

APRIL 19, 2004

BE IT REMEMBERED, that the Hickman County Legislative Body met in regular called session, this 19th day of April, 2004, 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: Gerald Rochelle, Ronnie Holt, Charles Booker, Frankye Ward, Steve Hethcote, Jodie Bates, Jim Rice, Mickey Bunn, Charley List, Robert Capps, Nathaniel Bates, Ronny George, Shirley Mayberry, Wayne Richey, Willie Powers, Mark McFarlin, Lynette Harris, Brad Leeper, Susan Sullivan, and Ricky Tidwell. James Hassell was absent. (20 Present; 1 Absent).

AGENDA

Motion was made by Susan Sullivan and second by Mickey Bunn to approve the following agenda. Motion passed by voice vote.

HICKMAN COUNTY LEGISLATIVE BODY

APRIL 19, 2004 - 7:00 P.M.

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 March 22, 2004, Meeting
- F) Approval of Quarterly Reports from County Officials
- G) Elections/Appointments:
 - 1) Notaries
 - 2) Election of Board of Equalization
 - 3) Acceptance of John Hudspeth's Resignation
 - 4) 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) Beer Board
 - 7) Planning Commission
 - 8) Budget Committee
 - 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. 04-17 - Earmarking Data Processing Revenues
 - 2) Resolution No. 04-18 - Supporting SJR0887 by Senator Miller
 - 3) Resolution No. 04-19 - Regarding the Board of Equalization
 - 4) Resolution No. 04-20 - Authorizing a \$22,000,000 School Loan
 - 5) Resolution No. 04-21 - Regarding Reimbursement of School Funds
 - 6) Other New Business (if any)
- K) Announcements (if any)
- L) Adjournment

MINUTES

Motion was made by Charley List and second by Shirley Mayberry to approve the minutes from the March 22, 2004 meeting. Motion passed by voice vote.

QUARTERLY REPORTS

Motion was made by Charley List and second by Mickey Bunn to approve the Quarterly Reports from County Officials. Motion passed by voice vote.

NOTARY PUBLIC AT LARGE

Motion was made by Steve Hethcote and second by Nathaniel Bates to approve the following applicants for a Notary Public At Large commission from the State of Tennessee: Treba A. Fielder, Melissa Dyer Gibson, and Carol S. Hines. Motion passed by voice vote.

NOTARY BONDS

Motion was made by Nathaniel Bates and second by Mickey Bunn to approve the following applicants for a \$10,000.00 Notary Public At Large Bond: Betty J. Banks, Terry G. Barber, Brenda J. Bohn, Karen Daniel, Diane R. Holloway, John D. Johnson, Anna H. Modena, Leonard Modena, Patricia G. Skelton, and Rae Ann Stutzman. Motion passed by voice vote.

EQUALIZATION BOARD

Motion was made by Brad Leeper and second by Frankye Ward to table the election of the Equalization Board. Upon roll call vote, 14 commissioners voted "Yes." Gerald Rochelle, Ronnie Holt, Charles Booker, Steve Hethcote, Robert Capps, and Nathaniel Bates voted "No." James Hassell was absent. (14 Yes; 6 No; 1 Absent). Motion to table passed.

***It was determined that the election of this Board has to take place in the month of April; therefore, the ruling to table was void.

Motion was made by Robert Capps and second by Ronnie Holt to keep the Equalization Board we currently have, and elect a new member to fill the vacant seat for Districts 5 and 9. Upon roll call vote, 19 commissioners voted "Yes." James Hassell and Brad Leeper were absent. (19 Yes; 2 Absent). Motion passed.

Motion was made by Robert Capps and second by Gerald Rochelle to nominate W.C. Thompson to represent Districts 5 & 9.

Motion was made by Steve Hethcote and second by Mickey Bunn that all nominations cease, and to elect W.C. Thompson by acclamation. Motion passed by voice vote. W.C. Thompson was elected to the Equalization Board for Districts 5 & 9.

RESIGNATION - HIGHWAY COMMISSIONER

Motion was made by Mickey Bunn and second by Charley List to accept the resignation of John Hudspeth from the Hickman County Highway Commission, District 2. Motion passed by voice vote.

John Hudspeth
PO Box 468
Lyles, TN 37098
931-670-2359

April 7, 2004

RECEIVED
APR 12 2004
BY:

Mr. Steve Gregory
County Mayor
Hickman County Courthouse
Centerville, TN 37033

RE: RESIGNATION

Dear Mr. Gregory:

I am writing to advise you that effective April 8, 2004 I will no longer be eligible to serve as the Highway Commissioner for District 2 effective April 8, 2004. Should you have any questions, please do not hesitate to call me.

