

NOVEMBER 17, 2003

BE IT REMEMBERED, that the Hickman County Legislative Body met in regular called session, this 17th day of November, 2003, at the Justice Center in Centerville, Tennessee. Steve Gregory, County Mayor and Chairman, and Randel Totty, County Clerk, presided. The following County Commissioners were present: Shirley Mayberry, Wayne Richey, Willie Powers, Mark McFarlin, Lynette Harris, Brad Leeper, Susan Sullivan, Ricky Tidwell, Gerald Rochelle, Ronnie Holt, Charles Booker, Frankye Ward, Steve Hethcote, Jodi Bates, Jim Rice, Mickey Bunn, Charley List, Robert Capps, Nathaniel Bates, Ronny George, and James Hassell. (21 Present; 0 Absent).

AGENDA

Motion was made by Mark McFarlin and second by Charley List to approve the following agenda. Motion passed by voice vote.

HICKMAN COUNTY LEGISLATIVE BODY

MONDAY - NOVEMBER 17, 2003

AGENDA

- A) Call to Order by Chairman
- B) Prayer and Pledge of Allegiance
- C) Roll Call by County Clerk
- D) Approval of Agenda
- E) Adoption of Minutes from the October 20, 2003, Meeting
- F) Elections/Appointments:
 - 1) Notaries
 - 2) Other Elections and/or Appointments (if any)
- H) Committee/Board Reports:
 - 1) Vision 21 Board
 - 2) Chamber of Commerce
 - 3) Finance Committee
 - 4) Solid Waste Committee
 - 5) County Buildings/ADA Committee
 - 6) Salary & Benefits Committee
 - 7) Beer Board
 - 8) Planning Commission
 - 9) Adequate Facilities Tax Appeals Board
 - 10) EMS Committee
 - 11) Hospital Foundation
 - 12) Sheriff & Jail Committee
 - 13) Recreation/Tourism Committee
 - 14) Other Committee/Board Reports (if any)
- I) Old Business (if any):
- J) New Business:
 - 1) Resolution No. 03-44 - Regarding Speed Limits on Highway 100
 - 2) Resolution No. 03-45 - Supporting the Recognition of God
 - 3) Resolution No. 03-46 - Regarding the Election of the Director of Schools
 - 4) Resolution No. 03-47 - Adding a Road to the County Road List
 - 5) Resolution No. 03-48 - Amending Resolution No. 03-19
 - 6) Discussion/Action on Sheriff's Lawsuit
 - 7) Other New Business (if any)
- K) Announcements (if any)
- L) Adjournment

MINUTES

Motion was made by Mickey Bunn and second by Susan Sullivan to approve the minutes from the October 20, 2003 meeting. Motion passed by voice vote.

NOTARY PUBLIC AT LARGE

Motion was made by Steve Hethcote and second by Susan Sullivan to approve the following applicants for a Notary Public At Large commission from the State of Tennessee: Jane Ambrose Herron and Shea Mathews. Motion passed by voice vote.

NOTARY BONDS

Motion was made by Jodi Bates and second by Charley List to approve the following applicants for a \$10,000.00 Notary Public At Large Bond: Joe Chadwick and Deborah A. Parker. Motion passed by voice vote.

BUDGET AMENDMENTS 04-019 TO 04-22

Motion was made by Ricky Tidwell and second by Jodi Bates to approve the following Budget Amendments 04-19, 20, 21, and 22. Upon roll call vote, 21 commissioners voted "Yes." Motion passed.

