

July 27, 2009

BE IT REMEMBERED that the Hickman County Legislative Body met in regular called session, on this 27th day of July, 2009 at the Justice Center in Centerville, Tn. Mark McFarlin Chairman, Randel Totty, County Clerk, Presided. Present were Mickey Bunn, Steve Hethcote, Danny Clark, Lloyd Mangrum, Charles Booker, Lynette Harris, Ricky Murray, Jim Rice, Kenneth Underhill, James Hassell, Robert Capps, Michael Thomasson, Ronnie Sullivan, Robert Atkinson, Ronald Gammons, Frankye Ward, Billy Blackwell, Keith Nash. Wayne Richey and Shirley Mayberry were absent {19 Present 2 Absent}.

#### AGENDA

Motion was made to approve the agenda.

#### AMEND

Motion was made by Ronnie Sullivan to amend the agenda by moving Resolution 09-13 to section H between planning commission and beer board. Motion passed by voice vote.

*The Hickman County Legislative Body shall meet in regular session at 7:00 p.m., on July 27, 2009 at the Hickman County Justice Center. This meeting is open to the public, and a tentative agenda is presented below. Persons requiring special assistance should contact the County Mayor's Office at 931-729-2492 at least 48 hours prior to the meeting*

#### Public Hearing

6:30 p.m. Rezoning partial on Spence Mill Rd. for Rodgers Group

#### AGENDA JULY 2009 7:00 P.M.

- (A) Call to Order Chairman
- (B) Roll Call by County Clerk
- (C) Prayer and Pledge of Allegiance
- (D) Approval of Minutes
- (E) Adoption of Minutes from the June 22, 2009 Meeting
- (F) Resolutions for Special Recognitions, Memorials, etc.
- (G) Elections, Appointments and Confirmations, Speakers, Public Hearing Issues/Quarterly Reports from Officials
  - (1) Election of County Clerk
- (H) Chamber Report/Vision 21 Report/Committee Board Reports
  - (1) County Building/ADA
  - (2) H.C. Adm. Oversight
  - (3) Planning Commission
  - (4) Beer Board
  - (5) Board of Zoning Appeals
  - (6) AFT Appeals Board
  - (7) Finance Committee
  - (8) Budget Committee
  - (9) EMS Committee
  - (10) Hospital Foundation Board
  - (11) Sheriff Jail Committee
  - (12) Salary/Benefits
  - (13) Recreation Tourism Committee
  - (14) Solid Waste Committee
  - (15) Animal Control
  - (16) Other Committee Reports/Court Action
- (I) Unfinished Business
  - (1) Approval of Sale of Old Trooper Station
- (J) New Business
  - (1) 09-29 Regarding Placing Wheel Tax on ballot/Debt Service
  - (2) 09-30 Regarding Weapon on McCord Park Property
  - (3) 09-31 Regarding Rezoning/Spence Mill/Rogers Group Prop.
  - (4) 09-32 Regarding Fee for Archives
- (K) Announcements and Statements
- (L) Adjournment

Respectfully submitted:

Mark McFarlin  
Chairman, Legislative Body

Motion was made by Steve Hethcote and seconded by Lynette Harris to accept the minutes from June 22, 2009. Motion was passed by voice vote.

#### RANDEL TOTTY RESIGNATION

Motion was made by Mickey Bunn and seconded by Michael Thomasson to accept County Clerk Randel Tottys Resignation. Motion was passed by voice vote.

#### NOMINATION FOR COUNTY CLERK

Motion was made by Mickey Bunn and seconded by Lynette Harris to nominate Andrea Totty.

Motion was made by Keith Nash and seconded by Lloyd Mangrum to nominate Stephen Graham.

Motion was made by Billy Blackwell and seconded by Ronald Gammons to nominate Penny Stewart.

#### NOMINATIONS CEASE

Motion was made by Kenneth Underhill and seconded by Mickey Bunn to cease nominations for County Clerk. Motion passed by voice vote.

#### VOTE COUNTY CLERK

Michael Thomasson, James Hassell, Frankye Ward, Mickey Bunn, Robert Atkinson, Steve Hethcote, Danny Clark, Robert Capps, Charles Booker, Lynette Harris, Ricky Murray and Jim Rice voted for Andrea Totty. Keith Nash, Mark McFarlin, Ronnie Sullivan, Lloyd Mangrum and Kenneth Underhill voted for Stephen Graham. Ronald Gammons and Billy Blackwell voted for Penny Stewart { 12 Totty 5 Graham 2 Stewart }.