Sincerely yours,

John E. Hudspeth

Computer Updates

Total \$6,000.00 \$6,000.00

Approved:

Attest:

Chairman, Finance Committee

Finance Director

Budget Amendment # 04-038

HICKMAN COUNTY, TENNESSEE
BUDGET AMENDMENTS

		<u>DEBIT</u>	<u>CREDIT</u>
MISCELLANEOUS GENERAL FUND AMENDMENTS:			
(Miscellaneous - Library & Archives)			
101-46190	Other General Government Grants	\$ 1,500.00	
101-39000	Undesignated Fund Balance		\$ 1,500.00
101-39000	Undesignated Fund Balance	\$ 1,500.00	
101-51800-435	Office Supplies		\$ 1,500.00
		_____	_____
		\$ 3,000.00	\$ 3,000.00

REQUESTED BY: Steve Gregory

REASON: Grant funds applied for on behalf of the Hickman County Historical Society for use in purchasing specialized storage materials.

FINANCE COMMITTEE APPROVAL:

ATTEST:

Ricky Tidwell, Chairman

Betty Holland, Finance Director

DATE: _____

COUNTY COMMISSION APPROVAL:

ATTEST:

[Signature]
Steve Gregory, Chairman

[Signature]
Randel Totty, County Clerk

DATE: 4-19-04



FEE EXEMPTION FOR CLASS 3-4 LANDFILL

Motion was made by Wayne Richey and second by Willie Powers to allow people to discard up to 200 lbs per day at the Class 3 & 4 Landfill, at no additional fees.

Motion was made by Mark McFarlin and second by Mickey Bunn to amend, with the stipulation that this exemption shall apply only to those who have paid the \$90.00 Solid Waste Tax. Upon roll call vote, 18 commissioners voted "Yes." Ronnie Holt and Steve Hethcote voted "No." James Hassell was absent. (18 Yes; 2 No; 1 Absent). Motion passed.

Upon roll call vote, as amended, 19 commissioners voted "Yes." Brad Leeper voted "No." James Hassell was absent. (19 Yes; 1 No; 1 Absent). Motion passed.

***LET THE RECORD SHOW... Report from Solid Waste: the old back-hoe was sold by the Solid Waste Committee; it was advertised and sold by bids.

**SPECIAL JAIL COMMITTEE
(For New Jail)**

Motion was made by Frankye Ward and second by Shirley Mayberry to put Commissioner Willie Powers on the Special Jail Committee; as an additional member. Upon roll call vote, 20 commissioners voted "Yes." (20 Yes; 1 Abs). Motion passed.

***Frankye Ward made the recommendation that the Special Jail Committee shall meet on the set Monday each month, and a Chairman and Pro-Temp shall be elected to fill the vacant seat left by James Hassell.

Donate \$5,000 To "Friends of East Hickman Park"

Motion was made by Mark McFarlin and second by Charles Booker to give \$5,000.00 from the Levi's Fund to the "Friends of East Hickman Park."

Motion was made by Steve Hethcote and second by Ronnie Holt to table the above motion. Upon roll call vote, 16 commissioners voted "Yes." Charles Booker, Jodi Bates, Robert Capps, and Mark McFarlin voted "No." (16 Yes; 4 No; 1 Abs). Motion to table passed.

**\$2.00 DATA PROCESSING FEE FOR COURT CLERKS
RESOLUTION 04-17**

Motion was made by Charley List and second by Mark McFarlin to approve the following Resolution 04-17 to reserve revenues from the \$2.00 Data Processing Fee for expenditure on the replacement of hardware.

Motion was made by Mark McFarlin and second by Steve Hethcote to table this Resolution 04-17. Motion to table passed by voice vote.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 04-17

**TO EARMARK REVENUES FROM THE \$2.00 DATA PROCESSING
FEE AUTHORIZED BY T.C.A. § 8-21-401(d)**

WHEREAS, Tennessee Code Annotated, Section 8-21-401(d) authorizes clerks of courts to charge an additional fee for data entry in each new case filed in the clerk's court; and

WHEREAS, such fee is levied at the rate of two dollars (\$2.00) and the revenues for such fee are required, by Tennessee Code Annotated, Section 16-1-117, to be used by the clerk's county for computerization, information systems and electronic records management costs of the clerk's office; and

WHEREAS, the Clerk and Master and Circuit Court Clerk of Hickman County desires that such revenues be reserved for expenditure on the replacement of hardware;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 19th day of April, 2004, that:

SECTION 1: We hereby indicate our intent to earmark revenues generated by the two dollar (\$2.00) data processing fee authorized by Tennessee Code Annotated, Section 8-21-401(d) for the purpose of replacement of hardware.