BUDGET AMENDMENT NO. 04-019
HICKMAN COUNTY, TENNESSEE
HIGHWAY DEPARTMENT FUND 131
DATE NOVEMBER 17, 2003

	DESCRIPTION	DEBIT	CREDIT
	Highway Department		
63100-418	44520 Insurance Recovery Equip & Mach Parts	\$2,671.84	\$2,671.84

Insurance payment for vehicle accident

Total	\$2,671.84	\$2,671.84
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Approved:


Attest:

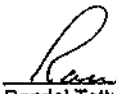
Chairman, Finance Committee

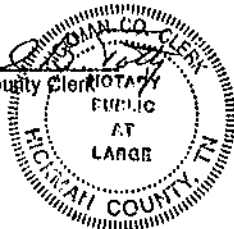
Finance Director

Approved:

Attest:


Steve Gregory, Chairman


Randal Totty, County Clerk



NOVEMBER 17, 2003

BUDGET AMENDMENTS 04-20 AND 04-21

BUDGET AMENDMENT NO. 04-20
HICKMAN COUNTY, TENNESSEE
HIGHWAY DEPARTMENT FUND 131
DATE NOVEMBER 17, 2003

	DESCRIPTION	DEBIT	CREDIT
	Highway Department		
44170	Miscellaneous Refunds	\$33,501.58	
62000-409	Crushed Stone		\$33,501.58

Federal Government reimbursement for stabilizing banks

Total	\$33,501.58	\$33,501.58
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Approved:


Attest:


Chairman, Finance Committee

Finance Director

Approved:

Attest:


Steve Gregory, Chairman


Randal Totty, County Clerk
AT
LARGE
HICKMAN COUNTY, TN

BUDGET AMENDMENT NO. 04-21
HICKMAN COUNTY, TENNESSEE
COUNTY GENERAL FUND 101
DATE NOVEMBER 17, 2003

	DESCRIPTION	DEBIT	CREDIT
	County General		
44520	Insurance Recovery	\$771.74	
54110-338	Vehicle Maint & Repair		\$771.74

Sheriff Department accident

Total	\$771.74	\$771.74
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Approved:


Attest:

Chairman, Finance Committee

Finance Director

Approved:

Attest:


Steve Gregory, Chairman


Randal Totty, County Clerk
AT
LARGE
HICKMAN COUNTY, TN

BUDGET AMENDMENT NO. 04-022
HICKMAN COUNTY, TENNESSEE
COUNTY GENERAL FUND 101
DATE NOVEMBER 17, 2003

	DESCRIPTION	DEBIT	CREDIT
	County General		
54110-338	44520 Insurance Recovery Vehicle Maint & Repair	\$271.74	\$271.74

Sheriff Department accident

Total	\$271.74	\$271.74
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Approved:


Attest:


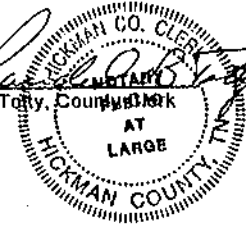
Chairman, Finance Committee

Finance Director

Approved:

Attest:


Steve Gregory, Chairman


Randel Tolly, County Clerk


FINANCE REPORT

Motion was made by Ricky Tidwell and second by Ronny George to approve the Finance Report for October, 2003. Motion passed by voice vote.

SMOKE-FREE COUNTY BUILDINGS

Motion was made by Wayne Richey and second by Susan Sullivan to require that all county buildings be smoke-free (no smoking allowed in any county offices); effective immediately. Upon roll call vote, Wayne Richey, Mark McFarlin, Lynette Harris, Susan Sullivan, Gerald Rochelle, Ronnie Holt, Frankye Ward, Jodi Bates, Jim Rice, Charley List, and Ronny George voted "Yes." Shirley Mayberry, Willie Powers, Brad Leeper, Ricky Tidwell, Charles Booker, Steve Hethcote, Mickey Bunn, Robert Capps, Nathaniel Bates, and James Hassell voted "No." (11 Yes; 10 No). Motion passed.

**SHERIFF'S LAWSUIT
(Hire Attorney To Represent County)**

In the matter of hiring an attorney to represent Hickman County in the Sheriff's Lawsuit against the County: Motion was made by Wayne Richey and second by James Hassell that at the next Sheriff/Jail Committee meeting:

- to have the County Mayor give his attorney recommendation,
- that anyone can give an attorney recommendation.
- that this Committee notify the Legislative Body of their decision.

Upon roll call vote, Wayne Richey, Steve Hethcote, Robert Capps, Nathaniel Bates, and James Hassell voted "Yes." The remaining commissioners voted "No." (5 Yes; 16 No). Motion failed.

