

WEAKLEY COUNTY LEGISLATIVE BODY MEETING

SEPTEMBER 18, 2000, 7:00 P.M.

The Weakley County Legislative Body met on September 18, 2000, 7:00 p.m. in the County Commission room in the Weakley County Courthouse.

County Executive Ron Gifford called the meeting to order.

Commissioner Kevin McAlpin gave the invocation.

All members present gave the pledge to the Flag.

Roll Call was taken by the County Clerk, Pat Scarbrough with 19 members present and one commissioner, Vernon Dunn, absent.

County Executive Gifford ask if there was any additions or corrections to the July 24, 2000 minutes. Commissioner Westbrook noted that the report on the Capitol Project Committee should be amended to show October 15, 2000 instead of September 30, 2000. Also Resolution No. 2001-06 on page four of the minutes should be amended to show the self insurance interest be transferred to the General Capitol Project fund to be used as moving expense and for the purpose of furniture, with any residue to be transferred to the Debt Service fund. These corrections are to be made a part of the July 24, 2000 minutes, there being no other corrections, additions or deletions, Commissioner Page made a motion to approve the minutes of July 24, 2000 with the stated corrections and Commissioner Buckley seconded the motion. Voice vote was taken with the ayes carrying, no nays. The minutes are approved, given the corrections.

ELECTION OF THE CHAIRMAN:

The next item on the agenda was the election of the Chairman of the County Legislative Body. County Executive Gifford called on the Chairman Pro Tempore; Commissioner Buckley to take over the chair and County Executive Gifford left the room. Pro Tempore Chairman Buckley called for nominations for the Chairman, Commissioner Salmon nominated County Executive Gifford, there being no other nominations a second was called for and Commissioner Broussard made the second. A voice vote was taken with the ayes carrying, no nays and one absent. County Executive Gifford was elected as Chairman. County Executive Gifford thanked the members of the Commission for the confidence that was placed in him.

ELECTION OF THE CHAIRMAN PRO TEMPORE:

The next item on the agenda is the election of the Chairman Pro Tempore. The floor was opened for nominations and Commissioner Farmer nominated Commissioner Buckley and was second by Commissioner Broussard. There being no other nominations the chair moved to approve the election of Commissioner Buckley as Pro Tempore Chairman. A voice vote was taken, the ayes carried, none were opposed and one was absent. Commissioner Buckley thanked the members of the Commission.

COMMITTEE ON COMMITTEES REPORT:

Commissioner Westbrook, Chairman on this committee stated that the committee members each had copies of the members of each of the Committees. There were not any changes in the members of each of the committees and Chairman Westbrook moved that the committees be appointed and Commissioner Owen

made a second. A voice vote was taken, the ayes carried and there were none opposed.

Commissioner Westbrook recommended that there be an additional meeting added on the fourth Monday of June and that the Committee on Committees name be changed to the Rules Committee. It was also recommended that the oversight for Sanitation, Solid Waste, Trash, Litter control and the convenience center operations be transferred from the Public Works Committee to the Health Education and Welfare Committee. Commissioner Westbrook made a motion for these changes to be made to the rules and procedures. County Executive Gifford pointed out that this was under New Business and Commissioner Westbrook stated he would bring these items up under New Business later in the meeting. Commissioner Westbrook talked about the Census that was taken in April of this year and will be certified by March 31, 2001. The committee will hear proposals from any official, citizen or interest group between April 1 to June 30, 2001 proposing their plans. The Committee will make a recommendation to the full Commission on the third Monday in September 2001 on these proposals.

SPECIAL RECOGNITION:

County Executive Gifford ask if there was any special recognition to be given, there being none County Executive Gifford moved to the next item of business.

REPORTS:

County Executive Gifford stated that one of the issues that came out of the Committee on Committee Report was the request to proceed more effectively on the standing committee reports. The Chairman will ask the Chairmen of the different committees if they want to report or have anything to report, when the commission reaches the new business or old business, a committee report on each resolution will be given before it is placed on the floor for a motion, second and discussion. The committee, or committees, whose sponsors the resolution will be asked to give reports on the status, their recommendation and the committee's vote.

The Trustee's Report, General Fund Report, School Department Report, the Solid Waste Report, Annual Financial Reports from the fees offices were included in the packet mailed to the commission members. There being no corrections, additions or deletions to these reports the County Executive moved forward to the standing committees. The County Executive called for any Chairman of the standing committee to give their reports and make any comments at that time. The next item on the agenda was the Nursing Home Report, and there was not a report given. Included in the packet was Veteran's Officer Bradley's report. Mr. Bradley added comments to his report including a new bill passed that puts responsibility back at the government level instead of the local agency for assistance in obtaining veteran's records. Also Mr. Bradley has been working with Ms Julia Rich of the Education Department to assist World War II veteran's in obtaining their high school diploma. County Executive Gifford stated that if anyone is aware of a World War II Veteran that did not receive their high school diploma, to notify Mr. David Bradley or Ms. Julia Rich.

