

BENTON COUNTY COMMISSIONERS MEETING

January 22, 2019

BE IT REMEMBERED THAT ON JANUARY 22, 2019, 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 and Pledge of Allegiance
3. Roll Call by County Clerk or Chief Deputy
4. Announcing of Quorum by Chairman
5. Approval of Agenda **(VV)**
6. Citizens Forum
7. Commissioners Forum
8. Approval of Minutes **(VV)**
9. Report of Public Utilities **(VV)**
10. Audit Committee Presentation, Chairman Judge Paul Summers
11. CDBG 2019 Grant Presentation, Mattie Cushman with Community Development
12. Approval of the County Road List **(VV)**
13. School Board Appreciation Week Proclamation
14. Resolution making appointments to the Committee on Aging (0122-01) **(VV)**
15. Resolution re-appointing Stanley Rowland to the Audit Committee (0122-02) **(VV)**
16. Resolution making appointments to the TRRD Board (0122-03) **(VV)**
17. Resolution amending 1217-13 to correct the total grant amount appropriated and listing the expenditure accounts (0122-04) **(RCV)**
18. Resolution authorizing the County Mayor to execute and submit a grant application for the 2019 CDBG not to exceed the amount of \$315,000 and to do so by using Community Development Partners (0122-05) **(RCV)**
19. Resolution securing Community Development Partners, LLC to assist in preparing and administering the County's 2019 Community Development Block Grant Application (CDBG) (0122-06) **(RCV)**
20. Resolution securing the assistance of the experienced and qualified engineering/architectural firm, Hethcoat & Davis, Inc., in the preparation and implementation of the County's 2019 Community Development Block Grant Application (CDBG) (0122-07) **(RCV)**
21. Resolution lobbying the state law makers to re-examine and amend the Tennessee Valley Authority in Lieu of Taxation Allocation Formula to concur with the Tennessee Valley Authority Act of 1933 Section 13 (0122-08) **(RCV)**
22. Resolution lobbying that the Bivens/Trans Ash Landfill be included in the State of Tennessee Department of Environment and Conservation Commissioners Order, order number OGC15-0177. That TVA be required to follow the orders without exception, that TVA be required to establish a comprehensive process for investigating, assessment, and remediation of unacceptable risk resulting from management of disposal of coal combustion residuals at the Bivens/Trans Ash disposal site, to insure Benton County, Tennessee that TVA complies with the conditions set out in the commissioner's order

(0122-09) **(RCV)**

23. Resolutions lobbying our state law makers to examine and if needed add language so that the 60+ acre disposal site containing only TVA Coal Combustion Residuals located on the Bivens property at the corner of Old Hwy 70 and Bivens Cypress Creek Rd become a factor in calculating the revenue portion Benton County receives from the state of Tennessee's Allocation of the Tennessee Valley Authority's Payment In lieu of Taxes (0122-10) **(RCV)**

24. Resolution transferring funds in the amount of \$4,836.00 within the library budget from a salary line item to an expenditure line item (0122-11) **(VV)**

25. Resolution budgeting funds in the amount of \$665.35 within the library budget (0122-12) **(VV)**

26. Resolution budgeting reimbursement funds from TDOT within Fund 178- Capital Projects Fund (0122-13) **(VV)**

27. Resolution budgeting funds in the amount of \$2,420.00 within the Benton County Animal Shelter budget (0122-14) **(VV)**

28. Resolution budgeting funds in the amount of \$833.34 within the Benton County Sheriff's Budget (0122-15) **(VV)**

29. Resolution budgeting funds in the amount of \$6,895.80 within the Benton County Sheriff's Budget (0122-16) **(VV)**

30. Resolution budgeting funds in the amount of \$5,000.87 within the Benton County Sheriff's Budget (0122-17) **(VV)**

31. Resolution appropriating funds in the amount of \$1,000.00 from the Unassigned Fund Balance within the Drug Control Fund 122 in order to cover the Trustee's Commission line item throughout the remainder of this fiscal year (0122-18) **(RCV)**

32. Resolution appropriating funds in the amount of \$1,234.24 from the Unassigned Fund Balance within Fund 172 – Community Development in order to pay the last quarter of the water tank maintenance at the Industrial Park (0122-19) **(RCV)**

33. Resolution appropriating funds in the amount of \$4,708.53 from the Litigation Tax Reserve Account within the County General Fund in order to upgrade all of the Cat 5+ and Cat 6+ cabling throughout the entire courthouse building in order to improve speed, reliability, effectiveness and efficiency of communications (0122-20) **(RCV)**

34. Resolution appropriating funds in the amount of \$37,350.00 from the Unassigned Fund Balance within the County General Fund in order to pay outstanding mental health invoices the county has received (0122-21) **(RVC)**

35. Resolution appropriating funds in the amount of \$589.74 from the Courtroom Security Reserve Account within the County General Fund in order to purchase and install a security gate at one of the stairways leading upstairs to the court for safety and liability purposes (0122-22) **(RCV)**

36. Resolution appropriating funds in the amount of \$1,000.00 from the Unassigned Fund Balance within the Airport Fund 189 in order to pay an outstanding invoice (0122-23) **(RCV)**

37. Resolution appropriating funds in the amount of \$1,000.00 for the Annual Software agreement for the journalism class, in which the county Three Star Grant had purchased previously (0122-24) **(RCV)**

38. Resolution appropriating funds in the total amount of \$85,000 from the Unassigned Fund Balance within the County General Fund and budgeted to the Sheriff's Budget for wage increases (0122-25) **(RCV)**

39. Resolution appropriating funds in the amount of \$7,030.00 from the Litigation Tax Reserve within the County General Fund and budgeted to the Jail Budget in order to purchase two new tankless water heaters (0122-26) **(RCV)**

40. Resolution appropriating funds in the amount of \$100,000.00 from the Unassigned Fund Balance within the School Fund (0122-27) **(RCV)**

41. Appointing Notaries **(VV)**

42. Any Other Business

43. Adjourn **(VV)**

Opening of meeting was by Deputy Jason Lowry.