SENATE JOINT RESOLUTION 0887
(Marital Contract)
RESOLUTION 04-18

Motion was made by Ricky Tidwell and second by Brad Leeper to approve the following Resolution 04-18, supporting Senate Joint Resolution 0887, proposing an amendment to Article XI of the Constitution of the State of Tennessee, relative to the marital contract between one man and one woman. Motion passed by voice vote.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 04-18

SUPPORTING SENATE JOINT RESOLUTION 0887
AS INTRODUCED TO THE TENNESSEE GENERAL
ASSEMBLY BY SENATOR JEFF MILLER

WHEREAS, Senate Joint Resolution 0887 has been introduced to the 103rd General Assembly of the State of Tennessee for consideration by Senator Jeff Miller; and

WHEREAS, said Resolution proposes an amendment to Article XI of the Constitution of the State of Tennessee, relative to the marital contract between one man and one woman; and

WHEREAS, the members of the Board of County Commissioners of Hickman County, Tennessee, are desirous of supporting such action;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 19th day of April, 2004, that:

SECTION 1: We hereby go on record as being in support of Senate Joint Resolution No. 0887 as introduced to the 103rd General Assembly of the State of Tennessee by Senator Jeff Miller, and ask that Hickman County's representatives to said General Assembly support such action.

SECTION 2: The County Clerk of Hickman County is hereby directed to furnish certified copies of this Resolution to the members of the 103rd General Assembly which represent Hickman County at their offices in Nashville, Tennessee.

SECTION 3: The provisions of this resolution shall become effective upon passage, the public welfare requiring it.

SPONSORS:

Ricky Tidwell Brad Leeper

BOARD ACTION: 20 Aye 0 Nay 0 Pass 1 Absent

ADOPTED:

Steve Gregory
Steve Gregory, Chairman

ATTEST:

Randel B. Totty
Randel Totty, County Clerk



BOARD OF EQUALIZATION
RESOLUTION 04-19

Motion was made by Steve Hethcote and second by Ronnie Holt to approve the following Resolution 04-19, regarding the appointment of a Board of Equalization for Hickman County. Upon roll call vote, 19 commissioners voted "Yes." Willie Powers voted "No." James Hassell was absent. (19 Yes; 1 No; 1 Abs). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 04-19

REGARDING THE APPOINTMENT OF A BOARD OF EQUALIZATION
FOR HICKMAN COUNTY, TENNESSEE

WHEREAS, Tennessee Code Annotated, §67-1-401, provides that a county legislative body shall, at the April session of each even year, elect five (5) freeholders and taxpayers from different sections of the county who shall comprise the County Board of Equalization. However, pursuant to Tennessee Code Annotated, §67-1-401(a)(4), one (1) member may be selected by city governing bodies within the county;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 19th day of April, 2004, that:

SECTION 1: The following freeholders and taxpayers are hereby elected from different sections of the County and shall constitute the Hickman County Board of Equalization:

- James Griffin representing former districts 1 and 2
- Robert McCain representing former districts 3 and 4
- W.C. Thompson representing former districts 5 and 9
- Howard Breece representing former districts 6 and 7
- Jim Nickell representing former districts 8 and 10

SECTION 2: Before entering upon the discharge of the duties of the office, each member of the Board of Equalization shall take an oath before the County Mayor and shall file such oath with the County Clerk.

SECTION 3: The compensation of such members shall be \$ 50.00 per day for the chairman and \$ 40.00 per day for other members, which shall be paid from the General Funds of the County.

SECTION 4: This resolution shall take effect from and after its passage, the public welfare requiring it.

