

AGENDA
WEAKLEY COUNTY LEGISLATIVE BODY
REGULAR MEETING - JANUARY 22, 2002

CALL TO ORDER - 7:00 p.m.

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES OF NOVEMBER 19, 2001 MEETING

SPECIAL RECOGNITION:

ELECTIONS, APPOINTMENT & CONFIRMATIONS:

Election of County Attorney

Appointment of Ag Ext Committee

REPORTS:

Trustee's Report

General Fund Report

Highway Department Report

School Department Report

Solid Waste Report

Capital Projects Report - James H. Westbrook, Jr., Chairman

Finance, Ways, & Means Report - Dick Phebus, Chairman

Financial Management Report - Roger Stewart, Chairman

Health, Education & Welfare Report - John Salmon, Chairman

Legislative Report - Jack Vincent, Chairman

Personnel Report - John Salmon, Chairman

Public Safety Report - Kevin McAlpin, Chairman

Public Works Report -

Nursing Home Report - Mac Buckley, Chairman

Emergency Management Report - David McAlpin, Director

Agricultural Extension Service Report - Jeff Lannom, Extension Agent & Leader

UNFINISHED BUSINESS:

NEW BUSINESS:

Resolution No. 2002-28 - Resolution Honoring George Broussard

Resolution No. 2002-29 - General Purpose School Resolution

Resolution No. 2002-30 - General Purpose School Resolution

Resolution No. 2002-31 - Resolution Amending the Fixed Asset Accounting Policy for Weakley County.

Resolution No. 2002-32 - Resolution Authorizing Budget Amendments to the Central Cafeteria Fund

Resolution No. 2002-33 - Resolution Authorizing Budget Amendments to the General Fund

Resolution No. 2002-34 - Resolution Authorizing the Submittal of an Application to the Tennessee Dept. of Economic & Community Development for Community Development Block Grant Funds.

Resolution No. 2002-35 - Resolution Governing the Investment of Temporarily Idle, Unspent Bond and Note Proceeds

Resolution No. 2002-36 - General Fund Resolution

Resolution No. 2002-37 - County Road List

Miscellaneous announcements and statements

Election of Notaries Public

WEAKLEY COUNTY LEGISLATIVE BODY MEETING

JANUARY 22, 2002

The Weakley County Legislative Body met on January 22, 2002, 7:00 p.m. in the County Commission Room at the Weakley County Courthouse.

County Executive Ron Gifford called the meeting to order.

A moment of silence was observed in memory of Commissioner George Broussard.

Commissioner Dick Phebus gave the invocation.

All members present gave the pledge to the Flag.

County Clerk Pat Scarbrough took roll call with 18 members present, one member, Wendell Verdell absent and one Chair vacant.

County Executive Gifford asked if there were any additions or corrections to the minutes for the November 19, 2001 regular meeting. Commissioner Jones made a motion to approve and Commissioner Buckley placed a second to the motion. A voice vote was taken with the ayes carrying and the minutes of the November 19, 2001 meeting were approved.

SPECIAL RECOGNITION:

County Executive Gifford recognized the Weakley County School Board and expressed appreciation to them for their dedication and hard work they have exhibited for Weakley County.

County Executive Gifford recognized County Commissioner Jimmy Westbrook, who is retiring from the Tennessee Association of Highway Supervisors after serving the State for 14 years. The Commission expressed its appreciation for his hard work and dedication.

ELECTIONS, APPOINTMENT AND CONFIRMATIONS:

The next item on the agenda was the election of the County Attorney for Weakley County. The floor was opened for nominations and Commissioner Stewart made a motion for Bill Neese. Commissioner Salmon placed a second to the motion. Commissioner Phebus made a motion for the nominations to cease and Mr. Neese be elected by acclamation. Commissioner Wright placed a second and a voice vote was taken with the ayes carrying and none was opposed. County Attorney Neese thanked the commission for this appointment and stated that he enjoys serving as County Attorney and tries to be pro-active in the capacity of County Attorney.

Next there was a letter of nominations from the Weakley County Agricultural Extension Committee nominating Commissioner Roger Stewart of Greenfield, and Commissioner Seldon Parham of Dresden to fill these positions. A motion was called to confirm these appointments. Commissioner Page made a motion and Commissioner Wright placed the second. A voice vote was taken and the ayes carried with none opposed.

