

BENTON COUNTY COMMISSIONERS MEETING

October 15, 2018

BE IT REMEMBERED THAT ON OCTOBER 15, 2018, THAT THE BENTON COUNTY COMMISSIONERS MET IN REGULAR SESSION AT THE BENTON COUNTY COURTHOUSE @ 6:00 PM.

**AGENDA**

1. Opening of Meeting by Sheriff or his appointee.
  2. Invocation was led by Mr. Greg Holt, Big Sandy Community Outreach Center and Pledge of Allegiance was led by Heather Smith and the Youth Leadership Group.
  3. Roll call by County Clerk Wanda Malin.
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**MEMBERS PRESENT: COMMISSIONERS ABSENT – ROCKY PRESSON**

DIST. 4	JERRY BRANDON	SONNY HALL	PHIL MELTON
DIST. 5	RACHELLE HILL	BILL KEE	ROSANNE WARD
DIST. 6	DARRYL HICKS	RONNIE HOPPER	MARY POWERS
DIST. 1	ANGIE HERN	DON PATTON	WARD PLANT
DIST. 2	DAYNA FERGUSON	KENNETH MILLER	
DIST. 3	KELEAH DYE	NORMAN FRAZIER	GARY FURR

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4. Announcing of Quorum by Chairman Ward Plant.
5. Election of Chairman Pro-Tem (RCV).
6. Proclamation of appreciation for Attorney Phil Hollis.
7. Approval of the Agenda (VV).
8. Citizens Forum.
9. Commissioners Forum.
10. Approval of previous month's minutes (VV).
11. Report of Public Utilities (VV).
12. Approval of the Quarterly Tennessee Rehabilitation Center Report (VV).
13. Resolution declaring surplus property for County Clerk's filing cabinets and allowing transfer of property to the Sheriff's Department for use (1015-01). (VV)
14. Resolution renaming and restructuring the current airport committee to be the Benton County airport Authority and Zoning Board of Appeals with 5 board members instead of only 3 with terms set where one member expires each year (1015-02). (VV)
15. Resolution appointing Bobby Latendresse to the TRRD Board to fill a vacancy set to expire on February 21, 2019 (1015-03). (VV)
16. Resolution contracting Hethcoat & Davis, Inc for professional engineering consultation services (1015-04). (VV)
17. Resolution increasing the litigation tax fee in all civil and criminal cases instituted in the county from fifty dollars (\$50) to sixty dollars (\$60) under T.C.A. 67-4-601(b) (1015-05). (RCV)

18. Resolution to rescind Resolution 0716-04 which decreased the legislative body from 18 members to 12 members with 2 commissioners representing each district beginning with the August election of 2022 (1015-06). (RCV)
  19. Resolution transferring funds within the schools' budget in the amount of \$55,623.00 from teachers to computer programmer (1015-07). (VV)
  20. Resolution budgeting funds received in the amount of \$14,500 within the schools' budget (1015-08). (VV)
  21. Resolution budgeting funds received from Basic Education Program in the amount of \$1,000 within the schools' (1015-09). (VV)
  22. Resolution budgeting funds received from School Safety in the amount of \$75,500 within the schools' budget (1015-10). (VV)
  23. Resolution budgeting funds in the amount of \$633.90 within the library's budget (1015-11).
  24. Resolution budgeting funds in the amount of \$1,200.93 within the animal shelter budget (1015-12). (VV)
  25. Resolution budgeting TDOT grant funds received in the amount of \$78,692.00 within the airport budget (1015-13). (VV)
  26. Resolution budgeting USDA and DRA grant funds received for the Benton-Decatur Sewer Project in the amount of \$60,044.00 within Fund 171-Capital Projects (1015-14). (VV)
  27. Resolution budgeting funds in the amount of \$425.00 for the ROI fees for the medical examiner (1015-15) (VV)
  28. Resolution budgeting funds in the amount of \$6,466.04 within the sheriff's budget (1015-16) (VV)
  29. Resolution budgeting funds in the amount of \$1,448.15 within the sheriff's budget (1015-17) (VV)
  30. Resolution appropriating funds in the amount of \$19,164.00 from the schools unassigned fund balance and budget to the Expenditure Account 141.72120.131 – Medical Personnel (1015-18) (RCV)
  31. Resolution appropriating funds in the amount of \$200.00 from the General Sessions Court Data Processing Reserve and budget within the General Sessions Judge budget (1015-19) (RCV)
  32. Resolution appropriating funds in the amount of \$350.00 from the Courtroom Security Reserve Account and budget within the Chancery Court Budget (1015-20) (RCV)
  33. Appointing Notaries.
  34. Any other business.
  35. Adjourn.
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### **First order of business is to elect a Pro-Tem**

### **ELECTION OF PRO-TEM**

Nominations were opened for Pro-Tem.

Motion was made by Commissioner Dye and seconded by Commissioner Hill to nominate Commissioner Darrell Hicks.