SPONSORS:

Charley Lutz Willie Powers

BOARD ACTION: 19 Aye 1 Nay 0 Pass 1 Absent

ADOPTED:

[Signature]
Steve Gregory, Chairman

ATTEST:

[Signature]
Randel Totty, County Clerk



**PUBLIC WORKS PROJECT
(SCHOOLS)
RESOLUTION 04-20**

Motion was made by Mark McFarlin and second by Jodi Bates to approve the following Resolution 04-20, regarding loan agreements to provide funding for certain public works projects. Upon roll call vote, 14 commissioners voted "Yes." Gerald Rochelle, Nathaniel Bates, and Willie Powers voted "No." Ronnie Holt, Steve Hethcote, and Robert Capps chose to pass. James Hassell was absent. (14 Yes; 3 No; 3 Pass; 1 Absent). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 04-20

RESOLUTION TO APPROVE THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING CERTAIN PUBLIC WORKS PROJECTS, CONSISTING OF ACQUIRING, CONSTRUCTING, IMPROVING, RENOVATING, AND EQUIPPING SCHOOLS, FOR HICKMAN COUNTY, TENNESSEE

WHEREAS, the Board of Commissioners (the "Board") of Hickman County, Tennessee (the "County"), has determined that need exists for the acquisition, construction, renovation, improvement, and/or installation of a "public works project" (the "Project"), as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, such Project to consist of the acquisition, construction, renovation, improvement, and equipping of schools for the County, and as set forth in that certain Indenture of Trust (the "2002 Indenture") between The Public Building Authority of the County of Montgomery, Tennessee, or an Indenture of Trust (the "New Indenture"), between The Public Building Authority of the County of Montgomery, Tennessee, or The Public Building Authority of the City of Clarksville, Tennessee (the "Issuer") and SunTrust Bank, as trustee (the "Trustee") (the "2002 Indenture and the New Indenture being herein called, collectively, the "Indenture"), as permitted under Title 12, Chapter 10, Tennessee Code Annotated, as from time to time amended and supplemented, and as described in the form of one or more Loan Agreements (collectively, the "Loan Agreement"), between the County, as borrower, and the Issuer, presented to this meeting, the costs of such Project not to exceed \$22,000,000; and,

WHEREAS, the Board has taken the necessary steps to arrange for the acquisition, construction, renovation, improvement, equipping, and/or installation of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 19th day of April, 2004, that:

SECTION 1. Approval of the Loan Agreement. The terms of the Loan Agreement presented at this meeting are in the best interest of the County and are hereby approved and the Board hereby authorizes the County Mayor and the County Clerk of the County to execute and deliver one or more Loan Agreements, each to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the County Mayor and County Clerk to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

SECTION 2. Investment of Loan Proceeds. As more fully specified in the Loan Agreement, the Trustee is hereby authorized and directed to invest funds, if any, deemed to be funds of the Borrower on April 15, 2005, pursuant to Section 5.03(e) of the 2002 Indenture, in that certain Borrower Investment Agreement, as such term is defined in the 2002 Indenture, chosen or established by the Issuer, such Borrower Investment Agreement to be in substantially the form presented to this meeting.

The provision set forth above shall not apply to a Loan Agreement entered into pursuant to a New Indenture, unless such New Indenture shall so require.

SECTION 3. Fulfillment of Obligations. The Board of the County is authorized and directed to fulfill all obligations under the terms of the Loan Agreement.

SECTION 4. Tax Levy. There shall be levied and collected in the same manner as other ad valorem taxes of the County on all taxable property within the corporate limits of the County without limitation as to time, rate, or amount, to the extent necessary in the event funds of the County legally available to pay the indebtedness evidenced by the Loan Agreement are insufficient, a tax sufficient to pay when due the amounts payable under the Loan Agreement, as and when they become due, and to pay any expenses of maintaining and operating the Project required to be paid by the County under the terms and provisions of the Loan Agreement. For the prompt payment of the Loan Agreement, both principal and interest; as the same shall become due, the full faith and credit of the County are irrevocably pledged.

SECTION 5. Consent to Assignment. The County hereby acknowledges that the provisions of the Indenture assign to the Trustee, among other things, all of the interest of the Issuer in and to the Loan Agreement (other than the rights of the Issuer under Section 7.03 and Section 7.04 of the Loan Agreement, which are reserved to the Issuer) and the County agrees to pay directly to the Trustee any amounts required to be paid by the County to the Issuer pursuant to the Loan Agreement.

SECTION 6. Miscellaneous Acts. The County Mayor, the County Clerk, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

SECTION 7. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

SECTION 8. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

SECTION 9. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 10. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the County requiring it.