The Chair entertained a motion to approve the reports. Commissioner Parham made a motion to approve and Commissioner McAlpin seconded the motion. Commissioner Westbrook made a motion to amend the approval of the Reports to exclude the Nursing Home Report and was seconded by Commissioner Stewart. Discussion on the amendment to exclude the Nursing Home report was because a financial report had not been supplied as requested by Commissioner Westbrook from the meeting of July 24, 2000. Commissioner Buckley stated he has requested that the Director provide this information. Commissioner Westbrook compared the 1998 to 1999 reports by the director and compared

them to the audit, which showed revenues on the reports where overstated \$521,000 and profit was overstated \$306,972.10. The reports for 1999-2000 are worse and Commissioner Westbrook requested that the Nursing Home Committee look into this since, the Nursing Home lost \$249,798 in the last year. Commissioner Buckley and the committee will meet on next Monday night in hopes of having access to figures that the committee has not previously had at this point. There being no further discussion on the amendment to exclude the Nursing Home Report, a voice vote was taken with the ayes carrying, no nays and one absent. The amendment to approve the reports was unanimous.

Approval of the Reports as amended was taken by a roll call vote by the County Clerk with 19 ayes and no nays and one absent. Approval with the amendment passed.

County Executive Gifford recognized the Commission on the Poor Report and the Emergency Management Report. Commissioner Phebus stated he would give his report with the Resolution supported by his committee and there was not an Emergency Management Report.

OLD BUSINESS:

Resolution No. 2001-05 as amended and tabled at the July 24, 2000 meeting. Motion was made by Commissioner Westbrook to remove this from the table and seconded by Commissioner McAlpin. Removing from the table is non-debatable. A voice vote was taken and the ayes carried with none opposed. Discussion was called for. Commissioner Westbrook felt that this is a different resolution that addresses the same subject with different language. County Executive Gifford stated that it was altered to reflect the amendment. County Attorney, Bill Neese, stated that there was an amended motion and tabled and a motion has been submitted as amended. Commissioner Westbrook again stated that this Resolution has some different language in it than the one passed, amended and tabled. County Attorney Neese asked if the report of the amended motion is inaccurate and if it is incorrect then changes need to be made for it to comply. Commissioner Westbrook made a motion to reject Resolution No 2001-05 as amended and Commissioner Phebus seconded the motion. Discussion was called for about the difference in the wording. After more discussion question was called for. A voice vote was taken the ayes carried with none opposed, Resolution No. 2001-05 is defeated.

There being no further old business the County Executive moved to the next item on the agenda.

NEW BUSINESS:

The Chairman called for Resolution No 2001-05 to be renumbered as Resolution No 2001-14. County Executive Gifford called for the committee report by Chairman Phebus. The committee met several times with one joint meeting with the Nursing Home Committee. The survey was looked over, and they also went over the property proposed to be sold and that to be retained by the Nursing Home. The Nursing Home Committee and the Commission for the Poor Committee was in agreement that this was satisfactory. Commissioner Phebus pointed out the language in the Resolution for the Director of Finance to have the property surveyed, Commission of the Poor committee to dispose of property by public auction and also it spells out that part of the land to be retained by the Nursing Home. He further stated other specifics of the resolution as to the sale, auction etc. A motion was made by Commissioner Phebus to suspend the rules and to place Resolution No. 2001-14 out of chronological order with New Business. Commissioner Broussard seconded the motion. County Executive Gifford called for a voice vote, and reminded the commission that a two-thirds vote was required to suspend the rules. At this time a voice vote was taken the