County Executive Gifford stated there was a vacancy on the Committee On The Poor. Commissioner Phebus stated they would need to meet once more before the auction and possibly twice. Commissioner Phebus nominated Commissioner Jack Vincent to fill Commissioner Broussard's vacancy on this committee. County Executive called for any other nominations, there being none a second

was placed by Commissioner Stewart for the placement of Commissioner Jack Vincent on the Committee On The Poor. A voice vote was taken with the ayes carrying and none was opposed.

REPORTS:

The Trustee's Report, General Fund Report, Highway Department Report, School Department Report and the Solid Waste Report were included in the packet distributed to each of the commissioners. The County Executive called for any standing committee reports.

The next report was the Nursing Home Report, a copy of which was before the Commissioners. Mr. McBride stated if there were any questions, to please feel free to question him.

The Emergency Management Report by Mr. McAlpin was next on the agenda; a copy of the report was placed before the Commissioners. Mr. McAlpin called attention to the Audit from the TBI and FBI confirming a good audit and the quarterly report was also included. If there was any questions Mr. McAlpin stated he would be happy to try and answer them.

The Agricultural Extension Report by Mr. Jeff Lannom was next on the agenda. Mr. Lannom mailed out packets to the Commissioners with the November and December Reporting period, also Mr. Lannom handed out a Publication by the Department of Agricultural and UTM Services on conservation measures the farmers are using across the State to help improve water quality.

County Executive called for a motion to accept the reports, Commissioner Farmer made the motion and Commissioner Rook placed a second. A voice vote was taken with the ayes carrying and none opposed. The Reports were accepted.

UNFINISHED BUSINESS:

County Executive Gifford recognized Commissioner McAlpin. Commissioner McAlpin brought before the commissioner a motion to reconsider Resolution No. 2002-24 to change the Private Acts pertaining to pay for the Road Commissioners. This resolution failed by the required two-thirds majority vote in the November Meeting. Commissioner Owens placed a second to reconsider Resolution No. 2002-24. A voice vote was taken and the ayes carried, none was opposed. Commissioner McAlpin made a motion to place on the floor and Commissioner Rook placed a second. Discussion was called. Commissioner Phebus stated he did not have Resolution No. 2002-24 before him and County Executive Gifford explained that it would increase Road Board pay from \$200 to \$300 per month. This pay increase would take effect with the new Road Board districts. Question was called and the County Clerk, Pat Scarbrough called the roll with 13 ayes, 5 nays, one absent and one vacant. The Motion Failed.

NEW BUSINESS:

Resolution No. 2002-28: Resolution Honoring George Broussard.

Commissioner Jones made the motion to place this resolution on the floor and Commissioner Buckley placed a second to the motion. County Executive Gifford asked if it would be appropriate to read this Resolution No. 2002-28 into the minutes and Commissioner Westbrook made a motion for the County Clerk, Pat Scarbrough, to read Resolution No. 2002-28 into the minutes and Commissioner Buckley placed the second. At that time County Clerk Scarbrough read Resolution No. 2002-28 into the minutes memorializing Commissioner George Broussard.

Discussion was called and Commissioner Westbrook moved to correct the road to State Route 43 and Federal Route 45E. Commissioner Stewart placed a second to this correction. County Executive Gifford recognized Commissioner Broussard's wife, Glenda, his son Stewart and his brother, Robert Broussard and thanked them for their presence. Discussion was called and the question. County Clerk Scarbrough called the roll with 18 ayes, none opposed, one absent and one vacant.

RESOLUTION NO. 2002-29: General Purpose School Resolution.

County Executive Gifford called for the Committee report from Commissioner Salmon, Chairman of the Health Education and Welfare Committee. Commissioner Salmon stated that this resolution passed his committee unanimously. Commissioner Phebus gave the Finance Ways and Means Report and he stated that it also passed his committee unanimously. Commissioner Westbrook made the motion to place the resolution on the floor and Commissioner Stewart places the second. Discussion was called and Commissioner Vincent discussed that the commission passed a budget in July of 2001 and felt that the commission should not raise salaries in the middle of the year. Commissioner Westbrook stated that he questioned this resolution in committee, he supports this resolution because the County passed their budget prior to the State passing their budget on August 7, 2001. The county did not know what the State's standing would be when the county Budget was passed. Commissioner Buckley stated he felt that this group of people should receive the salary increases. Commissioner Page also felt the raises should be given, but he also questioned how many more would want to receive this pay increase. Commissioner Stewart stated that the State should fund the raises that they passed for the teachers at the state level and the State did not fund this state increase. Discussion was called and the question. The County Clerk, Pat Scarbrough called the roll with 18 ayes, one nay, and one vacant. Commissioner Wendell Verdell answered the roll call at this time.

