

# HICKMAN COUNTY, TENNESSEE

## RESOLUTION NO. 05-43

### REGARDING A BOARD OF ZONING APPEALS FOR HICKMAN COUNTY, TENNESSEE

**WHEREAS**, the Board of County Commissioners for Hickman County, Tennessee, adopted Resolution No. 05-32 which enacted a land use plan titled “Final Draft No. 2 - 2005, Zoning Resolution for Hickman County, Tennessee”; and

**WHEREAS**, said document authorizes the creation of a Board of Zoning Appeals (the “Board”); and

**WHEREAS**, such Board creation and the authorities and responsibilities granted it is further authorized in Sections 13-7-106 through 13-7-109, Tennessee Code Annotated;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 14<sup>th</sup> day of November, 2005, that:

**SECTION 1:** A Board of Zoning Appeals for Hickman County, Tennessee, is hereby established. Membership on the Board, and appointments thereto, shall be as follows:

- A. The Board shall consist of five individuals appointed at large from the various areas of Hickman County with the term of office being from January 1 through December 31 of each year as set by the length of the term.
- B. No current member of the Hickman County Regional Planning Commission shall be eligible to serve on this Board.
- C. No two (2) members of the Board shall reside in the same County Commission District.
- D. Appointments to the Board shall be as follows:
  1. At the October meeting of the Board of County Commissioners, or at other times as made necessary by a vacancy on the Board, the Chairman shall appoint a seven (7) member “Special Nominating Committee” (the “Committee”) consisting of one (1) County Commissioner from each of the seven (7) County Commission Districts.

2. This "Committee" shall meet at a time and place to be selected by the Chairman during the first two (2) weeks of the following November.
3. The membership of the Board of County Commissioners shall caucus by district and nominate to the "Committee", up to three names from their respective districts to be considered for appointment to the Board. Such nominations shall be presented to the "Committee" in writing prior to their scheduled meeting day and time.
4. The "Committee" shall then consider all nominations and select a slate of five to be presented to the Board of County Commissioners for consideration and appointment at their regularly scheduled November meeting.

**SECTION 2:** The general term of office for members of the Board shall be five (5) years with the initial terms being staggered as follows:

- A. The names of the initial five members of the Board shall be arranged on a list in alphabetical order by the individual's last name.
- B. The first name on the list shall have an initial term of one (1) year. The second name on the list shall have an initial term of two (2) years. The third name on the list shall have an initial term of three (3) years. The fourth name of the list shall have an initial term of four (4) years. The fifth name on the list shall have an initial term of five (5) years.
- C. Thereafter, members shall be nominated and appointed to fill an expired term in the same manner as set fourth in Section 1.
- D. Vacancies on the Board shall be filled for an unexpired term in the same manner as set fourth in Section 1.

**SECTION 3:** The Board shall conduct business as provided for in Sections 13-7-106 through 13-7-109, Tennessee Code Annotated, and by a set of By-Laws, attached hereto.

**SECTION 4:** The provisions of this resolution shall become effective upon its passage, the public welfare requiring it.

**SPONSORS:**

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**BOARD ACTION:** \_\_\_\_\_Aye \_\_\_\_\_Nay \_\_\_\_\_Pass \_\_\_\_\_Absent

**ADOPTED:**

**ATTEST:**

\_\_\_\_\_  
**Brad Leeper, Chairman**

\_\_\_\_\_  
**Randel Totty, County Clerk**

**APPROVED/DISAPPROVED:**

\_\_\_\_\_  
**Steve Gregory, County Mayor**

**DATE:** \_\_\_\_\_

**Attachment: By-Laws**

# HICKMAN COUNTY, TENNESSEE

## BY-LAWS

### BOARD OF ZONING APPEALS

#### ARTICLE I

#### GENERAL PROVISIONS

##### SECTION 1. Objective

The objectives and authority of the Hickman County Board of Zoning Appeals shall be set forth in Sections 13-7-106 through 13-7-109 of the Tennessee Code Annotated, and amendments and supplements thereto, and the Zoning Resolution of Hickman County, Tennessee.

##### SECTION 2. Office and Records of the Board

The office and meeting place of the Board shall be the Hickman County Justice Center. The records of the Board shall be kept at the Office of the Building Commissioner and shall be available for public inspection. A record of the business conducted at all Board of Zoning Appeals meetings shall be kept in a Journal of Proceedings, which shall record the names of all members present or absent, the names of all persons in attendance, the business conducted, and the vote or abstention of all members on any item of business on which a vote is taken.

##### SECTION 3. Membership

The membership of this Board shall consist of five (5) members. The limits of membership, appointments, and terms shall be determined by the Board of County Commissioners of Hickman County. The terms shall be of such length and so arranged that the term of one (1) member shall expire each year. Members are eligible for successive reappointment. A record of the membership of the Board shall be maintained in the Journal of Proceedings.

##### SECTION 4. Compensation

The members of this Board shall be compensated at the same rate of compensation and in the same manner as established for members of the Hickman County Planning Commission.

##### SECTION 5. Vacancies

Any vacancy in an appointive membership shall be filled for the unexpired term by the Board of County Commissioners of Hickman County, Tennessee.