eyes carried with none opposed. The rules are suspended; the chair called for a motion to place Resolution No. 2001-14 on the floor. Commissioner Page made the motion and Commissioner Phebus seconded the motion. Discussion was called for. Commissioner Farmer asked for the distribution of the money from this sale and where it would go. Commissioner Phebus recommended that the money go in the Debt Service Fund, so money could be used in the general fund, accumulate earnings and for use of retirement of debts. There was discussion on the money going to the Nursing Home instead of the county. This was clarified by the fact that the land was deeded to the Commission on the Poor and this Commission on the Poor belongs to the County and not the Nursing Home. Upon further discussion, County Attorney Neese recommended that the Resolution be left as it is. Also there was discussion on whether there would be a minimum bid that would be accepted. Commissioner Broussard made a motion to amend to Resolution to state that the County has the right to reject all bids and that the sale is not final until ratified the third Monday night in November. Commissioner Sinclair seconded motion. Discussion on the farm being leased (rented) by the Nursing Home Committee, and that a problem might arise from this lease. Commissioner Broussard withdrew his motion to amend Resolution No. 2001-14 and Commissioner Sinclair withdrew his second. Commissioner Broussard made a motion to table the original Resolution No 2001-14 and Commissioner Farmer seconded the motion to table. This is non-debatable. Voice vote was taken and the County Clerk called the roll with 6 ayes, 13 nays and one absent. Motion to table failed. Original motion is back on the floor. Commissioner Rook made an amendment to the motion to have 50 percent of the proceeds to go to the Nursing Home Fund and 50 percent to the Debt Service. Commissioner Farmer seconded the amendment to the motion. Commissioner Phebus and Commissioner Westbrook stated that there was \$700,000 on hand at the end of 1999. There was further discussion and the question was called for. A voice vote was taken and the County Clerk called the roll with 6 ayes, 13 nays and one absent. The motion to amend failed. The original motion by Commissioner Westbrook and Commissioner Phebus is on the floor with the question being called for. The County Clerk called the roll with 15 ayes, 4 nays and one absent. The motion carried.

APPOINTMENT OF MEMBER TO WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM BOARD:

County Executive Gifford nominated Commissioner Westbrook to serve in this capacity. Commissioner Westbrook stated that his term would not be up until the next election in 2002.

APPOINTMENT OF MEMBERS TO LAKE, OBION, WEAKLEY COUNTY SOLID WASTE BOARD:

County Executive Gifford recommended Bennie Castleman to serve a six-year term, beginning with January 1, 2000 and ending January 1, 2006. Tim McCollum was recommended to serve a partial four-year term to begin January 1, 2000 to January 1, 2004. Commissioner Stewart made the motion and Commissioner Farmer made the second. A voice vote was taken and the ayes carried with none opposed.

RESOLUTION NO. 2001-07:

Commissioner Salmon gave the committee report on Health Education and Welfare and their committee unanimously passed this resolution in their committee. Commissioner Phebus gave his report from Financial Ways and Means and this resolution also passed this committee. Motion to place this resolution on the floor by Commissioner Owen and seconded by Commissioner Buckley. Discussion was called for, there being none the question was called for

the County Clerk called the roll with 19 ayes, none opposed and one absent. The motion carried.

RESOLUTION NO. 2001-08:

Commissioner Broussard gave his report on the Public Works committee and they voted and passed the resolution through their committee. Commissioner Phebus, Financial Ways and Means committee, did not have a motion for consideration, and the Resolution comes before the commission without recommendation from this committee. The Health, Education and Welfare committee chaired by Commissioner Salmon gave his report. A motion was made in their committee to amend the motion to be increased by \$577.00 which is approximately seven-percent increase. County Executive Gifford called for a motion to place Resolution No 2001-08 on the floor, Commissioner Farmer made the motion and Commissioner Page seconded the motion. Commissioner Salmon made a motion to amend the Budget to \$8500.00 out of the General Fund balance. Commissioner Owens seconded motion. Discussion was called for. Concern was shown as to whether Griffin Industries would accept this contract. Question was called and a roll call vote was taken with 4 ayes, 15 nays and one absent. Amended motion failed. Original motion is back on the floor and question is called for. County Clerk, Pat Scarbrough, called the Roll with 13 ayes, 6 nays and one absent. Motion carried.

RESOLUTION NO 2001-09:

Commissioner Westbrook gave the committee report from Capital Projects. The Weakley County Jail moved from their old facility the first of the year and since that time the Clerk and Master's Office has been using this building, and should be back in the Courthouse around October 15. The committee has checked with numerous groups and the only interest to lease this building was the Weakley County Chapter of Disabled American Veteran's on a year to year basis. The Chapter would pay all insurance, upkeep, remodeling, taxes, utilities, and any other cost of maintaining these premises in a safe and sanitary fashion. The Committee voted five to none to recommend to the commission to enter into this lease agreement with the Weakley County Chapter 98 of the Disabled American Veterans. The Chairman called for a motion to place on the floor. Commissioner Parham made the motion and Commission Salmon made the second. There being no discussion, question was called for. County Clerk Scarbrough called the roll with 19 ayes, no nays and one absent. The motion carried.