RESOLUTION NO. 2002-30: General Purpose School Resolution.

Commissioner Phebus stated that this was a technical correction to the General Purpose School Fund. The Finance Ways and Means Committee approved this Resolution. A motion was made by Commissioner Hunt to place the resolution on the floor and Commissioner Jones placed a second. Discussion was called and the question. County Clerk Scarbrough called the roll with 19 ayes and 1 vacant. The resolution carried.

RESOLUTION NO. 2002-31: Resolution Amending the Fixed Asset Accounting Policy for Weakley County.

Commissioner Stewart gave the Financial Management Report and the committee was in favor of this Resolution. A motion was made by Commissioner Phebus to place the resolution on the floor and Commissioner Stewart placed a second. Discussion was called and Commissioner Phebus made an amendment to the resolution on the Non-Depreciable Inventory to be changed from \$500 to \$1000. Commissioner Westbrook made the second to the amendment. A voice vote was taken on the amendment to the Resolution with the ayes carrying and none was opposed. Discussion was called on the motion as amended and the question. The County Clerk called the roll with 19 ayes and one vacant. The Resolution carried.

RESOLUTION NO. 2002-32: Resolution Authorizing Budget Amendments to the Central Cafeteria Fund.

Commissioner Salmon gave the committee report for Health, Education and Welfare and stated this resolution passed his committee unanimously. Commissioner Phebus gave the committee report for The Finance Ways and Means committee and this resolution also passed his committee unanimously. A motion was made by Commissioner Buckley to place the resolution on the floor and Commissioner Jones placed the second. Discussion was called and Commissioner Phebus made comments concerning the budget that was passed in July and the money that is coming out of the fund balance to fund these raises. There being no further discussion, the question was called and the County Clerk called the roll with 17 ayes, 2 nays and 1 vacant. The resolution carried.

RESOLUTION NO. 2002-33: Resolution authorizing Budget Amendments to the General Fund.

Commissioner Salmon gave the committee report from Health, Education and Welfare and this resolution passed his committee unanimously. Commissioner Phebus gave the Finance Ways and Means Committee Report and it also passed his committee unanimously. Commissioner Salmon made the motion and Commissioner Parham placed the second. Discussion was called and the question. The County Clerk called the roll with 19 ayes, 1 vacant. The Resolution carried.

RESOLUTION NO. 2002-34: Resolution Authorizing the Submittal of an application to the Tennessee Dept. of Economic and Community Development for Community Development Block Grant Funds.

Commissioner McAlpin gave the Public Safety Committee Report. This resolution passed this committee unanimously. Commissioner McAlpin pointed out that if the county received the grant, the \$37,000 for local funds would be provided by the local volunteer fire departments. Commissioner Phebus stated that it passed the Finance Ways and Means committee unanimously. Commissioner McAlpin made a motion and Commissioner Farmer placed the second. Discussion was called. Commissioner Page questioned if the funds would be raised by the local fire departments. Question was called and the County Clerk called the roll with 19 ayes and 1 vacant. The Resolution carried.

RESOLUTION NO. 2002-35: Resolution Governing the Investment of Temporarily Idle, Unspent Bond and Note Proceeds.

The Finance Ways and Means Chairman, Commissioner Phebus gave the committee report, this resolution passed unanimously. Commissioner Salmon made the motion to place the resolution on the floor and Commissioner Hunt placed the second. Discussion was called and Commissioner Page questioned where the funds would be placed. Commissioner Phebus stated that they would be placed with a Local Government Investment Pool in Nashville. No further discussion and the question was called. The County Clerk, Pat Scarbrough, called the roll with 19 ayes and 1 vacant. The resolution carried.

RESOLUTION NO. 2002-36: General Fund Resolution.

Committee Chairman Phebus gave the Finance Ways and Means Report and this resolution passed his committee unanimously. Commissioner Jones made the motion to place the resolution on the floor and Commissioner McAlpin placed the second. Discussion was called and the question. County Clerk Scarbrough took roll call with 18 ayes, 1 nay, and 1 vacant. The resolution carried.

RESOLUTION NO. 2002-37: County Road List.

Vice Chairman Rook gave the Public Works committee report and this committee approved this resolution. The Road Board also approved this resolution. Commissioner Rook made a motion to place this resolution on the floor and Commissioner Farmer placed the second. Discussion was called. Commissioner Hunt questioned if this reflects the new districts? Commissioner Vincent stated that it did not. Question was called and the County Clerk called the roll with 19 ayes and 1 vacant. The Resolution carried.

