

Meeting was reconvened from the November 5th, 2009 Special Called Meeting.
Chairman Ronnie Sullivan call the meeting to order.
November 16, 2009

BE IT REMEMBERED that the Hickman County Legislative Body met in Special called session, on this 16th day of November, 2009 at the Justice Center in Centerville, Tn. Ronnie Sullivan Chairman, Tracy Wright, Chief Deputy 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, Robert Atkinson, Ronald Gammons, Wayne Richey, Keith Nash, Billy Blackwell, Mark McFarlin, Michael Thomasson and Frankye Ward were present. Shirley Mayberry was absent. {19 Present 1 absent}.

Chairman Ronnie Sullivan called Steve Turner, Chairman of the Hickman County Industrial Board, to make a presentation.

INDUSTRIAL BOARD

Motion was made by Wayne Richey and seconded by Ronald Gammons to reject the check made out for \$ 199,088.95 dollars from the Industrial Board as reimbursement to the county. Upon roll call vote 15 commissioners voted yes. James Hassell, Frankye Ward, Mickey Bunn, Robert Atkinson voted no. Shirley Mayberry was absent { 15 yes 4 no 1 absent}. Motion was passed.

REMOVAL OF INDUSTRIAL BOARD MEMBERS

Motion was made by Ronald Gammons to :

I make a Motion:

The responsibility given this Legislative Body by the By-laws of The Industrial Board of the County of Hickman, Article V1 - 6.1: for failure to fulfill their individual obligation to the State law, the County, and to the citizens of Hickman County, the following members are to be removed from the Industrial Board: Steve Turner, David Hunt, Dusty Jordan, Joe Harper, Monica Baker, Jim Griffin, Norman Ballard, Chris Chilton, Mike Weesner, and Vicky Moore - effective upon passage of this Motion.

New members are to be appointed pursuant to the By-laws and Charter of the Industrial Board.

CHAIRMAN RONNIE SULLIVAN REFUSED THE MOTION

Chairman Ronnie Sullivan refused the motion given by Ronald Gammons. Chairman Sullivan stated that the motion as presented before the Legistavie Body was outside the scope of the Special Called Meeting.

OVERRIDE CHAIRMAN

Motion was made by Keith Nash and seconded by Ronald Gammons to override Chairman Ronnie Sullivan. Upon roll call vote 13 commissioners voted yes. Ronnie Sullivan, Rickey Murray, James Hassell, Frankye Ward, Mickey Bunn, Robert Atkinson voted no. Shirley Mayberry was absent {13 yes 6 no 1 absent}. Motion passed.

Chairman Ronnie Sullivan vacated Chair and Chairman- Pro Tempore Mark McFarlin took over as Chairman.

REMOVAL OF INDUSTRIAL BOARD MEMBERS

Motion was made by Ronald Gammons and seconded by Wayne Richey to:

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I make a Motion:

The responsibility given this Legislative Body by the By-laws of The Industrial Board of the County of Hickman, Article VI - 6.1: for failure to fulfill their individual obligation to the State law, the County, and to the citizens of Hickman County, the following members are to be removed from the Industrial Board: Steve Turner, David Hunt, Dusty Jordan, Joe Harper, Monica Baker, Jim Griffin, Norman Ballard, Chris Chilton, Mike Weesner, and Vicky Moore - effective upon passage of this Motion.

New members are to be appointed pursuant to the By-laws and Charter of the Industrial Board.

Ronald D. Gammons November 16, 2009
Wayne Richey 11/16/09

Ronnie Sullivan left the meeting at 7:24 pm asking to be excused from the remainder of the meeting he felt like we are in violation of his personal conscience.

main identity

From: "Steve Gregory" <sgregory@hickmanco.com>
To: "Steve Turner" <steve@countrykix96.com>; <daryl@hickmanln.org>
Sent: Tuesday, August 11, 2009 5:07 PM
Subject: Fw: Industrial Development Board

Steve/Daryl

Here is an Email I just got from Dana Dye and it doesn't appear to be very good news. I'm also forwarding a copy of my reply.