#### QUARTERLY REPORTS

Motion was made by Mickey Bunn and seconded by Steve Hethcote to accept the quarterly reports. Motion passed by voice vote.

#### RESOLUTION 09-31 REGARDING REZONING/SPENCER MILL/ROGERS GROUP PROP.

Motion was made by Danny Clark and seconded by James Hassell to approve Resolution 09-31. Upon roll call vote 19 commissioners voted yes. Shirley Mayberry and Wayne Richey were absent { 19 yes 2 absent }. Motion passed.

#### HICKMAN COUNTY, TENNESSEE

##### RESOLUTION NO. 09-31

REQUEST TO REZONE THE PROPERTY AT 11201 SPENCER MILL ROAD, BON AQUA, TN., FROM A - 1, AGRICULTURAL - FORESTRY DISTRICT TO 1 - 2, HEAVY INDUSTRIAL DISTRICT.

WHEREAS, North American Minerals, LLC has submitted a request to rezone a 150 acre tract on Spencer Mill Road, Map 018, Parcels 15.02, 4.02, 4.03, 4.04, 5.00 and 6.00 from A-1 to 1-2 to bring this property into compliance with current zoning and for future mining projects.

WHEREAS, the Hickman County Planning Commission, at the June 11, 2009 meeting, reviewed this request and recommended that the request be approved; and

WHEREAS, this property was being operated as a rock quarry when zoning took affect in 2006 and is therefore "grandfathered in" as a nonconforming use; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 27th Day of July, 2009, that:

SECTION 1: The property located on Hickman County Tax Map 018, Parcels 15.02, 4.02, 4.03, 4.04, 5.00 and 6.00, is hereby zoned, 1 - 2 Heavy Industrial District.

SECTION 2: This resolution shall become effective upon its passage, the public welfare requiring it.

A Public Hearing regarding this proposal was conducted at 6:30 P.M., on July 27, 2009.

#### SPONSORS:

 Danny Clark  
 James Hassell

BOARD ACTION: 19 Aye      Nay      Pass 2 Absent

#### ADOPTED:

 Mark McFarlin, Chairman

#### ATTEST:

 Randel Totty, County Clerk



#### APPROVED/DISAPPROVED:

 Steve Gregory, County Mayor

## FINANCE REPORT

Motion was made by Steve Hethcote and seconded by Lloyd Mangrum to approve the Finance Report for June 2009. Upon roll call vote 19 commissioners voted yes. Wayne Richey and Shirley Mayberry were absent { 19 yes 2 absent}. Motion passed.

### APPROVAL OF SALE OF OLD TROOPER STATION

Motion was made by Jim Rice and seconded by James Hassell to approve the sale of the old trooper station. Upon roll call vote 18 commissioners voted yes. Ronnie Sullivan passed. Wayne Richey and Shirley Mayberry were absent { 18yes 1 pass 2 absent}. Motion passed.

### RESOLUTION 09-29 REGARDING PLACING WHEEL TAX ON BALLOT/ DEBT SERVICE

Motion was made by Jim Rice and seconded by Danny Clark to approve Resolution 09-29.

#### AMEND

Motion was made by Ronald Gammons and seconded by Robert Capps to amend Resolution 09-29 by including that every 2 electoral years the wheel tax be added to the ballot to either continue or discontinue the additional thirty dollar wheel tax. Upon roll call vote 13 commissioners voted no. Michael Thomasson, Steve Hethcote, Robert Capps, Billy Blackwell, Charles Booker and Ronald Gammons voted yes. Shirley Mayberry and Wayne Richey were absent { 13 no 6 yes 2 absent}. Motion fails.

#### AMEND

Motion was made by Keith Nash and seconded by Lloyd Mangrum to amend resolution 09-29 by adding an effective date January 1, 2010 and ending date December 31, 2013 proceeds go to General Debt Services. Upon roll call vote 13 commissioners voted yes. Mark McFarlin passed. Robert Capps, Charles Booker, Ronald Gammons, Billy Blackwell and Kenneth Underhill voted no. Shirley Mayberry and Wayne Richey were absent { 13 yes 1 pass 5 no 2 absent}. Motion passed.