Motion was made by Commissioner Brandon and seconded by Commissioner Ferguson to nominate Commissioner Norman Frazier.

Motion was made by Commissioner Kee and seconded by Commissioner Ferguson to nominate Commissioner Rosanne Ward.

Motion was made by Commissioner Powers and seconded by Commissioner Hern to cease nominations.

Commissioner Rosanne Ward received 10 votes and Commissioner Darrell Hicks received 7 votes. Commissioner Rosanne Ward is elected Protem.

Change of votes:

Commissioner Brandon changed his vote from Pass to Ward.  
 Commissioner Melton changed his vote from Frazier to Ward.  
 Commissioner Hill changed her vote from Hicks to Ward.  
 Commissioner Ward changed her vote from Pass to Ward.  
 Commissioner Ferguson changed her vote from Frazier to Ward.  
 Commissioner Frazier changed his vote from Pass to Ward.

<b><u>PROTEM ELECTION</u></b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>HICKS</b>	<b>FRAZIER</b>	<b>WARD</b>		<b>PASS</b>
JERRY BRANDON		X			X		
SONNY HALL		X			X		
PHIL MELTON		X			X		
RACHELLE HILL		X			X		
BILL KEE		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS		X	X				
RONNIE HOPPER		X	X				
MARY POWERS		X	X				
ANGIE HERN		X	X				
DON PATTON		X	X				
WARD PLANT		X	X				
DAYNA FERGUSON		X			X		
KENNETH MILLER		X			X		
ROCKY PRESSON	X						
KELEAH DYE		X	X				
NORMAN FRAZIER		X			X		
GARY FURR		X			X		

## **RECOGNITION OF ATTORNEY PHIL HOLLIS**

Chairman Plant turned the meeting over to Mayor Lashlee for the Proclamation of Appreciations of Attorney Phil Hollis.

Whereas, Attorney Phil Hollis, Peeler & Hollis Law Firm, located here in Benton County, Tennessee, has been the representation for Benton County and our legislative body for many years, and whereas, Phil Hollis has worked on behalf of Benton County for 7 years, beginning March 2011 and whereas, he has worked vigorously at improving the county's legalities and has done an exceptional job at moving our county forward.

Therefore, on this 15<sup>th</sup> day of October, 2018, Benton County would like to present Phil Hollis with a certificate of appreciation and recognition of the dedication, loyalty and service he has provided to our county and which will never be forgotten.

Signed,

Brett W. Lashlee.

## **APPROVAL OF THE AGENDA**

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve the agenda. On a voice vote, all present voted Aye. Motion Carries.

County Clerk Wanda Malin said there was a correction needed on the minutes of the October 2, 2018 special called meeting. The minutes reflected and box checked in error. Motion was made by Commissioner Ferguson and Seconded by Commissioner Patton to approve and note the correction. On a voice vote, all present voted Aye. Motion Carries.

## **CITIZENS FORUM**

Mark Florence, Director of Schools, advised of a reception for the County Commissioner and the school board members on October 23, 2018 from 6:30-7:00 pm.

## **COMMISSIONERS FORUM**

### **APPROVE THE PREVIOUS MONTHS MINUTES**

Motion was made by Commissioner Ward and seconded by Commissioner Ferguson to approve September 2018 Minutes. On a voice vote, all present voted Aye. Motion Carries.

### **APPROVAL OF THE REPORT OF PUBLIC UTILITIES**

Motion was made by Commissioner Brandon and seconded by Commissioner Powers to approve the Report of Public Utilities. On a voice vote, all present voted Aye. Motion Carries.

### **APPROVAL OF THE TENNESSEE REHABILITATION CENTER REPORT**

Motion was made by Commissioner Ferguson and seconded by Commissioner Hill to approve the Tennessee Rehabilitation Center Report. On a voice vote, all present voted Aye. Motion Carries.

## **RESOLUTIONS**

Motion was made by Commissioner Frazier and seconded by Commissioner Patton to approve **RESOLUTION 1015-01**. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 1015-01**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: PROPERTY COMMITTEE**

**WHEREAS**, the County Clerk has purchased new filing cabinets; and

**WHEREAS**, it will be necessary to designate the current filing cabinets in the County Clerk's office as surplus property; and

**WHEREAS**, it will be necessary to give the County Clerk permission to transfer this surplus property over to the Sheriff's Department for their use; and

**WHEREAS**, the current filing cabinets to be transferred to the Sheriff's Departments will be:

- 6 black four drawer filing cabinets
- 3 black seven drawer filing cabinets
- 1 black eight drawer filing cabinet

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October 2018 that the filing cabinets listed above be declared as surplus property and transferred over to the Sheriff's Department for their use.