#### ARTICLE II

#### OFFICERS AND THEIR DUTIES

##### SECTION 1. Officers

The officers of the Board of Zoning Appeals shall consist of a Chairperson and a Secretary.

**SECTION 2. Elections**

The officers shall be elected from among the appointed members of the Board at the January annual organizational meeting. The procedures for election of officers are as follows:

(a) The election meeting shall be presided over by staff representative of the Tennessee Local Planning Office acting as Chairperson pro-tem.

(b) Nominations shall be made by members of the Board.

(c) The candidate for each office receiving a majority vote of the entire membership of the Commission shall be declared elected.

(d) All officers shall be elected for a term of one (1) year, and all officers shall be eligible to succeed themselves.

(e) Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

**SECTION 3. Presiding of Meetings, Chairperson**

The Chairperson shall preside at all meetings and hearings of the Board and have duties normally conferred by the parliamentary usage on such officers. The Chairperson shall have the privilege of discussing all matters before the Board and to vote thereon.

**SECTION 4. Acting Chairperson**

The Secretary shall act for the Chairperson in his or her absence.

**SECTION 5. Record Keeping, Secretary**

The Secretary shall keep a full record of all proceedings of the Board, including minutes, and votes in a Journal of Proceedings. The Secretary shall work with the Chairperson in the preparation of the agenda for regular and special meetings, provide notice of meetings to Board members, arrange proper legal notice of hearings, attend to correspondence of the Board, and such other duties as are normally carried out by a Secretary.

**ARTICLE III**

**MEETINGS**

**SECTION 1. Annual Organization Meetings**

The annual organizational meeting of the Board shall be at the regular January meeting for the purpose of electing officers.

**SECTION 2. Regular Meetings**

Regular meetings shall be held on the Second Thursday of each month at the Hickman County Justice Center or at a place designated by the Chairperson of the Board.

**SECTION 3. Meetings of Official Action Taken is Open to Public**

All meetings at which official action is taken shall be open to the public, and public notice of no less than seven (7) days shall be given of the date, time and place of these meetings. All members of the Board shall be notified in writing by the Secretary of the date, time, place, and agenda of each meeting no less than seven (7) days in advance of such meeting. All agenda matters, pertinent paperwork and information must be submitted to either the Chairperson or the Secretary twelve (12) days before the scheduled meeting date.

**SECTION 4. Special Meetings**

The Chairperson, when he/she deems it expedient, shall call for a special meeting upon written request of the majority of the Board membership. The notice of such meeting shall specify the purpose of such a meeting and no other business may be considered. The seven (7) day notice requirement in Section 3 may be waived by the unanimous written consent of the Board.

**SECTION 5. Appeal Time Limitation**

An aggrieved party shall have sixty (60) days from date action was taken by the building inspector to appeal his/her case to the Board of Zoning Appeals.

**SECTION 6. Quorum**

Three (3) Board members shall constitute a quorum for the purpose of conducting business.

**SECTION 7. Voting**

The voting on all questions coming before the Board shall be ayes and noes, and unanimous votes and abstentions shall be entered upon the record of such meeting. The concurring vote of three (3) members shall be required to take final action on any motion before the Board.

**SECTION 8. Conflict of Interests**

Should any members consider his or her personal interest involved in any matter before the Board for a vote, it shall be his/her duty to disclose such conflict of interests and abstain from voting on the particular matter.

**ARTICLE IV**

**ORDER OF BUSINESS**

The order of business at the regular meetings shall be as follows:

- (a) Roll call.
- (b) Reading/presentation and approval of minutes of the previous meeting.
- (c) Reports of officers, committees and staff.
- (d) Old business.
- (e) Hearing of parties having business before the Board.

- (f) New business.
- (g) Adjournment.

**ARTICLE V**  
**COMMITTEES**

Special committees may be appointed by the Chairperson for purposes and terms which the Board approves.

**ARTICLE VI**  
**EXPENDITURES**

**SECTION 1. Expenditures of the Board**

The expenditures of the Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of County Commissioners of Hickman County, Tennessee.

**ARTICLE VII**  
**HEARINGS**

**SECTION 1. Notice of Hearings**

Notice of hearings shall be publicized in a newspaper of general circulation and posted at the Hickman County Courthouse in the area designated for public notices no less than seven (7) days to the date of such hearing and shall bear the date, time, place, and agenda.

**SECTION 2. Case Before the Board**

The case before the Board of Zoning Appeals shall be presented in summary by the Secretary or a designated member of the Board, and parties in interest shall have the privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

**SECTION 3. Record Keeping of Speakers**

A record shall be kept of those speaking before the Board.

**ARTICLE VIII**  
**AMENDMENTS**

These By-Laws may be amended by a majority vote of the entire membership of the Board of County Commissioners at a regular or special meeting with at least seven (7) days notice given thereof.

ADOPTED BY THE HICKMAN COUNTY BOARD OF COUNTY COMMISSIONERS ON THE 14<sup>TH</sup> DAY OF NOVEMBER, 2005.

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Brad Leeper, County Commission Chairman