RESOLUTION NO 2001-10:

Commissioner Salmon gave the report from Health, Education and Welfare. This resolution calls for giving \$6642.00 to the Dresden Office on Aging and \$8368.00 to the office on Aging in Sharon. This money was originally in the budget and the paperwork was not finished. The H.E.W. committee recommends this resolution to pass. Commissioner Phebus gave the Financial Ways and Means. The money for this resolution was not originally approved. Mr. Bucy, Director of Northwest Tennessee Development came before the committee at the last meeting with a second request, and explained the necessity of this program and the committee voted unanimously to approve this resolution. Motion to place this resolution on the floor was made by Commissioner Salmon and was seconded by Commissioner Buckley. Discussion was called for and Commissioner Castleman requested information on how the money would be used. County Executive Gifford gave a brief summary of the Senior Citizens centers in our community and their purpose. Commissioner Westbrook called for the commissioner to look at 46-140 in the revenue, grant money is received to operate and in order to continue receiving these grants, money has to be put in by the County. Question was called. County Clerk Scarbrough, with 19 ayes, no nays and one absent took roll call. Motion carried.

RESOLUTION NO 2001-11:

Commissioner Broussard, Chairman Public Works Committee, met and approved the closing of Galey Road, with all members present. County Attorney Neese stated that there would be notification to the people located on this road and they can request a hearing for their rights to be heard if they have any objections. County Attorney Neese will take care of the notification process. Motion was made to place resolution on the floor by Commissioner Farmer and a second by Commissioner Salmon. Discussion on people that live on this road and the mail route involved. Question was called for. Roll call vote was taken by County Clerk Scarbrough, with 19 ayes, no nays, and one absent. The motion carried.

RESOLUTION NO 2001-12:

Commissioner Westbrook, Chairman of the Committee on Committee gave his report. There are three changes to be made; adding a meeting on the fourth Monday in June, to make a total of seven instead of six meetings, to change the name of Committee on Committees to the Rules Committee, and proposing to shift the responsibility of the sanitation, solid waste, trash, litter control and convenience center operations from the Public Safety committee to the Health, Education and Welfare Committee. Commissioner Westbrook made a motion to place this resolution on the floor and was seconded by Commissioner Broussard. There was some discussion by Commissioner Phebus. Commissioner Phebus made a motion to amend the second line of Section one, to read, the Board shall meet in June on the fourth Monday and the third Monday of the odd number of months, with the exception of July which shall meet on the fourth Monday. Commissioner Hunt seconded the motion. Question was called for and a voice vote was taken and the ayes carried no nays and one absent. Motion as amended was put to the question and County Clerk Scarbrough called the roll with 18 ayes, one nay and one absent. The motion carried.

RESOLUTION NO 2001-13:

Commissioner Broussard, Chairman Public Work's committee turned over the meeting to Road Supervisor Freeman to explain the resolution. City of Martin will pay for the labor, material and equipment used to complete this project. It is estimated to take approximately seven hours. The project is located by the Martin Middle School and Stella Ruth Road. There will be a written invoice and the work will be properly documented. Motion to place on the floor by Commissioner Broussard and seconded by Commissioner Wright. Discussion on whether this would be legal to do for any government entity. A fair market value, when located within a municipality, would be established and it would have to go before full commission to be approved. After more discussion question was called for. The County Clerk, Pat Scarbrough called the roll with 19 ayes, no nays and one absent. The motion carried.

OTHER NEW BUSINESS:

County Executive Gifford called for other new business. Commissioner Phebus made a motion to appoint the members to the Rules Committee as follows, Commissioners Phebus, Westbrook, Stewart, Salmon, Parham, Owen, Broussard, Buckley, Wright and Sinclair are appointed. Second to the motion by Commissioner Westbrook. Voice vote was taken and the ayes carried, none opposed.

There being no further new business, the County Executive moved to the next item on the agenda.

MISCELLANEOUS ANNOUNCEMENTS AND STATEMENTS:

County Executive Gifford stated there would be Tennessee County Services meeting in Memphis during the month of October. There being no other announcements or statement, the next item on the agenda was called for.

NOTARY PUBLIC:

Commissioner Buckley made a motion to approve the Notary Public list and Commissioner Parham seconded the motion. A voice vote was taken and the ayes carried with none opposed. Notary Public list is approved.

Motion to adjourn by Commissioner Vincent and seconded by Commissioner Broussard. A voice vote was taken and the ayes carried. The meeting adjourned at 8:45 P.M.

Attest:

Pat Scarbrough, County Clerk