Invocation was led by Pastor Gary Greer and Pledge of Allegiance was led by Don Meyers, resident from the 3<sup>rd</sup> district.

**ROLL CALL BY WANDA MALIN AND CHIEF DEPUTY CLERK DONNA MELTON**

**MEMBERS PRESENT:** COMMISSIONERS ABSENT – KYLEAH DYE, MARY POWERS, SONNY HALL

DIST. 1	ANGIE HERN	DON PATTON	WARD PLANT
DIST. 2	DAYNA FERGUSON	KENNETH MILLER	ROCKY PRESSON
DIST. 3		NORMAN FRAZIER	GARY FURR
DIST. 4	DOUG VICKERS		PHIL MELTON
DIST. 5	RACHELLE HILL	BILL KEE	ROSANNE WARD
DIST. 6	DARRYL HICKS	RONNIE HOPPER	

**ANNOUNCING OF QUORUM by** Chairman Ward Plant.

**APPROVAL OF THE AGENDA**

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

**CITIZENS FORUM**

Alvin Travis addressed the forum about how the county needs everyone to work together and get along so that we can move forward and prosper for the benefit of our children in the future.

**COMMISSIONERS FORUM**

Commissioner Hill addressed the Commission about the Java Lane property. Commissioner Hill said the citizens are wanting a status report on what is going to be done. Mayor Lashlee said that 90 days had been given and we are right at that deadline and the situation will soon be rectified.

**APPROVE THE PREVIOUS MONTHS MINUTES**

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

**APPROVAL OF THE REPORT OF PUBLIC UTILITES**

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

**AUDIT COMMITTEE PRESENTATION**

Judge Paul Summers, Chairman of the Audit Committee, gave a presentation about the Benton County Audit Committee. A written report was given to each Commissioner prior to the Commission Meeting for review.

**CDBG 2019 GRANT PRESENTATION**

Mattie Cushman was not present to give the presentation.

**APPROVAL OF THE BENTON COUNTY ROAD LIST**

Motion was made by Commissioner Frazier and seconded by Commissioner Ferguson to approve the County Road List. On a voice vote, all present voted Aye. Motion Carries.

**SCHOOL BOARD APPRECIATION WEEK PROCLAMATION**

Mayor Lashlee asked all school board members, current or former, to stand and be recognized.

**“SCHOOL BOARD APPRECIATION WEEK”**

**WHEREAS**, an excellent public education system is vital to the quality of life of our communities and to the economic development of our State; and

**WHEREAS**, school board members represent a tremendous resource as local decision makers, diligently working to overcome the challenges of a changing world while providing students with the services and opportunities needed for a quality education; and

**WHEREAS**, school board members support and appreciate the efforts of students, educators and administrators whose diligent efforts have led to Benton County Schools being a Level 5 District for three consecutive years; and

**WHEREAS**, the men and women of our local school boards are elected by the people to make decisions most appropriate for their communities and deserve recognition and thanks for their countless hours of public service to their community and county;

**NOW, THEREFORE**, I, Brett Lashlee, Mayor of Benton County, do hereby proclaim the week of January 20 - 26, 2019.

**SCHOOL BOARD APPRECIATION WEEK**

In Benton County and encourage all citizens to join me in this worthy observance.

\_\_\_\_\_  
Mayor/County Executive

\_\_\_\_\_  
Date

## **RESOLUTIONS**

Motion was made by Commissioner Hern and seconded by Commissioner Miller to approve **RESOLUTION 0122-01**. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-01**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, the Senior Citizens Committee of Aging has several terms vacated by outgoing commissioners or others leaving due to health reasons; and

**WHEREAS**, the appointments listed below are recommended by the Senior Citizens Director, Carol Wallace, and the Committee of Aging board members:

- Darrell Hicks be appointed for a two year term set to expire February 1, 2021
- Jimmy Hivick be re-appointed for a two year term set to expire on February 1, 2023
- Jill Jones be re-appointed for a two year term set to expire on February 1, 2023
- Kay Floyd be re-appointed for a two year term set to expire on February 1, 2023
- Winnie Durdin be re-appointed for a two year term set to expire on February 1, 2023
- Don Patton be appointed for four year term set to expire on February 1, 2023
- Dayna Ferguson be re-appointed for a four year term set to expire on February 1, 2023

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the appointments listed above take place to fill recent vacancies for the senior citizens Committee on Aging.

Motion was made by Commissioner Miller and seconded by Commissioner Ferguson to approve **RESOLUTION 0122-02**. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-02**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, the Audit Committee has a member whose term will soon expire; and

**WHEREAS**, it is recommended that the member, Stanley Rowland, be reappointed to the Benton County Audit Committee for another 4 year term set to expire on February 1, 2023.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that Stanley Rowland be re-appointed to the Benton County Audit Committee for a 4 year term set to expire on February 1, 2023.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hopper to approve **RESOLUTION 0122-03**. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-03**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, the TRRD Board has a recent vacancy due to the resignation of Trey Smith; and

**WHEREAS**, the term of TRRD Board member, Jenna Cole-Wilson, will soon be expiring; and

**WHEREAS**, it is the mayor's recommendation to appoint Mike Lawler to replace Trey Smith for a 4 year term set to expire on February 1, 2023; and

