that Section 1 of the Resolution should be eliminated and Commissioner Vincent commented that part of Section 3 should be removed also. This resolution designated 6 officers, and Commissioner Rook commented that what if only 4 officers were needed. Commissioner Phebus commented that if the committee determined that only 5 officers were needed then you could request a grant for any number up to the 6 officers requested in the grant. The County would pay back only the portion that would be used. Commissioner Baltz questioned if we could vote at this meeting to enter into a contractual agreement and then decide in February or later to back out of this agreement.

The County Executive requested that the County Clerk amend this resolution by making an attachment to the Resolution making this subject to the approval of the commission prior to the first draw down.

A motion to amend this Resolution was made by Commissioner Westbrook to eliminate Section 1. A request was made for Director Sanders to speak on this Grant, since he has experience on this matter. Director Sanders stated that the Grant period is not determined until the time that it is determined by the grantees. The grant does not begin until you make your first request for a draw. You can reject a grant all the way up till the time that your take the money. The beginning of the grant period is not until Sheriff Wilson decides when he wants to implement this grant; you cannot make a request for a draw down ahead of time. Commissioner Phebus placed a second to the amended motion. Discussion was

called. Question was called and a voice vote was taken with the ayes carrying and none was opposed. The commission is back to the original motion as properly amended. Discussion was called and the question. The County Clerk called the roll with 11 ayes, 5 nays, 1 pass and 1 absent. The Motion carried. Commissioner Phebus requested that Sheriff Wilson, and the Advisory Committee report back by the March Committee Meeting or prior to March if the report is ready for a final disposition in March.

**RESOLUTION 2003-12:** Budget Amendment and Creating New Line Item for Litter and Trash Grant Highway Department.

County Executive Gifford called for the committee reports from the Public Works Committee Chairman Rook and the Finance Ways and Means Committee, Chairman. Commissioner Phebus stated the Finance Committee approved this resolution unanimously. Commissioner Hunt made a motion and Commissioner Rook placed the second. Discussion was called and the question. County Clerk Scarbrough called the roll with 17 ayes, and one absent. The Motion carried.

**RESOLUTION 2003-13:** General Purpose School Resolution.

County Executive Gifford called for the committee report from Health, Education, and Welfare. Chairman Westbrook stated it passed his committee unanimously. Commissioner Phebus gave the Finance Ways and Means Report and it also passed his committee unanimously. Commissioner Wright made a motion and a second was placed by Commissioner Jones. Discussion was called and the question. The County Clerk called the roll with 17 ayes, and one absent. The Motion carried.

**RESOLUTION 2003-14:** Solid Waste Budget Transfer. (Failed Finance, Ways and Means Committee.) **REMOVED FROM THE AGENDA.**

**RESOLUTION 2003-15:** Highway Department Road Addition – Rolling Hills Lane.

The Chair called for a committee report from Public Works. Chairman Rook stated it passed his committee with 5 ayes and one absent. Commissioner Rook made a motion to place the resolution on the floor and Commissioner Hunt placed a second. Discussion was called and Commissioner Westbrook questioned the length of the road. Commissioner Rook stated that it was 1,000 feet and that it met the qualifications and has four homes on the road. Commissioner Westbrook commented that there is only a certain amount of money to spend on the roads and the criteria and qualifications need to be met. Question was called and the County Clerk called the roll with 14 ayes, 1 nay, 2 pass and 1 absent. The motion carried.

**MISCELLANEOUS ANNOUNCEMENTS AND STATEMENTS:**

Commissioner Westbrook commented that it was time to reappoint the County Attorney Nominating Committee and he made a motion to nominate the previous committee. Commissioner Stewart, Commissioner Phebus, Commissioner Owen was on the committee and a motion was made by Commissioner Stewart to add Commissioner Salmon to the Committee. Commissioner McAlpin placed a second to the motion. Discussion was called the question. A voice vote was taken with the ayes carrying and none was opposed. The appointment for County Attorney will be made in January.

Commissioner Westbrook nominated Commissioner John Salmon to serve on the Tennessee County Commission Association Legislative Committee to represent Weakley County. Commissioner Rook placed a second. Discussion

was called and the question. A voice vote was taken with the ayes carrying and none was opposed.

Commissioner Barner questioned what had been done on the Constable Bond for Clay Anderson. County Executive Gifford stated that the Circuit Court Judge had ruled on the case and Constable Anderson was allowed to submit his bond and be duly recorded.

**NOTARY PUBLIC:**

County Executive Gifford called for a motion to accept the Notary Public List. Commissioner Hunt made a motion and Commissioner Rook placed the second. Discussion was called and the question. A voice vote was taken with the ayes carrying and none was opposed. The Notary Public list was approved.

County Executive Gifford called for a motion to adjourn and Commissioner Wright made the motion and Commissioner Vincent placed the second. A voice vote was taken and the County Legislative Body Adjourned at 6:58 p.m.

ATTEST:

  
Pat Scarbrough, Clerk