Motion was made by Commissioner Powers and seconded by Commissioner Ward to approve **RESOLUTION 1015-02**. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 1015-02**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: COUNTY MAYOR T.C.A. § 42-3-103 / TENNESSEE CODE TITLE 13, CHAPTER 7**

**WHEREAS**, it is the recommendation of the Benton County Mayor to expand our current Airport Committee from three members to five members; and

**WHEREAS**, it is the recommendation of the Benton County Mayor to rename the current Airport Committee as the Benton County Airport Authority and Zoning Board of Appeals; and

**WHEREAS**, the Benton County Airport Authority and Zoning Board of Appeals will have the combined duties and functions of both the Airport Board of Commissioners and Airport Zoning Board of Appeals described within the T.C.A § 42-3-103 and Tennessee Code Title 13, Chapter 7, in order to oversee the day to day operations and the aerial zoning of the local airport; and

**WHEREAS**, the terms will be for five years, but with staggered terms where one will expire each year; and

**WHEREAS**, the County Mayor and/or County Commission Chairman will also act as an Ex-Officio member of the board with no set terms; and

**WHEREAS**, the members and terms for the newly revised Benton County Airport Authority and Zoning Board of Appeals will be as follows:

• Darrell Berry	5 year term	Expires: November 1, 2023
• Dr. James Fissette	4 year term	Expires: November 1, 2022
• Eldon Wimberly	3 year term	Expires: November 1, 2021
• Leonard Pierpoint	2 year term	Expires: November 1, 2020
• Jerry Brandon	1 year term	Expires: November 1, 2019
• Ex-Officio Member	County Mayor and/or Commission Chairman	

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October 2018 that the revisions listed above for the current Airport Committee take place and become effective November 1, 2018.

Motion was made by Commissioner Ferguson and seconded by Commissioner Kee to approve **RESOLUTION 1015-03.** On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 1015-03**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BENTON COUNTY MAYOR**

**WHEREAS**, there is a current vacancy on the Tennessee River Resort District Board (TRRD); and  
**WHEREAS**, it will be necessary to fill this vacancy with a term set to expire on February 21, 2019;  
and  
**WHEREAS**, it is the recommendation of the County Mayor to appoint Bobby Latendresse to the TRRD Board to fill this vacancy.  
**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October 2018 that Bobby Latendresse be appointed to the Tennessee River Resort District Board (TRRD) to fill a vacancy with a term set to expire on February 21, 2019.

Motion was made by Commissioner Hern and seconded by Commissioner Powers to approve **RESOLUTION 1015-04.** On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 1015-04**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: PROPERTY COMMITTEE AND BUDGET COMMITTEE**

**WHEREAS**, it is the recommendation of the Benton County Mayor to contract with the firm Hethcoat & Davis, Inc. for professional engineering consultation services for any future county projects;  
and  
**WHEREAS**, this contract agreement will be for providing professional engineering services on an "as-needed" or "directive only" basis; and  
**WHEREAS**, this contract agreement is a zero dollar (\$0.00) value agreement; and  
**WHEREAS**, this contract agreement is not a retainer; and  
**WHEREAS**, the only time the county will be invoiced is if Hethcoat & Davis engineering services are required.  
**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that Benton County contract with Hethcoat & Davis, Inc. for professional engineering consultation services for future projects county wide.

Motion was made by Commissioner Ward and seconded by Commissioner Patton to approve **RESOLUTION 1015-05.** On a roll call vote, 16 Ayes and 1 Nay. Motion Carries.

**RESOLUTION NO. 1015-05**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**TO LEVY ADDITIONAL LITIGATION TAXES**  
**IN BENTON COUNTY**

**WHEREAS**, T.C.A. § 67-4-601(b) authorizes counties, by a two-thirds majority vote of the county legislative body, to levy certain local privilege taxes on litigation in all civil and criminal cases instituted in the county, other than those instituted in municipal courts, such taxes to be in addition to all other privilege taxes on litigation authorized by law; and  
**WHEREAS**, in 2016 Tennessee's Attorney General issued Opinion No. 16-10 on the litigation taxes under subsection (b) of TCA 67-4-601. This opinion supersedes prior opinions and states that counties can levy up to \$60 in total taxes under subsection (b) of TCA 67-4-601 by levying a \$10 tax under subdivision (b)(1), a \$25 tax under subdivision (b)(5), and a \$25 tax under subdivision (b)(6); and  
**WHEREAS**, the current total litigation taxes collected pursuant to T.C.A. § 67-4-601(b) in Benton County is Fifty dollars (\$50); and  
**WHEREAS**, the Board of County Commissioners of Benton County has determined that Benton County is in need of additional revenues and therefore desires to increase the litigation taxes authorized by T.C.A. § 67-4-601(b) for all civil and criminal cases in Benton County:  
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Benton County, Tennessee, meeting in regular session on this the 15th day of October, 2018, in Camden, Tennessee, that:

✓ Section 1. Effective on the first day of the month following the final passage of this resolution, the total litigation taxes on civil and criminal cases in County authorized by T.C.A. § 67-4-601(b) shall be increased from fifty dollars (\$50) to Sixty dollars (\$60) by levying a \$10 tax under subdivision (b)(1), a \$25 tax under subdivision (b)(5), and a \$25 tax under subdivision (b)(6) of T.C.A. § 67-4-601(b).