**WHEREAS**, it is the mayor's recommendation to appoint Casey Hicks to replace Jenna Cole-Wilson for a 4 year term set to expire on February 1, 2023.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that both Mike Lawler and Casey Hicks be appointed to the TRRD Board for a 4 year term set to expire on February 1, 2023.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hill to approve **RESOLUTION 0122-04**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-04**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, in previous action by the legislative body Resolution No. 1217-13 was passed and approved appropriating funds in the amount of \$53,985.00 from the Unassigned Fund Balance within Fund 171-Capital Projects in order to purchase the 3 virtual welders with the 95/5 Asset Based Planning Grant; and

**WHEREAS**, Resolution 1217-13 failed to include the additional \$2,500 in the total appropriation for the third virtual welder nor did it include the listed expenditure accounts in which the funds would be budgeted to; and

**WHEREAS**, it will be necessary to correct this mistake and have it reflected in the minutes that the funds appropriated for the Asset Based Planning Grant in the amount of \$56,485.00 was budgeted to the expenditure accounts listed below:

<b>DECREASE REVENUES:</b>		
171.39000	UNASSIGNED FUND BALANCE	\$56,485.00
<hr/>		
<b>INCREASE EXPENDITURES:</b>		
171.91110.339	MATCHING SHARE	\$ 8,985.00
171.91110.790	OTHER EQUIPMENT	\$47,500.00
		<hr/>
		<b>\$56,485.00</b>

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the Resolution 1217-13 be amended to read that the funds in the amount of \$56,485.00 be appropriated and budgeted within Fund 171- Capital Projects as listed above.

Motion was made by Commissioner Frazier and seconded by Commissioner Hicks to approve **RESOLUTION 0122-05**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-05**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND PROPERTY COMMITTEE**

**WHEREAS**, the Tennessee Community Development Block Grant Program has been established to assist local governments in meeting community development and housing needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, Benton County acting by and through its County Commission proposes to apply for Community Development Block Grant (CDBG) funds for the purpose of performing eligible community development activities that will benefit the majority of the residents in Benton County.

**WHEREAS**, Benton County will provide local financial support in conjunction with the CDBG funds to complete the above project(s); and

**WHEREAS**, under the terms and provisions of Title I of the Housing and Community Development Act of 1974, as amended, Benton County as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

**NOW, THEREFORE, BE IT RESOLVED** by the County Commission of Benton County as follows:

**THAT**, Brett W. Lashlee, County Mayor, is hereby authorized to execute and submit an application with appropriate assurances to the State of Tennessee, Department of Economic and Community Development, Office of Program Management, requesting Fiscal Year 2019 Community Development Block Grant funds in the amount not to exceed \$315,000, plus any eligible Three-Star Bonus allowance, for an EMA/EOC Facility; and

**THAT**, Benton County will be responsible for the local cash/match to be provided in full by the general account; and

**THAT**, Brett W. Lashlee, County Mayor, be and is hereby designated and appointed as Financial Officer under the terms and pursuant to the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and to perform on behalf of Benton County, Tennessee, those acts and assume such duties as are consistent with said position.

Motion was made by Commissioner Frazier and seconded by Commissioner Hern to approve **RESOLUTION 0122-06**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-06**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**RESOLUTION FOR BENTON COUNTY, TENNESSEE FOR ADMINISTRATIVE SERVICES**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND PROPERTY COMMITTEE**

**WHEREAS**, Benton County, Tennessee desires to apply for financial grant assistance as provided under the State of Tennessee’s FY 2019 Small Cities Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the County Commission of Benton County finds it in the County’s best interest to secure the assistance of an experienced and qualified administrative management services firm to assist in preparing and administering the County’s 2019 Community Development Block Grant Application; and

**WHEREAS**, in compliance with pertinent State regulations, the County has solicited and evaluated statements of qualifications of interested professional CDBG administrative assistance firms; and

**WHEREAS**, the County Commission of Benton County has determined that Community Development Partners, LLC has the most appropriate experience, background and qualifications to provide said services; and

**WHEREAS**, Community Development Partners, LLC will conduct the work necessary to complete the CDBG application on a no-cost basis, and in the event the project is successfully funded, Community Development Partners, LLC will assist in the administration of the project.

**NOW, THEREFORE BE IT RESOLVED** that the County Commission of Benton County hereby selects Community Development Partners, LLC to provide assistance in the preparation and administration of the County’s 2019 CDBG grant application.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve **RESOLUTION 0122-07**. On a roll call vote, all present voted Aye. Motion carries.

**RESOLUTION NO. 0122-07**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**RESOLUTION FOR BENTON COUNTY, TENNESSEE FOR ENGINEER/ARCHITECTURAL SERVICES**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND PROPERTY COMMITTEE**

**WHEREAS**, Benton County, Tennessee desires to apply for financial grant assistance as provided under the State of Tennessee’s FY 2019 Small Cities Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the County Commission of Benton County finds it in the County’s best interest to secure the assistance of an experienced and qualified engineering/architectural firm to assist in the preparation and implementation of the County’s 2019 Community Development Block Grant Application; and

**WHEREAS**, in compliance with pertinent State regulations, the County has solicited and evaluated statements of qualifications of interested professional engineering /architectural firms; and

**WHEREAS**, the County Commission has determined that Hethcoat & Davis, Inc. has the most appropriate experience, background and qualifications to provide said services; and

**WHEREAS**, Hethcoat & Davis, Inc. will conduct the work necessary to complete the CDBG application on a no-cost basis, and in the event the project is successfully funded, Hethcoat & Davis, Inc. will assist in the engineering/architectural design and implementation of the project.

**NOW, THEREFORE BE IT RESOLVED** that the County Commission of Benton County hereby selects Hethcoat & Davis, Inc. to provide assistance in the preparation and implementation of the County’s 2019 CDBG grant application.

