

September 28, 2009

BE IT REMEMBERED that the Hickman County Legislative Body met in regular called session, on this 28th day of September, 2009 at the Justice Center in Centerville, Tn. Mark McFarlin Chairman, Andrea Totty, County Clerk, Presided. Present were Mickey Bunn, Steve Hethcote, Danny Clark, Lloyd Mangrum, Charles Booker, Ricky Murray, Jim Rice, Kenneth Underhill, James Hassell, Robert Capps, Michael Thomasson, Ronnie Sullivan, Robert Atkinson, Ronald Gammons, Frankye Ward, Billy Blackwell and Wayne Richey were present. Keith Nash, Shirley Mayberry and Lynette Harris were absent {18 Present 3 Absent}.

NOMINATIONS FOR CHAIRMAN

Ronald Gammons nominated Mark McFarlin for Chairman. James Hassell nominated Ronnie Sullivan for Chairman.

NOMINATIONS CEASE

Motion was made by Frankye Ward and seconded by Ronald Gammons to cease nomination for chairman. Motion passed by voice vote.

VOTE FOR CHAIRMAN

Mark McFarlin, Steve Hethcote, Robert Capps, Charles Booker, Ronald Gammons, Billy Blackwell, Wayne Richey, Kenneth Underhill voted for Mark McFarlin. Robert Atkinson, Ronnie Sullivan, Lloyd Mangrum, Mickey Murray, Jim Rice, Michael Thomasson, James Hassell, Frankye Ward, Mickey Bunn and Danny Clark voted for Ronnie Sullivan. Lynette Harris, Keith Nash and Shirley Mayberry were absent {8 McFarlin 10 Sullivan 3 absent}.

POSTPONE CHAIRMAN APPOINTMENT UNTIL OCTOBER COUNTY MEETING

Motion was made by Frankye Ward and seconded by Billy Blackwell to postpone the election of Chairman until October 26, 2009 county meeting. Upon roll call vote Robert Atkinson, Robert Capps, Lloyd Mangrum, Charles Booker, Ricky Murray, Michael Thomasson, James Hassell, Mickey Bunn voted no. Ronnie Sullivan, Danny Clark, Ronald Gammons, Billy Blackwell, Wayne Richey, Frankye Ward voted yes. Mark McFarlin, Steve Hethcote, Jim Rice, Kenneth Underhill passed. Keith Nash, Shirley Mayberry and Lynette Harris were absent {8 no 6 yes 4 pass 3 absent}. Motion fails.

ELECT STEVE HETHCOTE AS CHAIRMAN FOR ONE MONTH

Motion was made by Wayne Richey and seconded by Charles Booker to elect Steve Hethcote to serve as chairman for one month.

RECESS

Motion was made by Jim Rice and seconded by James Hassell to recess the meeting for 15 minutes. Motion was passed by voice vote.

NOMINATIONS FOR CHAIRMAN

Ronald Gammons Nominated Mark McFarlin for Chairman. James Hassell nominated Ronnie Sullivan for Chairman. Billy Blackwell nominated Kenneth Underhill for Chairman.

NOMINATION CEASE

Motion was made by Michael Thomasson and seconded by Jim Rice to cease nominations for Chairman. Motion passed by voice vote.

VOTE FOR CHAIRMAN

Robert Capps, Charles Booker, Ronald Gammons, Wayne Richey, Kenneth Underhill, voted for Mark McFarlin. Robert Atkinson, Ronnie Sullivan, Danny Clark, Lloyd Mangrum, Ricky Murray, Jim Rice, Michael Thomasson, James Hassell, Mark McFarlin Mickey Bunn voted for Ronnie Sullivan. Billy Blackwell voted for Kenneth Underhill. Steve Hethcote passed. Keith Nash, Shirley Mayberry and Lynette Harris were absent {11 Sullivan, 5 McFarlin 1 pass 3 absent}.

Mark McFarlin changed his vote to Ronnie Sullivan.

James Hassell nominated Mark McFarlin for Chairman Pro-Tempore.