✓ Section 2. The clerks of court of Benton County are instructed to collect these litigation taxes on civil and criminal cases in the same manner as all other litigation taxes.

✓ Section 3. Such revenues from the \$10 increase per case shall be used for retirement of debt for construction and/or for the renovation of the Benton County Jail or Courthouse as authorized by T.C.A. § 67-4-601(b).

Section 4. The taxes imposed by this resolution shall take effect on the first day of the month following the effective date of this resolution, the public welfare requiring it, and shall remain in effect until amended or repealed, unless otherwise provided by T.C.A. § 67-4-601.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Passed by a two-thirds majority vote of the Board of County Commissioners of Benton County, this the 15<sup>th</sup> day of October, 2018.

<b><u>RESOLUTION 1015-05</u></b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>PASS</b>
JERRY BRANDON		X			X		
SONNY HALL		X			X		
PHIL MELTON		X			X		
RACHELLE HILL		X			X		
BILL KEE		X			X		
ROSANNE WARD		X	X		X		
DARRELL HICKS		X			X		
RONNIE HOPPER		X			X		
MARY POWERS		X			X		
ANGIE HERN		X			X		
DON PATTON		X		X	X		
WARD PLANT		X				X	
DAYNA FERGUSON		X			X		
KENNETH MILLER		X			X		
ROCKY PRESSON	X						
KELEAH DYE		X			X		
NORMAN FRAZIER		X			X		
GARY FURR		X			X		

Motion was made by Commissioner Patton and seconded by Commissioner Hill to approve **RESOLUTION 1015-06**.

Motion was made by Commissioner Hill and seconded by Commissioner Hern to amend **RESOLUTION 1015-06**. On a roll call vote, 10 Ayes and 7 Nays. Motion Fails.

**RESOLUTION NO. 1015-06**

**SPONSORED BY COMMISSIONERS RONNIE HOPPER AND DARRELL HICKS**

**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, in previous action by the full legislative body, Resolution 0716-04 was passed reducing the commission to 12 with 2 commissioners representing each district beginning with the August election of 2022; and

**WHEREAS**, this resolution also stated the county commission would have staggered terms and was described as the following:

*The Benton County Board of Commissioners shall consist of twelve (12) Commissioners, with two (2) members of the board being elected by the qualified voters in each district on a non-partisan basis. Commissioners shall be elected in either Seat A or Seat B in each district. Commissioners shall be elected to staggered four (4) year terms so that every two(2) years the terms of one-half (½) the Benton County Board of Commissioners will expire, with the terms of County Commissioners holding Seat A expiring at the same time and the terms of County Commissioners holding Seat B expiring at the same time. Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.*

*To establish staggered terms in the August 2022 general election, County Commissioner seats shall be assigned Seat A and Seat B. At the regular August 2022 elections, the person receiving the highest number of votes shall be elected in seat A to a four (4) year term. At the regular August 2022 elections, the person receiving the 2<sup>nd</sup> highest number of votes shall be elected in seat B to a two (2) year term. At the regular August 2024 elections, Commissioners in Seat B shall be elected to four (4) year terms in Districts 1, 2, 3, 4, 5, and 6. At the regular August 2026 elections, Commissioners in Seat A shall be elected to four (4) year terms in Districts 1, 2, 3, 4, 5, and 6. Thereafter, all commissioners shall be elected to four (4) year terms as each member's term expires.*

**WHEREAS**, it is the recommendation of commissioners Ronnie Hopper and Darrell Hicks to rescind this Resolution 0716-04 and to set the county commission back to 18 board members without staggered terms.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that the full legislative body will rescind Resolution 0716-04.

At the May, 2018 commissioners' meeting, Resolution 0521-02 was introduced to lower the number of district commissioners from three to two per district. The resolution was voted down.

At the June, 2018 commissioners' meeting, during the last order of business, Commissioner Trey Smith asked for reconsideration of Resolution 0521-02 disregarding all commission rules as well as the rules outlined in the New Roberts Rule of Order. Appeals and objections to this reconsideration were not acknowledged. Therefore, the reconsideration of Resolution 0521-02 must be rescinded and the vote of this resolution at the May, 2018 meeting is still binding.

At the July, 2018 commissioners' meeting, Resolution 0716-04 was introduced that stated in conjunction with the reduction of district commissioners, future commissioner elections be staggered with the commissioner with the top vote total in each district elected to a four year term while the second highest in each district would be elected to a two year term for 2022. After 2022, the staggered elections would produce four year terms for each. This is a violation of state election regulations and must be rescinded.