Motion was made by Commissioner Hicks and seconded by Commissioner Hern to approve **RESOLUTION 0122-08**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-08**  
**SPONSORED BY COMMISSIONERS ROCKY PRESSON & WARD PLANT**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, 9.6 percent of Benton County is covered with water creating 242 miles of shoreline, 41 miles of lake make Benton County the number one county in the state of Tennessee the most lake acreage, a total of 26,400 acres; and

**WHEREAS**, the Tennessee Valley Authority payments in lieu of taxes, also known as (PILOT) to the State of Tennessee for fiscal year 2014/2015 was \$353,900,000 (dollars);

**WHEREAS**, the State of Tennessee TVA Pilot Allocation formula created by the Tennessee General Assembly, which allows the first \$55,200,000 dollars to remain in the state's general fund. The formula then allows the state to retain 48.5 percent of all dollars above the first 55,200,000. This formula allows the state of Tennessee to retain 64.2 percent or \$227,203,800 dollars of the TVA Pilot dollars for fiscal year 2015/2016, leaving \$126,696,200 dollars or 35.8 percent to be distributed among Tennessee counties and cities; and

**WHEREAS**, the Tennessee Allocation Formula for the TVA Pilot payments does not include lake acreage;

**WHEREAS**, language can be found in the Tennessee Valley Authority Act of 1933 under section 13 that reads, lake acreage allocable to making power will be included in the Tennessee State Allocation Formula for the TVA Pilot payments; and

**WHEREAS**, Kentucky Lake Dam has a generating capability of 184 megawatts of electricity on an average day making Kentucky lake waters allocable to making power, in essence Benton County's 41 square miles of lake used for power generating power production.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 to call on our state law makers to re-examine and amend the Tennessee Valley Authority in Lieu of Taxation Allocation Formula to concur with the Tennessee Valley Authority Act of 1933 Section 13 that reads "all lake acreage allocable to making power is included in determining the county's portion of PILOT Payment";

**FURTHER BE IT RESOLVED**, the Pilot Allocation Formula language requiring revenues to be retained by the State of Tennessee be exchanged with language that allows this portion of revenue to be used to pay for new increased revenues received by counties for their power asset lake acreage;

**FURTHER BE IT RESOLVED**, the TVA Pilot Allocation Formula for lake acreage be that of equal to the formula used to calculate the land acreage;

**FURTHER BE IT RESOLVED** that once adopted a signed copy of this resolution be mailed by the Benton County Clerk to the offices of:

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern approve **RESOLUTION 0122-09**. On a roll call vote, all present voted Aye. Motion Carries

**RESOLUTION NO. 0122-09**  
**SPONSORED BY COMMISSIONERS ROCKY PRESSON & WARD PLANT**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, on the 5<sup>th</sup> Day of January 2007 and agreement between Bivens Gravel LLC and Trans Ash Ins. set the terms and conditions for trans ash to supply Fill Materials for the Bivens Gravel proposed Landfill Development; and

**WHEREAS**, on May 21, 2008 Joe Kaldmo, Vice President of Trans Ash, and land owner Richard Bivens, trustee Bivens Gravel applied with the State of Tennessee Department of Environment and Conservation for a Class II solid waste landfill permit; and

**WHEREAS**, on June 24, 2009 The Tennessee Department of Environment and Conservation issued a permit for the construction and operations of a new Class II Disposal Facility for the Bivens/Trans Ash Industrial Park MonoFill; and

**WHEREAS**, the Bivens/Trans Ash approved permit reads 61 acres classified as fill acres, coal ash being the type of waste, 2500 tons per day, this landfill site is located at the intersection of Old Hwy 70 and Bivens Cypress Creek Road here in Benton County, Tennessee; and

**WHEREAS**, a TVA Coal Fire Plant located in Kingston, Tennessee on December 22, 2008 had an early morning dike failure disaster that released an estimated 5.4 million cubic yards of coal ash into the Tennessee river. This Disaster began the changes being made in the handling of Coal Combustion Residuals to reduce the risk of another such disaster event; and

**WHEREAS**, in 2009 after the Kingston TVA Disaster, a law was passed that changed TCA 68-21-106(j) to read, "the commission shall not permit under this section for disposal of coal ash or for the expansion of any existing coal ash disposal facility unless the plans include a synthetic composite liner and final cap"; it was up until this law changed Bivens Landfill used a compacted layer of clay liner. Upon passage of said law only then did Bivens Coal Ash Monofill use the new synthetic mandated liner; and

**WHEREAS**, December 19, 2014 The Administrator of the Environmental Protection Agency (EPA) signed a final rule that established a comprehensive set of requirements for disposal of coal combustion residuals. The rule was published in the Federal Register April 17, 2015 and became effective on October 19, 2015; and

**WHEREAS**, found in the EPA's order section VII titled, "Investigation Assessment, and Remediation" this language instructs TVA to conduct an investigation of coal combustion residuals disposal areas at TVA sites listed in Section VI. Section VII reads "work to be performed to fully identify the extent of soil, surface water and ground water contamination by CCR"; and

**WHEREAS**, the scope of this EPA order Section VI includes the New Johnsonville TVA Site; and

**WHEREAS**, in the commission's order there is no mention of the 61+ acres Bivens Coal Ash Disposal Site, located at Old Hwy 70 and Bivens Cypress Creek Road here in Benton County, Tennessee; and



Motion was made by Commissioner Hicks and seconded by Commissioner Hern to approve **RESOLUTION 0122-10**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-10**  
**SPONSORED BY COMMISSIONERS ROCKY PRESSON & WARD PLANT**  
**LEGISLATIVE REFERENCE: NONE**

**WHEREAS**, on June 24, 2009 the Tennessee Department of Environment and Conservation issued a permit for construction and operations of a new Class II Disposal Facility for the Bivens Industrial Park Monofill located at Old Hwy 70 and Bivens Cypress Creek Road in Benton County, Tennessee; and