NOMINATIONS CEASE

Motion was made by James Hassell and seconded by Danny Clark to cease nomination Chairman Pro- Tempore. Motion passed by voice vote.

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VOTE FOR CHAIRMAN PRO-Tempore

Robert Atkinson, Mark McFarlin, Ronnie Sullivan, Steve Hethcote, Danny Clark, Robert Capps, Lloyd Mangrum, Charles Booker, Ronald Gammons, Ricky Murray, Billy Blackwell, Jim Rice, Wayne Richey, Kenneth Underhill, Michael Thomasson, James Hassell, Frankye Ward, Mickey Bunn voted for mark McFarlin. Keith Nash, Shirley Mayberry and Lynette Harris were absent { 18 McFarlin 3 absent}.

AGENDA

Motion was made by Wayne Richey and seconded by Michael Thomasson to approve the agenda.

AMEND

Motion was made by Mark McFarlin and seconded by Kenneth Underill to amend by changing section J, Resolution 09-41 to be presented before Resolution 09-40. Motion passed by voice vote.

AGENDA AS AMENDED

Motion was made by Wayne Richey and seconded by Michael Thomasson to approve the agenda as amended. Upon roll call vote 14 commissioners voted yes. Robert Capps, Ronald Gammons, Ricky Murray, Billy Blackwell passed. Keith Nash, Lynette Harris and Shirley Mayberry were absent { 14 yes 4 pass 3 absent}. Motion passed.

The Hickman County Legislative Body shall meet in regular session at 7:00 p.m., on Sept. 28, 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 5640 hwy 100 map 021 Parcel 134.0 from A-1 to C-1

AGENDA
SEPTEMBER 28, 2009
7:00 P.M.

- (A) Call to Order County Clerk
- (B) Roll Call by County Clerk

SPECIAL ELECTION: CHAIRMAN OF THE LEGISLATIVE BODY

- (C) Prayer and Pledge of Allegiance
- (D) Approval of Agenda
- (E) Adoption of Minutes from the August, 2009 Meeting
- (F) Resolutions for Special Recognitions, Memorials
- (G) Elections, Appointments and Confirmations, Speakers
Public Hearing Matters
 - (1) Election of District Six Road Commissioner
 - (2) 09-42 Regarding Rezoning 5640 Hwy 100

(H) 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) Other Committee Reports/Court Action

- (I) Unfinished Business
- (J) New Business
 - 09-40 Regarding Mason Bates Road
 - 09-41 Regarding Depriest Branch Road

(K) Announcements and Statements

(L) Adjournment

Respectfully submitted:

Mark McFarlin
Chairman, Legislative Body

MINUTES

Motion was made by Wayne Richey and seconded by Kenneth Underhill to accept the minutes from August 20, 2009, August 24, 2009 and September 8, 2009. Motion was passed by voice vote.

NOMINATION FOR ROAD COMMISSIONER DISTRICT #6

James Hassell nominated Sammy Creech for Road Commissioner. Jim Rice nominated Kenneth Williams for road commission.

NOMINATION CEASE

Motion was made by Kenneth Underhill and seconded by James Hassell to cease nomination. Motion passed by voice vote.

VOTE FOR ROAD COMMISSIONER DISTRICT #6

Robert Capps, Mark McFarlin, Ronnie Sullivan, Lloyd Mangrum, Ronald Gammons, Ricky Murray, Billy Blackwell, Wayne Richey, Kenneth Underhill, James Hassell, Mickey Bunn voted for Sammy Creech. Danny Clark, Robert Capps, Charles Booker, Jim Rice, Michael Thomasson, Frankye Ward voted for Kenneth Williams. Steve Hethcote passed. Keith Nash, Shirley Mayberry and Lynette Harris were absent (11 Creech 6 Williams 1 pass 3 absent).

RESOLUTION 09-42 REGARDING REZONING 5640 HWY 100

Motion was made by Danny Clark and seconded by James Hassell to approve Resolution 09-42. Upon roll call vote 18 commissioners voted yes. Keith Nash, Shirley Mayberry and Lynette Harris were absent (18 yes 3 absent). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 09-42

REQUEST TO REZONE THE PROPERTY AT 5640 HIGHWAY 100 EAST, LYLES, TN. FROM A - 1, AGRICULTURAL DISTRICT TO C - 1, GENERAL COMMERCIAL DISTRICT.