**AMEND RESOLUTION 1015-06**

COMMISSIONER	ABSENT	PRESENT	MOTION	SECOND	AYE	NAY	PASS
JERRY BRANDON		X				X	
SONNY HALL		X			X		
PHIL MELTON		X				X	
RACHELLE HILL		X	X		X		
BILL KEE		X				X	
ROSANNE WARD		X				X	
DARRELL HICKS		X			X		
RONNIE HOPPER		X			X		
MARY POWERS		X			X		
ANGIE HERN		X		X	X		
DON PATTON		X			X		
WARD PLANT		X			X		
DAYNA FERGUSON		X				X	
KENNETH MILLER		X			X		
ROCKY PRESSON	X						
KELEAH DYE		X			X		
NORMAN FRAZIER		X				X	
GARY FURR		X				X	

Motion was made by Commissioner Ferguson and seconded by Commissioner Furr to table **RESOLUTION 1015-06** until the November 2018 meeting. On a roll call vote, 8 Ayes and 9 Nays. Motion Fails.

Commissioner Brandon changed his vote from Nay to Aye.

<b>TABLE RESOLUTION 1015-06</b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>PASS</b>
JERRY BRANDON		X			X		
SONNY HALL		X			X		
PHIL MELTON		X			X		
RACHELLE HILL		X				X	
BILL KEE		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS		X				X	
RONNIE HOPPER		X				X	
MARY POWERS		X				X	
ANGIE HERN		X				X	
DON PATTON		X				X	
WARD PLANT		X				X	
DAYNA FERGUSON		X	X		X		
KENNETH MILLER		X				X	
ROCKY PRESSON	X						
KELEAH DYE		X				X	
NORMAN FRAZIER		X			X		
GARY FURR		X		X	X		

Motion was made by Commissioner Hill and seconded by Commissioner Hern to table until the November 2018 meeting. On a roll call vote, 15Ayes and 2 Nays. Motion Carries.

<b><u>RESOLUTION 1015-06</u></b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>PASS</b>
JERRY BRANDON		X				X	
SONNY HALL		X			X		
PHIL MELTON		X			X		
RACHELLE HILL		X	X		X		
BILL KEE		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS		X			X		
RONNIE HOPPER		X				X	
MARY POWERS		X			X		
ANGIE HERN		X		X	X		
DON PATTON		X			X		
WARD PLANT		X			X		
DAYNA FERGUSON		X			X		
KENNETH MILLER		X			X		
ROCKY PRESSON	X						
KELEAH DYE		X			X		
NORMAN FRAZIER		X			X		
GARY FURR		X			X		

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to combine **RESOLUTIONS 1015-07, 1015-09 and 1015-10.** On a roll call vote, 16 Ayes and 1 Nay.  
Motion Carries.

<b><u>COMBINE RESOLUTIONS 1015-07, 1015-09 and 1015-10</u></b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>PASS</b>
JERRY BRANDON		X			X		
SONNY HALL		X			X		
PHIL MELTON		X			X		
RACHELLE HILL		X			X		
BILL KEE		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS		X			X		
RONNIE HOPPER		X				X	
MARY POWERS		X			X		
ANGIE HERN		X			X		
DON PATTON		X			X		
WARD PLANT		X			X		
DAYNA FERGUSON		X	X		X		
KENNETH MILLER		X			X		
ROCKY PRESSON	X						
KELEAH DYE		X			X		
NORMAN FRAZIER		X		X	X		
GARY FURR		X			X		

Motion was made by Commissioner Ferguson and seconded by Commissioner Melton to approve as combined **RESOLUTIONS 1015-07, 1015-09 and 1015-10.** On a roll call vote, 16 Ayes and 1 Nay. Motion Carries.

<b><u>COMBINE RESOLUTIONS 1015-07, 1015-09 and 1015-10</u></b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>PASS</b>
JERRY BRANDON		X			X		
SONNY HALL		X			X		
PHIL MELTON		X		X	X		
RACHELLE HILL		X			X		
BILL KEE		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS		X			X		
RONNIE HOPPER		X			X		
MARY POWERS		X			X		
ANGIE HERN		X			X		
DON PATTON		X			X		
WARD PLANT		X			X		
DAYNA FERGUSON		X	X		X		
KENNETH MILLER		X			X		
ROCKY PRESSON	X						
KELEAH DYE		X			X		
NORMAN FRAZIER		X				X	
GARY FURR		X			X		

**RESOLUTION NO. 1015-07**

**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE  
LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSIONERS**

**OCTOBER 15, 2018**

WHEREAS: The estimate of expenditures was not enough to meet the necessary expenditures for certain subsidiary items in the primary series in the School Budget;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2018-19 School Budget as follows:

<u>INCREASE</u>			
72250	120	Computer Programmer	\$ 44,819.00
	201	Social Security	2,779.00
	204	Retirement	7,375.00
	212	Medicare	650.00
			<u>\$ 55,623.00</u>

<u>DECREASE</u>			
71100	116	Teachers	\$ 55,623.00

**RESOLUTION NO. 1015-09**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSIONERS**

**OCTOBER 15, 2018**

WHEREAS: The estimate of expenditures was not enough to meet the necessary expenditures for certain subsidiary items in the primary series in the School Budget;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2018-19 School Budget as follows:

<u>INCREASE</u>		
46511	Basic Education Program	\$ 1,000.00
71100 116	Teachers	\$ 500.00
73400 116	Pre K Teachers	<u>500.00</u>
		\$ 1,000.00

Respectfully submitted,

**RESOLUTION NO. 1015-10**  
**SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSIONERS**

**OCTOBER 15, 2018**

WHEREAS: The estimate of expenditures was not enough to meet the necessary expenditures for certain subsidiary items in the primary series in the School Budget;

THEREFORE: Be it resolved by the Benton County Board of Education to approve the following changes within the 2018-19 School Budget as follows:

<u>INCREASE</u>		
46981	Safe Schools/School Safety	\$ 75,500.00
71100 399	Other Contracted Services	\$ 43,100.00
76100 707	Building Improvements	13,900.00
76100 724	Site Development	8,500.00
72130 189	Other Salaries & Wages	<u>10,000.00</u>
		\$ 75,500.00

Respectfully submitted,

Motion was made by Commissioner Ferguson and seconded by Commissioner Hill to approve **RESOLUTION 1015-08**.

Motion was made by Commissioner Ward and seconded by Commissioner Ferguson to amend **RESOLUTION 1015-08** say \$28,000 instead of \$14,500. On a roll call vote, all present voted Aye. Motion Carries.

Motion was made by Commissioner Dye and seconded by Commissioner Hicks to approve **RESOLUTION 1015-08** as amended. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 1015-08**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSIONERS**

**OCTOBER 15, 2018**

WHEREAS: The estimate of expenditures was not enough to meet the necessary expenditures for certain subsidiary items in the primary series in the School Budget;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2017-18 budget as follows:

<u>INCREASE</u>		
44570	Contributions	\$ 14,500.00
71100 399	Other Contracted Services	\$ 14,500.00

Motion was made by Commissioner Ferguson and seconded by Commissioner Hill to combine **RESOLUTIONS 1015-11 – 1015-17**. On a roll call vote, 16 Ayes and 1 Nay. Motion carries.

<b><u>COMBINE RESOLUTIONS 1015-11 – 1015-17</u></b>							
<b>COMMISSIONER</b>	<b>ABSENT</b>	<b>PRESENT</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>PASS</b>
JERRY BRANDON		X			X		
SONNY HALL		X			X		
PHIL MELTON		X			X		
RACHELLE HILL		X		X	X		
BILL KEE		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS		X			X		
RONNIE HOPPER		X				X	
MARY POWERS		X			X		
ANGIE HERN		X			X		
DON PATTON		X			X		
WARD PLANT		X			X		
DAYNA FERGUSON		X	X		X		
KENNETH MILLER		X			X		
ROCKY PRESSON							
KELEAH DYE		X			X		
NORMAN FRAZIER		X			X		
GARY FURR		X			X		

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve as combined **RESOLUTIONS 1015-11 – 1015-17**. On a voice vote, all present voted Aye. Motion carries.

<b>RESOLUTION NO. 1015-11</b>			
<b>SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE</b>			
<b>LEGISLATIVE REFERENCE: BUDGET COMMITTEE</b>			
<b>WHEREAS</b> , the Benton County Library has received funds in the amount of \$633.90 for fines, copies, faxes, reimbursements collected throughout the month of September 2018; and			
<b>WHEREAS</b> , it will be necessary to budget the said funds in the amount of \$633.90 within the library budget.			
<b>NOW THEREFORE BE IT RESOLVED</b> , By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15 <sup>th</sup> day of October 2018 that the funds in the amount of \$633.90 received by the Benton County Library for fines, copies, faxes and reimbursements received for the month of September 2018 be budgeted as the following:			
<b>INCREASED REVENUES:</b>			
101.43350	GENERAL SERVICE CHARGES/COPY FEES	\$	189.55
101.43360	GENERAL SERVICE CHARGES/LIBRARY FEES	\$	222.35
101.44170	OTHER LOCAL REVENUE/MISC. REFUNDS	\$	222.00
			<b>\$ 633.90</b>
<b>INCREASED EXPENDITURES</b>			
101.56500.307	COMMUNICATIONS	\$	633.90
			<b>\$ 633.90</b>

**RESOLUTION NO. 1015-12**

**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**

**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the Benton County Animal Shelter has received funds in the total amount of \$1,200.93 in donations and adoption fees during the month of September; and

**WHEREAS**, it will be necessary to budget the said funds in the total amount of \$1,200.93 to the appropriate expenditure accounts within the Animal Shelter budget.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that the funds in the amount of \$1,200.93 collected by the Benton County Animal Shelter throughout the month of September be budgeted as the following:

**INCREASE REVENUES:**

101.41130	ANIMAL VACCINATIONS	\$ 945.00
101.48610	DONATIONS	\$ 255.93

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***\$1,200.93***

**INCREASE EXPENDITURES:**

101.55120.357	VETERINARY SERVICES	\$1,200.93
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***\$1,200.93***

**RESOLUTION NO. 1015-13**

**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**

**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the Benton County Airport has received grant reimbursements on the Pavement Rehabilitation grant in the amount of \$78,692.00; and