**WHEREAS**, the Bivens/Trans Ash permit application included language describing a 120 acre site with 61 acres listed as being fill acres. All fill materials will come from the New Johnsonville TVA Site and will consist of Coal Combustion Residuals (CCRs) Fly Ash and Bottom Ash dredged from their holding ponds; and

**WHEREAS**, December 19, 2014 the Administrator of the Environmental Protection Agency (EDA) signed a final rule that established a comprehensive set of requirements for disposal of coal combustion residuals. The rule was published in the Federal Register of April 17, 2015 and became effective on October 19, 2015; and

**WHEREAS**, the Bivens/Trans Ash Coal Combustion Disposal Site was Green Belted on November 16, 2015 by property owner Bivens Gravel. The Greenbelt language described the site approximately 110 acres to produce wheat with an income of \$5,000 (dollars); and

**WHEREAS**, this 110 acre green belted parcel of land located at the inner section of Old Highway 70 and Bivens Cypress Creek Road is in fact 60+ acres of TVA Coal Combustion Residuals. Under the Greenbelt rule it is zoned as Agricultural and paying a property tax of \$375 (dollars) for the fiscal year 2018/2019; and

**WHEREAS**, the Bivens site consisting of 60+ acres of coal ash is in fact a by-product of the Tennessee Valley Authorities power generating production.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that our Tennessee State Law Makers examine and if needed add language so that this 60+ acre disposal site containing only TVA Coal Combustion Residuals located on the Bivens property at the corner of Old Hwy 70 and Bivens Cypress Creek Road become a factor in calculating the revenue portion Benton County receives from the state of Tennessee's Allocation of the Tennessee Valley Authority's Payments in Lieu of Taxes; and

**FURTHER BE IT RESOLVED** that once adopted a signed copy of this resolution me mailed by the Benton County Clerk to the offices of:

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to combine **RESOLUTIONS 0122-11, 0122-12, 0122-13, 0122-14, 0122-15**. On a voice vote, all present voted Aye. Motion Carries.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve **RESOLUTIONS 0122-11, 0122-12, 0122-13, 0122-14, 0122-15** as combined. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-11**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the Benton County Public Library System has excess funds in the amount of \$4,836.00 due to the recent passing of a full time staff member; and

**WHEREAS**, the excess salaries are within line item 56500.129 - Librarians Salaries; and

**WHEREAS**, the library would like to request these funds be transferred to line item 56500.707, Building Improvements for the painting of the main area, history center, bathrooms, and librarian's office on the upper level of the Main Library in Camden, TN.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the excess funds within line item 101.56500.129 – Librarians Salaries in the amount of \$4,836.00 be transferred within the library budget as the following:

<b>DECREASE EXPENDITURES:</b>		
101.56500.129	Librarians Salaries	\$4,836.00
<b>INCREASE EXPENDITURES:</b>		
101.56500.707	Building Improvements	\$4,836.00

**RESOLUTION NO. 0122-12**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the Benton County Library has received funds in the amount of \$665.35 for fines, copies, faxes, reimbursements collected throughout the month of December 2018; and

**WHEREAS**, it will be necessary to budget the said funds in the amount of \$665.35 within the library budget.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> day of January 2019 that the funds in the amount of \$665.35 received by the Benton County Library for fines, copies, faxes and reimbursements received for the month of December 2018 be budgeted as the following:

**INCREASED REVENUES:**

101.43350	GENERAL SERVICE CHARGES/COPY FEES	\$ 204.20
101.43360	GENERAL SERVICE CHARGES/LIBRARY FEES	\$ 164.15
101.44170	OTHER LOCAL REVENUE/MISC. REFUNDS	\$ 297.00

---

**\$ 665.35**

**INCREASED EXPENDITURES**

101.56500.711	FURNITURE AND FIXTURES	\$ 665.35
---------------	------------------------	-----------

---

**\$ 665.35**

**RESOLUTION NO. 0122-13**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, Benton County has received a reimbursement on the 80/20 TDOT Courthouse Improvement Grant Project in the total amount of \$27,250.80; and

**WHEREAS**, it will be necessary to budget the said funds in the amount of \$27,250.80 within Fund 178 – Capital Outlay Note/Capital Projects.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$27,250.80 received by Benton County from a reimbursement on the 80/20 TDOT Courthouse Improvement Grant Project be budgeted within Fund 178 – Capital Outlay Note/Capital Projects as follows:

**INCREASE REVENUES:**

178.47590	OTHER FEDERAL THROUGH STATE	\$27,250.80
-----------	-----------------------------	-------------

---

**\$27,250.80**

**INCREASE EXPENDITURES:**

178.91110.599	CAPITAL OUTLAY NOTE/CAPITAL PROJ. OTHER CHARGES	\$27,250.80
---------------	---	-------------

---

**\$27,250.80**

**RESOLUTION NO. 0122-14**  
**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 \$2,420.00 in donations, sale of materials and adoption fees during the month of December; and

**WHEREAS**, it will be necessary to budget the said funds in the total amount of \$2,420.00 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 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$2,420.00 collected by the Benton County Animal Shelter throughout the month of December be budgeted as the following:

**INCREASE REVENUES:**

101.41130	ANIMAL VACCINATIONS	\$2,000.00
101.48610	DONATIONS	\$ 370.00
101.44130	SALE OF MATERIALS	\$ 50.00

---

**\$2,420.00**

**INCREASE EXPENDITURES:**

101.55120.357	VETERINARY SERVICES	\$2,420.00
---------------	---------------------	------------

---

**\$2,420.00**

RESOLUTION NO. 0122-15

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 a salary supplement for the officer working with the 24<sup>th</sup> Judicial Drug Task Force