WHEREAS, DT PROPERTIES has submitted a request to rezone a 1.00 acre tract at 5640 Highway 100 East Lyles, TN, Map 021, Parcel 134.00 from A-1 to C-1 for the purpose of an office building.

WHEREAS, the Hickman County Planning Commission, at the August 13, 2009 meeting, reviewed this request and recommended that the request be approved; and

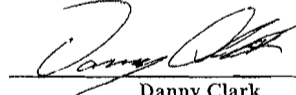
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 28th Day of September, 2009, that:

SECTION 1: The property located on Hickman County Tax Map 021, Parcel 134.00, is hereby zoned, C - 1 General Commercial District,

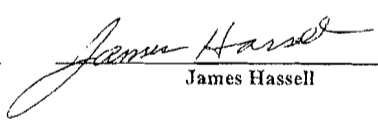
SECTION 2: This resolution shall become effective upon its passage, the public welfare requiring it.

A Public Hearing regarding this proposal was conducted at 6:30 P.M., on September 28, 2009.

SPONSORS:

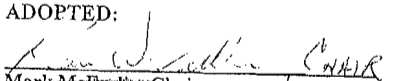


Danny Clark

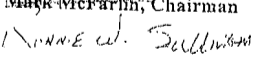


James Hassell


BOARD ACTION: 18 Aye Nay Pass 3 Absent

ADOPTED:


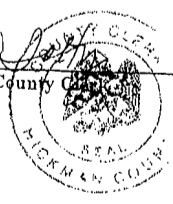
Mark McFarlin, Chairman




Ronnie W. Sullivan

ATTEST:


Andrea Totty, County Clerk



APPROVED/DISAPPROVED:


Steve Gregory, County Mayor

DATE: 10-1-09

NOTARY PUBLIC

Motion was made by Steve Hethcote and seconded by Kenneth Underhill to accept the following applicants for Notary Public for the State of Tennessee: Wanda J. Reed, Angela Windsor, Lisa Kaye Shepard, Karen C. Armstrong. Upon roll call vote 18 commissioners voted yes. Keith Nash, Shirley Mayberry and Lynette Harris were absent (18 yes 3 absent). Motion passed.

SECURITY BOND

Motion was made by Steve Hethcote and seconded James Hassell to approve Andrea Totty's security bond. Upon roll call vote 18 commissioners voted yes. Keith Nash, Shirley Mayberry and Lynette Harris were absent { 18 yes 3 absent}. Motion passed.

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NOMINATION FOR PARLIAMENTARIAN

Danny Clark nominated Mickey Bunn for parliamentarian. Steve Hethcote nominated Kenneth Underhill for parliamentarian.

NOMINATION CEASE

Motion was made by Wayne Richey and seconded by Robert Capps to cease nomination. Motion passed by voice vote.

VOTE FOR PARLIAMENTARIAN

Mark McFarlin, Steve Hethcote, Robert Capps, Billy Blackwell, Michael Thomasson Frankye Ward voted for Mickey Bunn. Robert Atkinson, Ronnie Sullivan, Danny Clark, Lloyd Mangrum, Charles Booker, Ronald Gammons, Ricky Murray, Jim Rice, Wayne Richey, Kenneth Underhill, James Hassell, Mickey Bunn voted for Kenneth Underhill. Keith Nash, Shirley Mayberry and Lynette Harris were absent { 6 Bunn 12 Underhill 3 absent}.

FINANCE REPORT

Motion was made by Steve Hethcote and seconded by Mickey Bunn to approve the finance report for July and August of 2009. Upon roll call vote 18 commissioners voted yes. Keith Nash, Shirley Mayberry and Lynette Harris were absent { 18 yes 3 absent}. Motion passed.