Also, I will be unable to attend the meeting on Thursday, so please forgive my absence.

Steve Gregory
Hickman County Mayor
114 N. Central Ave., Suite 204 (new street address)
Centerville, TN 37033
931-729-2492
mayor@hickmanco.com

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----- Original Message -----
From: Dana Dye
To: Mayor@hickmanco.com
Sent: Tuesday, August 11, 2009 2:23 PM
Subject: Industrial Development Board

I have just talked with Christy Brown at CTAS, who had gotten some input from the financial folks there. She said that the IDB Board of Directors determined whether there was a "net profit". If there is profit over and above expenses, then the statute (TCA 7-53-308) seems to indicate that the excess should be paid to the municipality. The Directors need, according to Christy, do an accounting that includes all current and future obligations and expenses and then make a finding of whether there is a net profit.

The "future obligation" can only be an item on which the IDB is truly obligated. The IDB cannot list funds with which to purchase new industrial property as an obligation unless there is an actual contract or binding legal obligation.

Does this help at all? At this point, I am not clear on what the IDB's expenses and obligations are.

Dana

7-53-308. Corporation nonprofit: - Net earnings. - The corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except, that in the event the board of directors of the corporation shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the corporation then any net earnings of the corporation thereafter accruing shall be paid to the municipality with respect to which the corporation was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease, sale, contract, loan agreement, mortgage or deed of trust entered into by the corporation. (Acts 1955, ch. 210, § 15; 1959, ch 222, § 5; 1976, ch 515, § 8; T.C.A., § 6-2814.)

TAKEN FROM - THE BY-LAWS OF THE INDUSTRIAL BOARD OF THE COUNTY OF HICKMAN (Adopted April 13, 1998 - James A. Griffin, Pres.)

ARTICLE VI - OTHER

6.1 Removal of Directors. Directors may be removed by a majority vote of the Hickman County Legislative Body upon finding that such director has engaged in malfeasance, misfeasance or nonfeasance in office or such director is guilty of violating the conflicts of interest statute of Tennessee as found at T.C.A. 12-4-101.

DEFINITIONS: (Webster's New Collegiate Dictionary)

MALFEASANCE: The doing of an act which a person ought not to do; an illegal deed; - often used of official misconduct

MISFEASANCE: A trespass; now, specif., the doing wrongfully and injuriously of an act which one might do in a lawful manner; - disting. from nonfeasance and malfeasance.

NONFEASANCE: Omission to do something, esp. what ought to have been done.

POSTPONE THE REMOVAL OF THE INDUSTRIAL BOARD MEMBERS UNTIL COMPLETION OF AUDIT

Motion was made by Frankye Ward and seconded by James Hassell to postpone the removal of Industrial Board Members until the audit is complete and not take action until January 25, 2010 at County meeting. Upon roll call vote 14 commissioners voted no. James Hassell, Frankye Ward, Mickey Bunn and Robert Atkinson voted yes. Ronnie Sullivan and Shirley Mayberry were absent {14 no 4 yes 2 absent}. Motion fails.

REMOVAL OF INDUSTRIAL BOARD MEMBERS

Motion was made by Ronald Gammons and seconded by Wayne Richey to remove Industrial Board Members. Upon roll call vote 12 commissioners voted yes. Steve Hethcote, Ricky Murray, Frankye Ward and Robert Atkinson voted no. Ronnie Sullivan, Shirley Mayberry, James Hassell and Mickey Bunn were absent {12 yes 4 no 4 absent}. Motion passed.

COUNTY MAYOR TO HAVE NOMINEES FOR INDUSTRIAL BOARD

Motion was made by Jim Rice and seconded by Kenneth Underhill to receive Mayor Steve Gregory's nominations for Industrial Board. Motion passed by voice vote.

ADJOURN

Motion was made by Kenneth Underhill and seconded by Steve Hethcote to adjourn. Motion passed by voice vote.