WHEREAS, it will be necessary to budget this supplement to the appropriate expenditure line 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 22<sup>nd</sup> day of January, 2019 that the funds in the amount of \$ 833.34 received by the Benton County Sheriff's Office be budgeted as follows:

DECREASE REVENUE:

101.48130	OTHER GOVERNMENT CONTRIBUTIONS	\$ 833.34
-----------	--------------------------------	-----------

---

INCREASE EXPENDITURE:

101.54110.106	DEPUTIES	\$ 833.34
---------------	----------	-----------

---

Motion was made by Commissioner Hopper and seconded by Commissioner Hicks to approve **RESOLUTION 0122-16**. On a voice vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 0122-16

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 \$ 6,895.80 for revenues for the month of December, 2018; and

WHEREAS, it will be necessary to budget said funds in the amount of \$ 6,895.80 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 22<sup>nd</sup> day of January 2019 that the funds in the amount of \$ 6,895.80 received by the Benton County Sheriff's Office for, revenues for the month of December, 2018 be budgeted as follows:

DECREASE REVENUES:

101.43370	TELEPHONE COMMISSIONS	\$ 3,725.94
101.43395	SEX OFFENDER REGISTRATION FEE	\$ 450.00
101.44131	COMMISSARY SALES	\$ 999.32
101.44170	MISCELLANEOUS REFUNDS	\$ 886.22
122.44560	DAMAGES RECOVERED FROM INDIVIDUALS	\$ 834.32
		<hr/>
		\$ 6,895.80

INCREASE EXPENDITURES:

101.54110.338	MAINTENANCE & REPAIR – VEHICLES	\$ 599.32
101.54110.353	TOW-IN SERVICES	\$ 485.00
101.54110.435	OFFICE SUPPLIES	\$ 400.00
101.54160.599	OTHER CHARGES	\$ 450.00
101.54210.415	ELECTRICITY	\$ 1,000.00
101.54210.454	WATER & SEWER	\$ 1,725.94
101.54210.507	MEDICAL CLAIMS	\$ 401.22
101.54210.599	OTHER CHARGES	\$ 1,000.00

---

122.54150.338	MAINTENANCE & REPAIR – VEHICLES	\$ 834.32
---------------	---------------------------------	-----------

---

\$ 6,895.80

Motion was made by Commissioner Hern and seconded by Commissioner Hicks to approve **RESOLUTION 0122-17**. On a voice vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-17**  
**SPONSORED BY THE BENTON COUNTY SHERIFF KENNY CHRISTOPHER**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND LAW ENFORCEMENT COMMITTEE**

**WHEREAS**, the Benton County Mayor’s Office was receipted in funds in the amount of \$ 5,000.87 from Tennessee Risk Management Trust for insurance claims from the Sheriff’s Office

**WHEREAS**, it will be necessary to allocate these funds to the appropriate expenditure lines 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 22<sup>nd</sup> day of January, 2019 that the funds in the amount of \$ 5,000.87 be budgeted as follows

<b>DECREASE REVENUE:</b>		
101.49700	INSURANCE RECOVERY	\$ 5,000.87

---

<b>INCREASE EXPENDITURE:</b>		
101.54110.338	MAINTENANCE & REPAIR – VEHICLES	\$ 5,000.87

Motion was made by Commissioner Ferguson and seconded by Commissioner Hill to approve **RESOLUTION 0122-18**.

Motion was made by Commissioner Hern and seconded by Commissioner Ferguson to amend **RESOLUTION 0122-18** in the second paragraph to strike out “within the County General Fund” and to replace it with “within the Drug Control Fund 122”. On a roll call vote, all present voted Aye. Motion Carries.

Motion was made by Commissioner Hern and seconded by Commissioner Hicks to approve **RESOLUTION 0122-18** as amended. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-18**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the line item for the Benton County Trustee’s Commission, which is based on the total revenue collected each month, has insufficient funds in the Drug Fund, Fund 122 for the remainder of this fiscal year 2018-2019; and

**WHEREAS**, it will be necessary to appropriate fund in the amount of \$1,000 from the Unassigned Fund Balance within the ~~County General Fund~~ <sup>Drug Control Fund 122</sup> in order to cover the Trustee’s Commission for the remainder of this fiscal year so the line item is not negative by fiscal year end.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$1,000 be appropriated from the Unassigned Fund Balance within the Drug Control Fund 122 and budgeted to the Expenditure Account No. 122.58400.510 - Trustee’s Commission in order to cover this line item for the remainder of this fiscal year.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hopper to approve **RESOLUTION 0122-19**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-19**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the account within Fund 172 Community Development which pays the water tank maintenance, has insufficient funds in order to pay the last quarterly invoice for this fiscal year; and

**WHEREAS**, it will be necessary to appropriate funds in the amount of \$1,234.24 from the Unassigned Fund Balance within Fund 172 Community Development and budget to the appropriate expenditure account.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$1,234.24 be appropriated from the Unassigned Fund Balance within Fund 172 Community Development and budgeted to the Expenditure Account No. 172.91110.334 – Maintenance Agreements.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hicks to approve **RESOLUTION 0122-20**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-20**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND PROPERTY COMMITTEE**

**WHEREAS**, the Benton County Courthouse is in desperate need of data cable upgrades, which are archaic and outdated in order to provide decent internet and phone services; and

**WHEREAS**, Complete Communications, Inc. will be upgrading the courthouse with Cat 5+ and Cat 6+ cabling to improve speed, reliability, effectiveness and efficiency of communications throughout the entire courthouse; and

**WHEREAS**, it will be necessary to appropriate the funds in the amount of \$4,708.53 from the Litigation Tax Reserve Account and budget to the appropriate expenditure account.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$4,708.53 be appropriated from the Litigation Tax Reserve Account No. 101.34520 and budget to the Expenditure Account No. 101.51800.707 – Building Improvements in order to upgrade the courthouse Cat 5+ and Cat 6+ cabling throughout the building.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hicks to approve **RESOLUTION 0122-21**. On a roll call vote, 13 Ayes and 2 Nays. Motion Carries.