APPROVE THE COMMISSIONERS CALENDAR

Motion was made by Danny Clark to approve the commissioner's calendar for October 2009. Motion passed by voice vote.

SOLID WASTE

Motion was made by Wayne Richey and seconded by Mark McFarlin to accept the solid waste meeting minutes. Motion passed by voice vote.

September 2009 Hickman County Solid Waste Meeting

Meeting was called to order at 6:06 p.m. on Monday, September 14, 2009. Present were Robert Atkinson, Wayne Richey, Kenneth Underhill, and Ronnie Sullivan, along with Director Marty Turbeville. Absent were Mark McFarlin and the City representative.

The first business was the election of officers. Wayne Richey was nominated for Chairman by Robert Atkinson. Kenneth Underhill made a motion that all nominations cease and that Mr. Richey be elected by acclamation. Motion passed 4-0-2. Commissioner Sullivan nominated Kenneth Underhill as Vice-Chair. Commissioner Atkinson made a motion that all nominations cease and that Mr. Underhill be elected as the Vice-Chairman. Motion passed 4-0-2.

The minutes of the August 10, 2009 meeting were reviewed and approved as written by a vote of 4 yes, 0 against, and 2 absent.

Director Turbeville made his reports. Revenue is continuing to come in at a good pace after billing began for 2009-2010 FY on July 1, 2009. The Financial Statement dated August 31, 2009 was reviewed. Motion to accept the report as presented was made by Sullivan, seconded by Underhill. Motion passed 4-0-2. The paving at the East Convenience Center was done today. Director Turbeville discussed some personnel issues at that location. He will have a meeting with those employees, along with a member of this board, and present the documentation he has collected regarding these issues. The board instructed the Director to proceed with his information collection and to resolve these issues immediately.

Commissioner Mark McFarlin arrived at 6:30 p.m.

Director Turbeville made us aware that State of Tennessee had reimbursed HCSW \$21,742.25 for the 2008-2009 Waste Oil Grant. Commissioner McFarlin requested that the Director make sure these monies were placed into reserves, as these were revenues anticipated before July 1, 2009, and not be included in this FY.

There were 740 pounds of trash generated and placed in the HCSW box during the 2009 Fair on the Square. The decision was made that the Solid Waste Department will not bill the Chamber of Commerce for disposal of this trash, as a gesture of good community relationship.

Director Turbeville has been invited by the State Department of Environment and Conservation to serve on their Waste Tire Task Force. Seeing as how Marty had recently secured a grant totaling \$115,000.00 for Hickman County, the motion was made, seconded, and approved 5-0-1 to allow him to serve on this task force.

Finally, the bids were reviewed for the "Disposal of scrap Metal". There were two identical bids at 50/50 on the price of metals. 50% to the hauler and 50% to the county based on current market value of scrap metals. Due to a more detailed accounting method proposal by Himes Scrap Metals, Haville Himes was awarded the bid over the bid of Sam Marlow.

The meeting adjourned at 7:10 p.m.

RESTORING THE FUNDING

Motion was made by Mickey Bunn and seconded by James Hassell to restore the budget originally before budget committee cut it and restore the commissioner's salary. Upon roll call vote 10 commissioners vote yes. Mark McFarlin, Robert Capps, Charles Booker, Ronald Gammons, Billy Blackwell, Wayne Richey, Kenneth Underhill voted no. Jim Rice passed. Keith Nash, Shirley Mayberry and Lynette Harris were absent (10 yes 7 no 1 pass 3 absent). Motion fails.