**WHEREAS**, it will be necessary to budget the said reimbursed funds back into the Airport Fund 189.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that the funds in the amount of \$78,692.00 reimbursed from TDOT on the Airport Pavement Rehabilitation Grant be budgeted back into the Airport Fund 189 as follows:

**INCREASE REVENUES:**

189.46120	AIRPORT MAINTENANCE PROGRAM	\$64,292.00
189.46980	AIRPORT OTHER STATE GRANTS	\$14,400.00

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***\$78,692.00***

**INCREASE EXPENDITURES:**

189.91110.724	AIRPORT SITE DEVELOPMENT	\$78,692.00
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***\$78,692.00***

**RESOLUTION NO. 1015-14**

**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**

**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, Benton County has received Benton-Decatur Sewer Grant funds from USDA and Delta Regional Authority in the amount of \$60,044.00; and

**WHEREAS**, it will be necessary to budget the said grant funds in the amount of \$60,044.00 within Fund 171-Capital Projects.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that the USDA and DRA Grant funds in the amount of \$60,044.00 be budgeted within Fund 171 – Capital Projects as follows:

**INCREASE REVENUES:**

171.46980	CAPITAL PROJECTS OTHER STATE GRANTS	\$60,044.00
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***\$60,044.00***

**INCREASE EXPENDITURES:**

171.91110.724	CAPITAL PROJECTS SITE DEVELOPMENT	\$60,044.00
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***\$60,044.00***



**RESOLUTION NO. 1015-15**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, Benton County receives a reimbursement from the State of Tennessee for ROI fees (\$25.00 per death) from the medical investigator(s) submitting reports on all deaths; and

**WHEREAS**, Benton County received a reimbursement in ROI fees in the amount of \$425.00 for the death records that were submitted for April 1, 2018 through June 30, 2018; and

**WHEREAS**, it will be necessary to budget the funds in the amount of \$425.00 within the county coroner/medical examiner budget to help reimburse their out-of-pocket expenses.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that the funds in the amount of \$425.00 received from the State of Tennessee for reimbursed ROI fees be budgeted within the county coroner/medical examiner budget as the following:

**INCREASE REVENUES:**

101.46990	OTHER STATE REVENUES	\$425.00
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**\$425.00**

**INCREASE EXPENDITURES:**

101.54610.199	OTHER PER-DIEM & FEES	\$360.00
101.54610.201	SOCIAL SECURITY	\$ 40.00
101.54610.212	MEDICARE	\$ 10.00
101.54610.210	UNEMPLOYMENT	\$ 15.00

**\$425.00**

**RESOLUTION NO. 1015-16**  
**SPONSORED BY THE BENTON COUNTY SHERIFF KENNY CHRISTOPHER**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND LAW ENFORCEMENT COMMITTEE**

**WHEREAS**, the Benton County Sheriff's Office has received funds in the amount of \$ 6,466.04 for revenues for the month of September, 2018; and

**WHEREAS**, it will be necessary to budget said funds in the amount of \$ 6,466.04 to the appropriate expenditure accounts within the Sheriff's budget.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October, 2018 that the funds in the amount of \$ 6,466.04 received by the Benton County Sheriff's Office for, revenues for the month of September, 2018 be budgeted as follows:

**INCREASE REVENUES:**

101.43370	TELEPHONE COMMISSIONS	\$ 3,731.52
101.43395	SEX OFFENDER REGISTRATION FEE	\$ 150.00
101.44131	COMMISSARY SALES	\$ 1,284.52
101.44170	MISCELLANEOUS REFUNDS	\$ 50.00
101.48130	OTHER GOVERNMENTS CONTRIBUTIONS	\$ 1,250.00

**\$ 6,466.04**

**INCREASE EXPENDITURES:**

101.54110.106	DEPUTY(IES)	\$ 1,250.00
101.54110.353	TOW-IN SERVICES	\$ 50.00
101.54160.599	OTHER CHARGES	\$ 150.00
101.54210.336	MAINTENANCE & REPAIR – EQUIPMENT	\$ 3,731.52
101.54210.499	OTHER SUPPLIES & MATERIALS	\$ 1,284.52

**\$ 6,466.04**

**RESOLUTION NO. 1015-17**  
**SPONSORED BY THE BENTON COUNTY SHERIFF KENNY CHRISTOPHER**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND LAW ENFORCEMENT COMMITTEE**

**WHEREAS**, the Benton County Mayor's Office has received funds in the amount of \$ 1,448.15 from Tennessee Risk Management Trust for payment of insurance claims involving Sheriff Office vehicles for the month of September, 2018; and

**WHEREAS**, it will be necessary to budget said funds in the amount of \$ 1,448.15 to the appropriate expenditure accounts within the Sheriff's budget.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October, 2018 that the funds in the amount of \$ 1,448.15 received by the Benton County Mayor's Office for insurance payments for the month of September, 2018 be budgeted as follows:

**INCREASE REVENUES:**

101.49700	INSURANCE RECOVERY	\$ 1,448.15
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**INCREASE EXPENDITURES:**

101.54110.338	M & R VEHICLES	\$ 1,448.15
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Motion was made by Commissioner Hicks and seconded by Commissioner Powers to approve **RESOLUTION 1015-18**. On a roll call vote, all present voted Aye. Motion carries.