**RESOLUTION NO. 0122-21**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, Benton County has received two mental health invoices from Western Mental Health Institute ordered by judges in the Benton County courts; and

**WHEREAS**, Benton County has been deemed liable and responsible for paying these outstanding invoices in the total amount of \$37,350.00; and

**WHEREAS**, it will be necessary to appropriate the said funds in the amount of \$37,350.00 from the Unassigned Reserves within the County General Fund and budget to the appropriate expenditure account in order to pay the outstanding invoice due this fiscal year.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$37,350.00 be appropriated from the Unassigned Reserves within the County General Fund and budgeted to the Expenditure Account No. 101.55310.322 – Regional Mental Health Evaluations & Testing in order to pay the outstanding invoices received from Western Mental Health.

<b>RESOLUTION 0122-21</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>
ANGIE HERN		X			X		
DON PATTON		X			X		
DAYNA FERGUSON		X	X		X		
KENNETH MILLER		X			X		
ROCKY PRESSON		X			X		
KELEAH DYE	X						
NORMAN FRAZIER		X				X	
GARY FURR		X				X	
DOUG VICKERS		X			X		
SONNY HALL	X						
PHIL MELTON		X			X		
RACHELLE HILL		X			X		
BILL KEE		X			X		
ROSANNE WARD					X		
DARREL HICKS		X		X	X		
RONNIE HOPPER		X			X		
MARY POWERS	X						
WARD PLANT - CHAIR		X			X		

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve **RESOLUTION 0122-22**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-22**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND PROPERTY COMMITTEE**

**WHEREAS**, the Benton County Courts would like to install a gate at one of the stairways leading upstairs to the courthouse, the stairway that usually stays roped off for security purposes and liability reasons; and

**WHEREAS**, it will be necessary to appropriate funds in the amount of \$589.74 from the Courtroom Security Reserve Account and budget to the appropriate expenditure account in order to make this purchase.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$589.74 be appropriated from the Courtroom Security Reserve Account No. 101.34520 and budgeted to the Expenditure Account No. 101.53400.790 – Chancery Court Other Equipment in order for the courts to purchase and install a security gate at one of the stairways leading up to the courtroom for safety and liability purposes.

Motion was made by Commissioner Patton and seconded by Commissioner Ferguson to approve **RESOLUTION 0122-23**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-23**

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

**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, the Benton County Airport received an invoice for a grant project; and

**WHEREAS**, it will be necessary to appropriate the funds in the amount of \$1,000.00 from the Unassigned Fund Balance within the Airport Fund 189 and budget to the appropriate expenditure accounts.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$1,000 be appropriated from the Unassigned Fund Balance within the Airport Fund 189 and budgeted to the Expenditure Account No. 189.91110.707 – Airport Building Improvements.

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve **RESOLUTION 0122-24**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-24**

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

**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

**WHEREAS**, Benton County received a Three Star Grant in the years past and the grant funds were used for the purchase of the high school journalism class new computers and software programs at the local Camden Central High School; and

**WHEREAS**, the county had agreed at this time to maintain the cost of the annual software payment in the amount of \$1,000 per year; and

**WHEREAS**, the funds in the amount of \$1,000 for this annual software payment was not included in this fiscal year's budget; and

**WHEREAS**, it will be necessary to appropriate funds in the amount of \$1,000.00 from the Unassigned Fund Balance within the County General Fund and budget to the appropriate expenditure account in order to pay the annual invoice for the Local Insite Software agreement.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22<sup>nd</sup> Day of January 2019 that the funds in the amount of \$1,000 be appropriated from the Unassigned Fund Balance within the County General Fund and budgeted to the Expenditure Account No. 101.58120.317 – Industrial Development Three Star Data Processing Services.

Motion was made by Commissioner Hicks and seconded by Commissioner Hern to approve **RESOLUTION 0122-25**.

Motion was made by Commissioner Hopper and seconded by Commissioner Ferguson to table **RESOLUTION 0122-25** until May 2019. On a roll call vote, 6 Ayes, 6 Nays, 2 Pass and 1 Abstain with conflict. Motion to table Fails.

RESOLUTION NO. 0122-25

SPONSORED BY THE BENTON COUNTY SHERIFF KENNY CHRISTOPHER

LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND LAW ENFORCEMENT COMMITTEE

**WHEREAS**, the Sheriff's Office is having ongoing problems retaining employees due to low wages as compared to surrounding counties, and the cost of hiring and training new employees just to lose them to other agencies is costly as is covering short shifts during this continued cycle.

**WHEREAS**, the Sheriff's Office is in need of a competitive wage increase to raise our employees up to the accepted pay standard of almost every other county in this part of the state.

**NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 17<sup>th</sup> day of December 2018 that \$85,000 be taken from the Unassigned Fund Balance within the County General Fund and distributed to the payroll line items of the Sheriff's Office and the Jail.