The County Executive called for any other business to come before the commission. Commissioner Stewart made a motion to reconsider Resolution 2002-24 to amend the Private Acts pertaining to the road board salary. There being a full commission seated to vote on the motion to reconsider at this time. A voice vote was taken with the ayes carrying and none opposed. Commissioner Rook made a motion to place Resolution No. 2002-24 on the floor and Commissioner Castleman placed the second. Discussion was called and Commissioner Vincent questioned when the increase would be taken from the Budget. This increase will be effective with the 2002-2003 budget. Question was called and the County Clerk called the roll with 14 ayes, 5 nays and 1 vacant. The resolution carried.

The County Executive stated that a Petition would need to be signed for the Legislature to consider this Amendment to the Private Acts. The County Executive passed a petition around for the commissioners to sign and to be attached to Resolution No. 2002-24.

The County Assessor of Property, David Tuck, requested the floor to make a statement concerning the personal property on the Methodist Hospital appeal. The County has won the appeal at this time; this will mean approximately \$95,000 to the County in taxes. This will probably still go to a higher appeals court and the County will continue to defend our position.

FURTHER BUSINESS:

The County Executive brought before the commission a matter concerning Jail Fee reimbursement from municipalities. The County Attorney was requested to clarify this issue. T.C.A. provides that the municipality who arrest an individual for D.U.I. and is convicted of this charge will receive all the fees, fines, forfeitures, etc. The Clerk is to pay over the fines, forfeitures to the various municipalities. However, the code also provides for the municipality to pay the incarceration cost to the County Sheriff in an amount not to exceed the fines. It came before the attention of the County Attorney in May of 2001 that these fees had not been paid by the municipalities. The County Sheriff claims the funds go back approximately three years and totals around \$40,000 in funds due to the County by the municipalities. The County Attorney has written letters to the municipalities explaining the law, at the request of the County Sheriff, Mike Wilson. The County Executive took every chief executive officer a copy of this letter in every municipality of the County. The County has not received a formal response but the County Attorney has been notified that they have requested an Attorney General's opinion concerning this T.C.A. code.

Commissioner Westbrook made a motion the Circuit Clerk-General Sessions Clerk be directed to deduct Jail Fees from D.U.I. fines going to the cities until the obligations to the County are liquidated. This will force the Cities to take action on the funds owed to the County. Commissioner Westbrook stated that he had talked with the Attorney General's Office and that they had not received a request for an opinion on this issue.

Commissioner Phebus requested that the County Attorney contact the Attorney General's Office for an opinion on this issue. Commissioner Sinclair placed a second to Commissioner Westbrook's motion to withhold D.U.I fines to the cities. Commissioner Phebus stated action by the municipalities, he felt, would be forthcoming immediately concerning the collection of jail fees. Commissioner Owens questioned if these fees were paid at one time and the reason why they stopped paying these fees. It was stated that it was unclear when they stopped paying the jail fees to the County. Commissioner Westbrook commented that the purpose of the motion was to force this issue to be resolved. Question was called and the County Clerk called the roll with 18 ayes, 1 pass and 1 vacant. The motion carried.

MISCELLANEOUS ANNOUNCEMENTS AND STATEMENTS:

Commissioner Phebus mentioned that the Committee On The Poor met and has contracted to sell at Public Auction the land adjacent to the Nursing Home. The Auction will be held February 2, 2002 at 10:00 a.m. at the Board of Education Meeting Room. The Committee On The Poor will meet after this commission meeting to finalize any matters concerning this sale.

Commissioner Phebus further commented on a front-page article that appeared in the Weakley County Press this date. The Headline reads "Audit Finds County Fiscally Challenged". Commissioner Phebus requested an explanation of this headline. Commissioner Phebus stated that none of the office holders were contacted or none of the officials for input in this story. He feels that the general public will read this and wonder what is going on in the Courthouse? He felt that more clarification was needed on these statements and a corrected story should follow up with the correct facts.

NOTARY PUBLIC:

Commissioner Buckley places a motion to approve the Notary Public and Commissioner Hunt placed a second. A voice vote was taken with the ayes carrying and none opposed. The Notary Public List was approved.

The Chair entertained a motion to adjourn and Commissioner Stewart made a motion and a second was placed by Commissioner Wright to adjourn. A voice vote was taken and the ayes carried the meeting adjourned at 8:27 p.m.

ATTEST:

Pat Scarbrough, County Clerk