Hire Attorney Rob Harvey

Motion was made by Steve Hethcote and second by Frankye Ward to hire Attorney Rob Harvey to represent Hickman County and its Board of Commissioners in the Sheriff's Lawsuit. Upon roll call vote, 17 commissioners voted "Yes." Wayne Richey voted "No." Mark McFarlin, Robert Capps, and Nathaniel Bates chose to pass. (17 Yes; 1 No; 3 Pass). Motion passed.

Closed Session Meeting

Motion was made by Wayne Richey and second by James Hassell to give the County Mayor the authority to call a special session meeting with Attorney Rob Harvey and the Legislative Body regarding the Sheriff's Lawsuit.

Motion was made by Frankye Ward and second by Steve Hethcote to amend the above motion, that said meeting be a closed session. Motion to amend passed by voice vote.

On the original motion, as amended, 21 commissioners voted "Yes." Motion passed.

**BUFORD MCCORD PROPERTY
(Beside East Community Center)**

Motion was made by Lynette Harris and second by Gerald Rochelle to rescind the discussion/action taken at last month's meeting, which gave the land beside the East Community Center (the "Buford McCord Property") back to Mrs. Paula McCord; and to keep this property for recreational purposes. Upon roll call vote, 21 commissioners voted "Yes." Motion passed. (Minute Book 34, Page 560, 10/20/03 Meeting).

Motion was made by Wayne Richey and second by James Hassell to have the Recreation/Tourism Committee to contact Mrs. Paula McCord and ask if she would remove the "recreational" restrictions on this property; that it might also be used for government buildings. Upon roll call vote, Wayne Richey, Willie Powers, Brad Leeper, Susan Sullivan, and James Hassell voted "Yes." The remaining commissioners voted "No." Nathaniel Bates was not present for this vote. (5 Yes; 15 No; 1 Absent). Motion failed.

**REDUCE SPEED LIMIT
(HIGHWAY 100 -- LYLES AREA)
RESOLUTION 03-44**

Motion was made by Mickey Bunn and second by Charley List to approve the following Resolution 03-44, requesting that the speed limit be reduced along a section of Highway 100 in the Lyles area, from 55 mph to 45 mph. Upon roll call vote, Wayne Richey, Mark McFarlin, Lynette Harris, Susan Sullivan, Ricky Tidwell, Jodi Bates, Mickey Bunn, Charley List, and James Hassell voted "Yes." Shirley Mayberry, Willie Powers, Brad Leeper, Gerald Rochelle, Charles Booker, Frankye Ward, Steve Hethcote, Robert Capps, Nathaniel Bates, and Ronny George voted "No." Ronnie Holt and Jim Rice chose to pass. (9 Yes; 10 No; 2 Pass). Motion failed.

(RESOLUTION 03-44A PASSED -- PAGE 574).

RECOGNIZE GOD AS FOUNDATION OF NATIONAL HERITAGE
RESOLUTION 03-45

Motion was made by Willie Powers and second by Shirley Mayberry to approve the following Resolution 03-45, supporting the recognition of God as the Foundation of our National Heritage. Upon roll call vote, 19 commissioners voted "Yes." Frankye Ward and Ronny George chose to pass. (19 Yes; 2 Pass). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 03-45

SUPPORTING THE RECOGNITION OF GOD AS THE
FOUNDATION OF OUR NATIONAL HERITAGE

WHEREAS, our Government was founded upon a trust in God, that began when our Founding Fathers proclaimed in America's first official document, our Declaration of Independence, that our rights to "life, liberty and the pursuit of happiness", were not given to us by government, but by God "our Creator", the "Sovereign Judge of the Universe"; and

WHEREAS, it is fact that between 90 and 95 percent of those who drafted and signed the Constitution of the United States of America had strong belief and trust in God and never intended that there be a separation between Him and the affairs of government, only that each citizen be free to choose on a personal basis how to worship or if to worship; and

WHEREAS, the recognition of God by our government was further established when Congress, in 1954, added the phrase "One Nation Under God" to our Pledge of Allegiance, followed in 1956 by the official establishment of "In God We Trust" as our National Motto; and