INCREASE EXPENDITURES:

101.54110.105	Supervisor/Director	\$ 3,000.00
101.54110.108	Investigator(s)	\$ 6,000.00
101.54110.115	Sergeant(s)	\$ 5,000.00
101.54110.119	Accountants/Bookkeepers	\$ 2,000.00
101.54110.133	Paraprofessionals	\$ 2,000.00
101.54110.140	Salary Supplements	\$ 18,000.00
101.54110.148	Dispatchers/Radio Operators	\$ 2,000.00
101.54110.161	Secretary(ies)	\$ 2,000.00
101.54110.170	School Resource Officer	\$ 2,000.00
101.54110.189	Other Salaries & Wages	\$ 8,000.00
101.54110.201	Social Security	\$ 2,000.00
101.54110.204	State Retirement	\$ 1,000.00
101.54110.212	Employer Medicare	\$ 2,000.00

\$ 55,000.00

54210.105	Supervisor/Director	\$ 3,000.00
54210.110	Lieutenant(s)	\$ 4,000.00
54210.115	Sergeant(s)	\$ 4,000.00
54210.140	Salary Supplements	\$ 2,000.00
54210.160	Guards	\$ 10,000.00
54210.167	Maintenance Personnel	\$ 4,000.00
54210.201	Social Security	\$ 1,000.00
54210.204	State Retirement	\$ 1,000.00
54210.212	Employer Medicare	\$ 1,000.00

Motion Hicks/Hern  
 \$ 30,000.00



<b>RESOLUTION 0122-25 to TABLE</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>
ANGIE HERN		X			X		
DON PATTON		X			X		
DAYNA FERGUSON		X		X	X		
KENNETH MILLER		X				X	
ROCKY PRESSON		X				X	
KELEAH DYE	X						
NORMAN FRAZIER		X					X
GARY FURR		X				X	
DOUG VICKERS		X				X	
SONNY HALL	X						
PHIL MELTON		X					X
RACHELLE HILL		X					A
BILL KEE		X				X	
ROSANNE WARD						X	
DARREL HICKS		X			X		
RONNIE HOPPER		X	X		X		
MARY POWERS	X						
WARD PLANT - CHAIR		X			X		

\*\*\*COMMISSIONER HILL VOTED TO ABSTAIN WITH CONFLICT\*\*\*\*

Motion was made by Commissioner Hill to withdraw.

No motion is necessary to withdraw a resolution. **RESOLUTION 0122-25 is therefore withdrawn.**

Motion was made by Commissioner Frazier and seconded by Commissioner Furr to approve **RESOLUTION 0122-26.** On a roll call vote, 14 Ayes and 1 Nay. Motion Carries.

<b>RESOLUTION NO. 0122-26</b>		
<b>SPONSORED BY THE BENTON COUNTY SHERIFF KENNY CHRISTOPHER</b>		
<b>LEGISLATIVE REFERENCE: BUDGET COMMITTEE AND LAW ENFORCEMENT COMMITTEE</b>		
<b>WHEREAS,</b> the Benton County Jail has two tankless water heaters that were installed during the construction of the new jail in 2010 that need to be replaced		
<b>WHEREAS,</b> the Jail has received a quote from United Mechanical & Electrical for replacement of these water heaters totaling \$ 7,030.00. This purchase would qualify as a correct use of Jail Litigation Tax Funds		
<b>NOW THEREFORE BE IT RESOLVED,</b> By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 22 <sup>nd</sup> day of, January, 2019 to appropriate \$ 7,030.00 from the Jail, Workhouse, Courthouse Litigation Tax Reserve for the purchase and installation of these water heaters		
<b>DECREASE REVENUE:</b>		
101.34520	JAIL, WORKHOUSE, COURTHOUSE LITIGATION TAX RESERVE	\$ 7,030.00
		<hr/>
		\$ 7,030.00
<b>INCREASE EXPENDITURE:</b>		
101.54210.790	JAIL OTHER EQUIPMENT	\$ 7,030.00
		<hr/>
		\$ 7,030.00

<b>RESOLUTION 0122-26</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>
ANGIE HERN		X			X		
DON PATTON		X			X		
DAYNA FERGUSON		X				X	
KENNETH MILLER		X			X		
ROCKY PRESSON		X			X		
KELEAH DYE	X						
NORMAN FRAZIER		X	X		X		
GARY FURR		X		X	X		
DOUG VICKERS		X			X		
SONNY HALL	X						
PHIL MELTON		X			X		
RACHELLE HILL		X			X		
BILL KEE		X			X		
ROSANNE WARD					X		
DARREL HICKS		X			X		
RONNIE HOPPER		X			X		
MARY POWERS	X						
WARD PLANT - CHAIR		X			X		

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve **RESOLUTION 0122-27**. On a roll call vote, all present voted Aye. Motion Carries.

**RESOLUTION NO. 0122-27**  
**SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE**  
**LEGISLATIVE REFERENCE: BUDGET COMMITTEE**  
**RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSIONERS**  
**JANUARY 22, 2019**

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 budget as follows;

	<u>INCREASE</u>	
72250 790	Other Equipment – Technology	\$100,000.00
	<u>DECREASE</u>	
39000	Fund Balance	\$100,000.00

Respectfully submitted,

**NOTARIES**

Motion was made by Commissioner Ferguson and seconded by Commissioner Miller to approve JANUARY 2019 Notaries. On a voice vote, all present voted AYE. Motion carries.

<b>MORGAN LOTT</b>	<b>TERESA FLOWERS</b>	<b>PEGGY FLORENCE</b>
<b>DEVHAN LATIMER</b>	<b>KATHY HOOTEN</b>	<b>RONALD DARBY</b>

**ANY OTHER BUSINESS**

Commissioner Hern asked to recognize Jim Crone with Trane to talk about upgrading the school systems learning environment through Guaranteed Energy Savings.

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve EESI to do the invest grade audit and be the funding body for the Project. On a roll call vote, all present voted Aye. Motion carries.

**ADJOURNMENT**

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

**WANDA MALIN, COUNTY CLERK, DO CERTIFY THIS TO BE A TRUE AND COMPLETE COPY OF THE JANUARY 22, 2019 BENTON COUNTY COMMISSION MEETING.**



Brett Lashlee, County Mayor



Wanda Malin, County Clerk