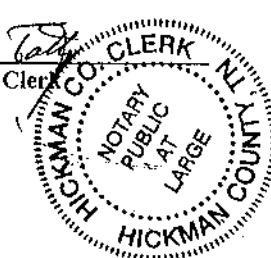
SPONSORS:

Mark McFarlin Jodi Bates
Mark McFarlin, County Commissioner Jodi Bates, County Commissioner

BOARD ACTION: 14 Aye 3 Nay 3 Pass 1 Absent

ADOPTED:
Steve Gregory
Steve Gregory, Chairman

ATTEST:
Randel B. Totty
Randel Totty, County Clerk



**PUBLIC WORKS PROJECT
EXPENDITURES REIMBURSED FROM NOTES, BONDS
RESOLUTION 04-21**

Motion was made by Mark McFarlin and second by Jodi Bates to approve the following Resolution 04-21, regarding the reimbursement of expenditures for public work projects. Upon roll call vote, 17 commissioners voted "Yes." Willie Powers voted "No." Gerald Rochelle and Nathaniel Bates chose to pass. (17 Yes; 1 No; 2 Pass; 1 Absent). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 04-21

EXPRESSING OFFICIAL INTENT THAT CERTAIN EXPENDITURES TO BE INCLUDED IN CONNECTION WITH CERTAIN PUBLIC WORKS PROJECTS AND RELATED EXPENDITURES BE REIMBURSED FROM PROCEEDS OF NOTES, BONDS, OR OTHER INDEBTEDNESS TO BE ISSUED BY HICKMAN COUNTY, TENNESSEE

WHEREAS, Hickman County, Tennessee (the "County"), is in the process of causing certain capital expenditures to be made with respect to certain public works projects, consisting of the acquisition, construction, renovation, improvement, and equipping of schools within the County, including, but not necessarily limited to, planning, design, and architectural expenses (the "Project"); and,

WHEREAS, the Board of Commissioners (the "Board") of the County desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed out of notes, bonds, or other indebtedness to be issued in the future by the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 19th day of April, 2004, that:

SECTION 1: The Board hereby finds and determines, as follows:

- (a) that it is in the best interest of the County to proceed immediately with the Project, thereby incurring certain capital expenditures;
- (b) that the County has certain funds available which may be used temporarily for this purpose, pending the issuance of bonds, notes, or other indebtedness of the County;
- (c) that the Board anticipates that the County will issue its bonds, notes, or other indebtedness for the purpose of financing the Project;
- (d) that the Board reasonably expects to reimburse such amounts to such fund or source from which such expenditures may be made on a temporary basis as soon as proceeds from the issuance of such bonds, notes, or other indebtedness are available; and,
- (e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the County.

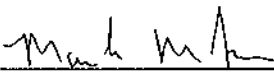
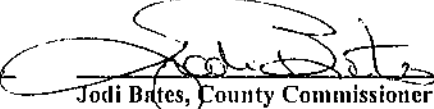
SECTION 2: The Board of the County hereby establishes its official intent to issue bonds, notes, or other indebtedness to finance the costs of the Project and other related expenditures in an amount not to exceed \$22,000,000. Pending the issuance of such bonds, notes, or other indebtedness, funds necessary to finance such costs shall be advanced from such source of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the tax-exempt bonds, notes, or other indebtedness when issued.

SECTION 3: The County will comply with the applicable State or local law governing the public availability of records relating to its official acts with respect to this Resolution.

SECTION 4: All actions of the officers, agents, and employees of the County that are in conformity with the purposes and intent of this Resolution whether taken before or after the adoption hereof, are hereby ratified, confirmed, and adopted.

SECTION 5: This Resolution shall be in full force and effect immediately upon its adoption.

SPONSORS:

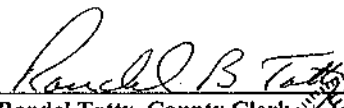

 Mark McFarlin, County Commissioner
 
 Jodi Bates, County Commissioner

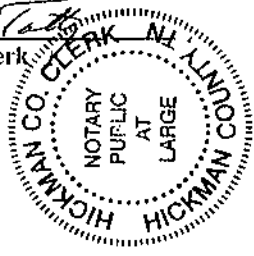
BOARD ACTION: 17 Aye 1 Nay 2 Pass 1 Absent

ADOPTED:


 Steve Gregory, Chairman

ATTEST:


 Randel Totty, County Clerk



ADJOURN

Motion was made by Mark McFarlin and second by Wayne Richey to adjourn.

Minutes Prepared By: Penny Stewart, Deputy County Clerk