WHEREAS, there is now a growing demand by some within the Judicial System to remove all visible recognitions of God from public institutions, which has recently resulted in a Federal Order to physically remove the Ten Commandments Monument from the Alabama State Supreme Court, rightfully placed there by the Chief Justice of the Alabama State Supreme Court to remind all that God is central to our National Heritage, and His Ten Commandments, without question, the foundation of American law, moral values, and code of conduct.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 17th day of November, 2003, that we hereby urge all American Citizens to proclaim to every level of Government - Local, State and Federal - its responsibility to publicly recognize God as the Foundation of our National Heritage, lest our Nation forget and our children never know.

SPONSORS:

<u>Willie Powers</u>	<u>Frankye Ward</u>
<u>Shirley Mayberry</u>	<u>Charles R. Hill</u>
<u>Mark M. Hill</u>	
<u>Charles Liss</u>	
<u>John Harrell</u>	
<u>Wayne E. Pritchett</u>	
<u>Suzanne S. Sullivan</u>	
<u>Beck Tidwell</u>	
<u>Brad Depp</u>	
<u>Synette Harris</u>	
<u>Gene Foltz</u>	

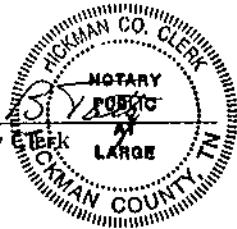
BOARD ACTION: 19 Aye 0 Nay 2 Pass 0 Absent

ADOPTED:

[Signature]
Steve Gregory, Chairman

ATTEST:

[Signature]
Randel Totty, County Clerk



COUNTY PLANNING COMMISSION
RESOLUTION 03-48

Motion was made by James Hassell and second by Susan Sullivan to approve the following Resolution 03-48, amending Resolution 03-19, with respect to membership on the County Planning Commission.

Motion was made by Brad Leeper and second by Wayne Richey to amend this resolution, to state that members must reside within Hickman County. Motion to amend passed by voice vote.

On the original motion, as amended, upon roll call vote, 19 commissioners voted "Yes." Steve Hethcote and Nathaniel Bates voted "No." (19 Yes; 2 No). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 03-48

AMENDING RESOLUTION NO. 03-19 WITH RESPECT TO
MEMBERSHIP ON THE HICKMAN COUNTY PLANNING COMMISSION

WHEREAS, the Board of County Commissioners of Hickman County, Tennessee, adopted Resolution No. 03-19 on April 21, 2003, which re-activated the Hickman County Regional Planning Commission; and

WHEREAS, said resolution called for non-elected official members to serve staggered, four-year terms and be from each of the seven County Commission Districts; and

WHEREAS, said resolution did not address vacancies on the Commission nor action to be taken in the event a member moves from the District he/she was appointed to represent;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 17th day of November, 2003, that:

SECTION 1: Section 3 of Hickman County Resolution No. 03-19 shall be amended by adding the following sentence:

"In the event a member no longer resides in the County Commission District which he/she was appointed to represent, they shall remain on the Planning Commission until the end of their appointed term, provided they maintain residence within the county."

SECTION 2: The provisions of this resolution shall become effective upon passage, the public welfare requiring it.

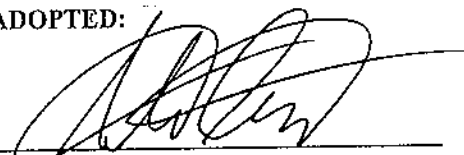
SPONSORS:

James Hassell

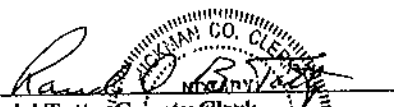

Susan Sullivan

BOARD ACTION: 19 Aye 2 Nay 0 Pass 0 Absent

ADOPTED:


Steve Gregory, Chairman

ATTEST:


Randel Totty, County Clerk


**REDUCE SPEED LIMIT
(HIGHWAY 100 - LYLES AREA)
RESOLUTION 03-44A**

Motion was made by Jim Rice and second by Mickey Bunn to approve the following Resolution 03-44A, requesting that the speed limit be reduced from 55 mph to 50 mph along a section of Highway 100 in the Lyles area, beginning at approximately mile 25.3 and continuing East to where the State of Tennessee has set the limit at 45 mph. Upon roll call vote, 14 commissioners voted "Yes." Brad Leeper, Gerald Rochelle, Charles Booker, Steve Hethcote, Robert Capps, and Nathaniel Bates voted "No." Ronnie Holt chose to pass. (14 Yes; 6 No; 1 Pass). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 03-44A

REQUESTING A CHANGE IN THE SPEED LIMIT ALONG A SECTION OF STATE ROUTE 100 IN HICKMAN COUNTY

WHEREAS, Section 55-8-152 (D)(1)(C), Tennessee Code Annotated, provides for a county government to set speed limits on State Routes in their jurisdiction, provided that the limit is set lower than what is provided by the State of Tennessee; and

WHEREAS, Hickman County has been requested by members of the Tennessee Highway Patrol assigned to the County to consider reducing the speed limit from 55 miles per hour to 45 miles per hour along a portion of State Route 100 in the Lyles area of our County; and

WHEREAS, we are in favor of such action, except desire to lower the speed limit only to 50 miles per hour in said section;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 17th day of November, 2003, that:

SECTION 1: It shall be noted as our desire to reduce the speed limit as mentioned above to 50 miles per hour along a portion of State Route 100 beginning at approximately mile 25.3 and continuing East to where the State of Tennessee has set the limit at 45 miles per hour.

SECTION 2: The County Mayor is hereby directed to furnish certified copies of this resolution to the Tennessee Department of Transportation as well as the Tennessee Department of Safety along with a letter asking for their assistance in this speed limit reduction.

SECTION 3: This resolution shall become effective upon its passage, the public welfare requiring it.

SPONSORS:

Jim Rice

Mickey Bunn

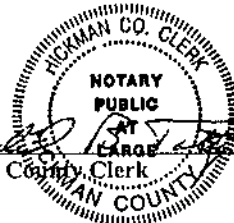
BOARD ACTION: 14 Aye 6 Nay 1 Pass 0 Absent

ADOPTED:

[Signature]
Steve Gregory, Chairman

ATTEST:

[Signature]
Randel Totty, County Clerk



SMOKE-FREE COUNTY BUILDINGS
(Delay Action)

Motion was made by Steve Hethcote and second by Ronnie Holt to rescind the motion and delay action requiring all county buildings to be smoke-free; until the Parliamentarian (Mr. Hethcote) determines if it takes 2/3 majority vote to pass. Upon roll call vote, Shirley Mayberry, Willie Powers, Brad Leeper, Gerald Rochelle, Ronnie Holt, Charles Booker, Steve Hethcote, Mickey Bunn, Charley List, Robert Capps, and Nathaniel Bates voted "Yes." Wayne Richey, Mark McFarlin, Lynette Harris, Susan Sullivan, Ricky Tidwell, Frankye Ward, Jodi Bates, Jim Rice, Ronny George, and James Hassell voted "No." (11 Yes; 10 No). Motion passed.

\$25.00 PER MEETING

Motion was made by Wayne Richey and second by James Hassell that commissioners be paid \$25.00 per committee meeting; and not \$25.00 per day. Upon roll call vote, Wayne Richey, Willie Powers, Mark McFarlin, Lynette Harris, Jodi Bates, Ronny George, and James Hassell voted "Yes." Shirley Mayberry, Brad Leeper, Susan Sullivan, Ricky Tidwell, Gerald Rochelle, Ronnie Holt, Charles Booker, Frankye Ward, Steve Hethcote, Charley List, and Nathaniel Bates voted "No." Jim Rice, Mickey Bunn, and Robert Capps chose to pass. (7 Yes; 11 No; 3 Pass). Motion failed.

ADJOURN

Motion was made by Willie Powers and second by Shirley Mayberry to adjourn this meeting. Motion passed by voice vote.

Minutes Prepared By: Penny Stewart, Deputy County Clerk.