RESOLUTION 09-41 REGARDING MASON BATES ROAD

Motion was made by Robert Atkinson and seconded by Ricky Murray to approve Resolution 09-41. Upon roll call vote 18 commissioners voted yes. Keith Nash, Shirley Mayberry and Lynette Harris were absent (18 yes 3 absent). Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 09-41

REGARDING NAME CHANGES FOR COUNTY ROADS
IN HICKMAN COUNTY, TENNESSEE

WHEREAS, a county legislative body has the duty to designate the public roads of the county which are to be maintained by the county highway department; and

WHEREAS, the Hickman County Board of Highway Commissioners, meeting in regular session on September 14, 2009 voted to change the name of one road already serviced by Hickman County, provided all adjacent land owners agreed; and

WHEREAS, The Hickman County Legislative Body wishes to concur with the Board of Highway Commissioners and approve this name change,

NOW, THEREFORE, BE IT RESOLVED, by the Hickman County Legislative Body, meeting in regular session this 28th day of September 2009, that

SECTION 1: The name of the following road shall be changed as noted below, provided that all adjacent landowners agree with such changes:

Farmers Exchange Road 2.53 (2047.43 feet) in length shall be changed to DePriest Branch Road

SECTION 2: This resolution shall take effect from and after its passage, the public welfare requiring it.

SPONSORS:

Robert Atkinson
Robert Atkinson

Ricky Murray
Ricky Murray

COMMISSION ACTION: 18 Aye 3 Nay 3 Absent

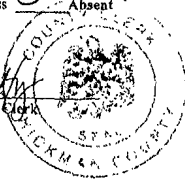
ADOPTED:

Mark McFarlin
Mark McFarlin, Chairperson

Steve Gregory
Steve Gregory, County Mayor

ATTEST:

Andrea Totty
Andrea Totty, County Clerk



DISAPPROVED:

Steve Gregory, County Mayor

Steve Gregory, County Mayor

10-1-09

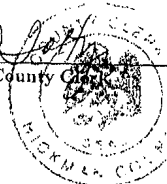
ADOPTED:

Mark McFarlin
Mark McFarlin, Chairman

Steve Gregory
Steve Gregory, County Mayor

ATTEST:

Andrea Totty
Andrea Totty, County Clerk



APPROVED/DISAPPROVED:

Steve Gregory
Steve Gregory, County Mayor

DATE: 10-1-09

RESOLUTION 09-40 DEPRIEST BRANCH ROAD

Motion was made by Robert Atkinson and seconded by Ricky Murray to approve Resolution 09-40. Upon roll call vote 18 commissioners voted yes. Keith Nash, Shirley Mayberry and Lynette Harris were absent {18 yes 3 absent} Motion passed.

HICKMAN COUNTY, TENNESSEE

RESOLUTION NO. 09-40

REGARDING NAME CHANGES FOR COUNTY ROADS
IN HICKMAN COUNTY, TENNESSEE

WHEREAS, a county legislative body has the duty to designate the public roads of the county which are to be maintained by the county highway department, and

WHEREAS, the Hickman County Board of Highway Commissioners, meeting in regular session on September 14, 2009 voted to change the name of one road already serviced by Hickman County, provided all adjacent land owners agreed; and

WHEREAS, The Hickman County Legislative Body wishes to concur with the Board of Highway Commissioners and approve this name change,

NOW, THEREFORE, BE IT RESOLVED, by the Hickman County Legislative Body, meeting in regular session this 28th day of September 2009, that:

SECTION 1: The name of the following road shall be changed as noted below, provided that all adjacent landowners agree with such changes:

Horse Shoe Bend Road 2.55 (2070.59 feet) in length shall be changed to Mason Bates Bend Road

SECTION 2: This resolution shall take effect from and after its passage, the public welfare requiring it.

SPONSORS:

Robert Atkinson
Robert Atkinson

Ricky Murray
Ricky Murray

COMMISSION ACTION: 18 Aye _____ Nay _____ Plus 3 Absent

ADOPTED:

Mark McFarlin
Mark McFarlin, Chairperson

ATTEST:

Andrea Totty
Andrea Totty, County Clerk



APPROVED:

Steve Gregory
Steve Gregory, County Mayor

DISAPPROVED:

Steve Gregory, County Mayor

10-09

RESIGNATION OF LYNETTE HARRIS DISTRICT #1

Motion was made by Steve Hethcote and seconded by Kenneth Underhill to accept the resignation of District 1 Commissioner Lynette Harris. Motion passed by voice vote.

ADJOURN

Motion was made by Steve Hethcote and seconded by Wayne Richey to adjourn. Motion was passed by voice vote.