### RESOLUTION 09-29 AS AMENDED

Motion was made by Jim Rice and seconded by Danny Clark to approve Resolution 09-29 as amended. Upon roll call vote 12 commissioners voted yes. Mark McFarlin, Steve Hethcote, Robert Capps, Charles Booker, Ricky Murray, Ronald Gammons and Billy Blackwell voted no. Wayne Richey and Shirley Mayberry were absent { 12 yes 7 no 2 absent}. Motion passed.

HICKMAN COUNTY, TENNESSEE  
No. 09-29

A RESOLUTION CALLING FOR A \$30.00  
WHEEL TAX TO GO TO GENERAL DEBT SERVICE RELIEF  
AND CALLING FOR AN ELECTION FOR THE PURPOSE OF RAISING THE  
WHEEL TAX

**WHEREAS**, the need exists for an increase in the wheel tax in the amount of \$30.00 to go towards the general debt service account of the county; and

**WHEREAS**, the members of the Hickman County Legislative Body are desirous of implementing a special wheel tax for the purpose of funding the general debt service account of the county; and

**WHEREAS**, the sponsors of this resolution request that the raising of the wheel tax to be placed on the ballot in October 2009 to coincide with the Town of Centerville elections; and

**NOW, THEREFORE, BE IT RESOLVED**, by the board of County Commissioners of Hickman County, Tennessee, meeting in regular session this 27<sup>th</sup> day of July 2009, that:

**SECTION 1:** The Hickman County election Commission is hereby requested to place the following question on the ballot along with the Town of Centerville election in October 2009.

"Shall the wheel tax in Hickman County be increased by Thirty Dollars (\$30.00) with the proceeds to go toward the General Debt Service Account of Hickman County?"

This wheel tax increase would be for four years, beginning January 1, 2010, and ending December 31, 2013."

**SECTION 2:** All cost associated with such election shall be appropriated from the General Funds of Hickman County,

**SECTION 3:** The resolution shall become effective upon passage, the public welfare requiring it:

**SPONSORS:**

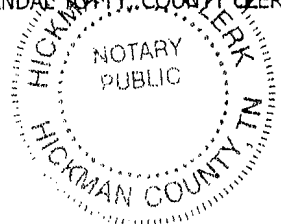
|                    |                    |
|--------------------|--------------------|
| <u>Iron Rice</u>   | <u>Danny Clark</u> |
| <u>[Signature]</u> | <u>[Signature]</u> |
| _____              | _____              |
| _____              | _____              |
| _____              | _____              |
| _____              | _____              |
| _____              | _____              |
| _____              | _____              |

COMMISSION ACTION: 12 AYE 7 NAY 2 PASS 2 ABSENT

ADOPTED:  
[Signature]  
Mark McFarlin, CHAIRMAN

ATTESTED:  
[Signature]  
RANDAL TERRY, COUNTY CLERK

APPROVED/DISAPPROVED  
[Signature]  
Steve Gregory, County Mayor  
7-28-09



RESOLUTION 09-30 REGARDING WEAPONS ON MCCORD PARK PROPERTY

Motion was made by Michael Thomasson and seconded by Mark McFarlin to approve Resolution 09-30.

AMEND

Motion was made by Kenneth Underhill and seconded by Robert Capps to remove fireworks from Resolution 09-30. Motion was withdrawn.

RESOLUTION 09-30 REGARDING WEAPONS ON MCCORD PARK PROPERTY

Motion was made by Michael Thomasson and seconded by Mark McFarlin to approve Resolution 09-30. Upon roll call vote 10 commissioners voted yes. Keith Nash, Steve Hethcote, Lloyd Mangrum, Ronald Gammons, Billy Blackwell and Kenneth Underhill voted no. Robert Atkinson, Lynette Harris, Ricky Murray passed. Wayne Richey and Shirley Mayberry were absent { 10 yes 6 no 3 pass 2 absent }. Motion fails.