**RESOLUTION NO. 1015-18**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**  
**RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSONERS**

**OCTOBER 15, 2018**

WHEREAS: The estimate of expenditures was not enough to meet the necessary expenditures for certain subsidiary items in the primary series in the School Budget;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2018-19 School Budget as follows:

<u>INCREASE</u>	
72120 131	Medical Personnel
	\$ 10,500.00
201	Social Security
	651.00
204	State Retirement
	1,098.00
207	Medical Insurance
	6,700.00
210	Unemployment
	62.00
212	Medicare
	<u>153.00</u>
	\$ 19,164.00

  

<u>DECREASE</u>	
39000	Fund Balance
	\$ 19,164.00

Respectfully submitted,

Motion was made by Commissioner Frazier and seconded by Commissioner Furr to approve **RESOLUTION 1015-19**. On a roll call vote, all present voted Aye. Motion carries.

**RESOLUTION NO. 1015-19**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, in previous action by the legislative body Resolution No. 0820-12 was passed appropriating funds in the amount of \$400.00 from the General Sessions Court Data Processing Reserve Account in order to purchase a new laptop to be used in the small courtroom; and

**WHEREAS**, the previous appropriation is insufficient funds in order to make the necessary purchase; and

**WHEREAS**, it will be necessary to appropriate an additional \$200.00 from the General Sessions Court Data Processing Reserve Account in order to purchase the correct laptop for the small courtroom use.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October 2018 that the funds in the amount of \$200.00 be appropriated from the General Sessions Court Data Processing Reserve Account 101.34520 and budgeted to the Expenditure Account No. 101.53310.709 – General Sessions Judge Data Processing Equipment.

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve **RESOLUTION 1015-20**. On a roll call vote, all present voted Aye. Motion carries.

**RESOLUTION NO. 1015-20**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the Courtroom Security Committee has recently had new security cameras installed in the courtroom; and

**WHEREAS**, it is necessary to move and re-wire one of the security cameras; and

**WHEREAS**, the new security system requires thumb drives for the backup and storage of any recorded footage; and

**WHEREAS**, it will be necessary to appropriate the funds in the amount of \$350.00 from the Courtroom Security Reserve Account within the County General Fund in order to correct the placement of one security camera and to purchase the required thumb drives for backup storage.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> Day of October 2018 that the funds in the amount of \$350.00 be appropriated from 101.34520- Courtroom Security Reserve Account within the County General Fund and budgeted to the Expenditure Account No. 101.53400.790 – Chancery Court Other Equipment.

**NOTARIES**

Motion was made by Commissioner Dye and seconded by Commissioner Hicks to approve OCTOBER 2018 Notaries. On a roll call vote, all present voted AYE. Motion carries.

**BONNIE S EVANS ALYSSA K PIERCE ANGELA J HOLLAND**

**RACHEL L MELTON**

**ANY OTHER BUSINESS**

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve **RESOLUTION 1015-21**. On a roll call vote, all present voted Aye. Motion carries.

**RESOLUTION 1015-21**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**

**WHEREAS**, there is a recent vacancy on the Benton County Audit Committee that needs to be filled from the resignation of Shawn Hatler; and

**WHEREAS**, it is the recommendation of the County Commission Chairman, Ward Plant, to appoint local attorney Jennifer Hedge to the Benton County Audit Committee to fill this vacancy with a term set to expire on February 16, 2021.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 15<sup>th</sup> day of October 2018 that Jennifer Hedge be appointed to the Benton County Audit Committee to fill the recent vacancy with a term set to expire on February 16, 2021.

Motion was made by Commissioner Frazier and seconded by Commissioner Ferguson to declare surplus property consisting of an Air Conditioner Unit and give Mayor Brett Lashley authority to auction off the unit on Govdeals.com. On a voice vote, all present voted Aye. Motion Carries.

Commissioner Jerry Brandon announced his resignation as Commissioner due to personal reasons.

Commissioner Rosanne Ward requested a copy of the retainer for the newly appointed County Attorney.

**ADJOURNMENT**

**Motion was made by Commissioner Ferguson and seconded by Commissioner Furr to adjourn this meeting. Meeting was adjourned.**

**WANDA MALIN, COUNTY CLERK, DO CERTIFY THIS TO BE A TRUE AND COMPLETE COPY OF THE OCTOBER 15, 2018 BENTON COUNTY COMMISSION MEETING.**



Brett Lashlee, County Mayor



Wanda Malin, County Clerk