Hickman County, Tennessee  
Resolution No. 09-30

**WHEREAS**, the Friends of East Hickman Park is a nonprofit corporation, incorporated under the Tennessee Nonprofit Corporation Act; and

**WHEREAS**, the purpose of the Friends of East Hickman Park is to help the county court develop the first community park, known as the McCord Memorial Park – East Hickman, in the county ; and

**WHEREAS**, the park is now in operation under a set of rules and regulations developed by the Friends of East Hickman Park and adopted by the county court by Resolution No. 05-49, on December 13, 2005; and

**WHEREAS**, under Section 1, of those rules and regulations, rule number 9 states that No weapons, firearms, or fireworks are allowed on park property; and

**WHEREAS**, the State of Tennessee Legislature recently passed a law allowing weapons to be carried in state parks and in other places but also allows the local jurisdictions to ask for an exception to this rule; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 28<sup>th</sup> day of the month of July, 2009 that the Court, by this resolution, states their intention of once again prohibiting weapons, firearms or fireworks in Buford Memorial Park – East Hickman.

**SPONSORS:**

Wayne Thomasson                      Mark McFarlin

**BOARD ACTION:** 10 Aye 6 Nay 3 Pass 2 Absent \_\_\_\_\_

**ADOPTED:**

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_

RESOLUTION 09-32 REGARDING FEE FOR ARCHIVES

Motion was made by Jim Rice and seconded by Mark McFarlin to accept Resolution 09-32. Upon roll call vote 12 commissioners voted yes. Robert Atkinson, Keith Nash, Ronnie Sullivan, Steve Hethcote, Robert Capps, Charles Booker and Ronald Gammons voted no. Wayne Richey and Shirley Mayberry were absent { 12 yes 7 no 2 absent }. Motion passed.

HICKMAN COUNTY, TENNESSEE  
No. 09-32

A RESOLUTION CREATING A MAINTENANCE FEE  
REGISTER OF DEEDS, CLERKS OF COURT

**WHEREAS**, The Hickman County Legislative Body meets from time to time to consider increases in fees for various county offices, and

**WHEREAS**, The State Legislature has created a new law that reads as follows:

Any county may charge a record maintenance fee not to exceed five dollars (\$5.00) to the person to whom the record is in reference for all records that the county is required by law to maintain. The fee shall be used by the county to help offset the expenses of maintaining such records.

**WHEREAS**, This bill amends TCA Title 5; Title 6; Title 7; Title 10 and Title 68, Chapter 3, allowing for this fee to apply to the Register of Deeds and the Clerks of Court which shall include Chancery, Circuit, General Sessions and Juvenile Court, and

**WHEREAS**, The fees generated from this resolution shall be placed in a specific account that can be used only for archive and record management purposes and shall include not only the management of records but also the use by the county to improve on the housing and long term storage space. These fees shall also be used to offset the cost of staff and operating expenses, and

**BE IT THEREFORE RESOLVED**, This 27<sup>th</sup> day of July, 2009 the above fee shall be set at five dollars (\$5.00) and shall apply to the Register of Deeds, Circuit Court, General Sessions Court, Juvenile Court, Chancery Court and Probate Court, The public welfare requiring it. The effective date shall be 8/1/09.

**SPONSORS:**

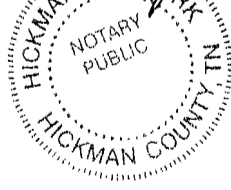
|                     |                      |
|---------------------|----------------------|
| <u>Jim Rice</u>     | <u>Mark McFarlin</u> |
| <u>Frankye Ward</u> | <u>[Signature]</u>   |
| <u>[Signature]</u>  | <u>[Signature]</u>   |
| <u>_____</u>        | <u>_____</u>         |
| <u>_____</u>        | <u>_____</u>         |
| <u>_____</u>        | <u>_____</u>         |
| <u>_____</u>        | <u>_____</u>         |

COMMISSION ACTION: 12 AYE 7 NAY 2 PASS 2 ABSENT

ADOPTED:  
[Signature]  
Mark McFarlin, CHAIRMAN

ATTESTED:  
[Signature]  
RANDAL TOTT, COUNTY CLERK

APPROVED/DISAPPROVED  
[Signature]  
Steve Gregory, County Mayor  
7-28-09



ADJOURN

Motion was made by Steve Hethcote and seconded by Charles Booker to adjourn. Motion was passed by voice vote.