

MINUTES
CHEATHAM COUNTY LEGISLATIVE BODY
REGULAR SESSION
January 24, 2011

BE IT THEREFORE REMEMBERED, That the Cheatham County Legislative Body met in the General Sessions Courtroom, Ashland City, Tennessee, on January 24, 2011 in Regular Session. Chairman, County Mayor Mr. David McCullough and County Clerk Ms. Teresa Gupton presided. County Attorney Mr. Bill Herbert attended.

COUNTY COMMISSIONERS

BETTY RAMSEY	DONNIE JORDAN
DORIS SANDERS	WALTER WEAKLEY
ANN JARREAU	DAVID DAVIDSON
ROB MYERS	LUANN ENGELMAN
DALE MCCARVER	JOHN HAINES
JOHN PAUL WOOD	JIMMY HEDGEPATH

PUBLIC FORUM: Chairman, County Mayor Mr. David McCullough opened Public Forum at 7:00 P.M.

Public forum closed 7:02 P.M.

PUBLIC HEARING: Chairman, County Mayor Mr. David McCullough opened Public Hearing at 7:02 P.M.

The following was advertised to be heard:

1. Mr. James Kong, requesting a Zone Change from R-2 to Agriculture to start a small family farm. Property is located on Chapmansboro Rd, Chapmansboro, TN., map 44I and parcels 31&32. Parcel 31 consists of 18.2 acres and parcel 32 consists of 7.98 acres. Property is in the 4th voting district and is in the AE Floodplain. ***No one spoke for or against this change.***

Public Hearing closed 7:03 P.M.

THE MEETING WAS CALLED TO ORDER by Sheriff John Holder at 7:03 P.M.

Invocation was offered by Mr. Donnie Jordan.

County Clerk Ms. Teresa Gupton called the roll. There being eleven Commissioners present, Chairman, County Mayor Mr. David McCullough declared a Quorum. See Resolution 1.

Motion was made by Mr. Walter Weakley, seconded by Ms. LuAnn Engelman to approve the Agenda for the January 24, 2011 Legislative Body Meeting adding the following to the County Mayor Segment:

11) *New Business and Reports*

a) *County Officials*

i) *County Mayor-Mayor David McCullough*

1) *Bond for Chancery Court Clerk Pam Jenkins*

2) *Bond for Road Superintendent Jerry Carney*

Motion approved by voice vote 1 Absent. See Resolution 2.

Motion was made by Mr. John Paul Wood, seconded by Mr. Donnie Jordan to approve the minutes from the December 20, 2010 Regular Session Legislative Body Meeting with the following corrections.

1. Page 4 of the minutes should read: Mr. Fenton stated the negotiations with the company “Start 2 Finish” were moving forward and “The Nashville Triathlon” is tentatively scheduled to be held in Ashland City the weekend after Labor Day at River Bluff Park.

Motion approved by voice vote 1 Absent. See Resolution 3.

NEW BUSINESS

COUNTY MAYOR- MR. DAVID MCCULLOUGH: Chairman, County Mayor Mr. David McCullough presented the bonds for Chancery Court Clerk Ms. Pam Jenkins and Road Superintendent Mr. Jerry Carney.

Chairman, County Mayor Mr. David McCullough stated that a copy of the contract on the purchase of the Land owned by A.O. Smith was given to all Commissioners.

Chairman, County Mayor Mr. David McCullough reported the Federal Emergency Management Agency (FEMA) account balance is \$121,601.32.

Chairman, County Mayor Mr. David McCullough recommended, motion was made by Mr. Donnie Jordan, seconded by Ms. Ann Jarreau to approve Mr. Chris Atkins as the Building Codes/FEMA Administrator and to approve Mr. Mike Mangrum as the Director of Landfill.

Motion approved by voice vote 1 Absent. See Resolution 4.

Chairman, County Mayor Mr. David McCullough recommended, motion was made by Ms. Ann Jarreau, seconded by Mr. Rob Myers to approve the following to the Planning and Zoning Committee:

Mr. Mark Jarrell
Mr. Jerry Trosper

beginning January1, 2011
beginning January1, 2011

ending December 31, 2014
ending December 31, 2014

Motion approved by voice vote 1 Absent. See Resolution 5.

Chairman, County Mayor Mr. David McCullough presented, motion was made by Mr. John Paul Wood, seconded by Ms. LuAnn Engelman to amend Resolution 5 dated March 20, 2006 Entitled

“Resolution to amend articles II (Definitions) and IV (Supplementary Provision applying to specific districts) to allow for accessory dwellings (Mother in Law Apartments) as accessory uses in certain residential districts” to correct section number 4.130 to 4.150.

Motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 6.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

Chairman, County Mayor Mr. David McCullough presented a proclamation for the School Board members for there outstanding service. Chairman, County Mayor Mr. David McCullough proclaimed the week of January 23rd through January 29th as School Board Appreciation Week.

Chairman, County Mayor Mr. David McCullough presented a letter from the Town of Ashland City regarding fire service for rural areas.

BUILDING COMMISSIONER – MR. CHRIS ATKINS: Building Commissioner Mr. Chris Atkins recommended, motion was made by Mr. Donnie Jordan, seconded by Mr. Walter Weakley to approve a zone change from R-2 to E-1 for Mr. James Kong. The property is located on Chapmansboro Road, Chapmansboro, TN., Map 44I and Parcels 31&32.

Planning Commission Vote: 8 Yes 0 No 1 Absent

Motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 7.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

DIRECTOR OF ACCOUNTS – MS. TARA PATTERSON: The Budget Committee recommended, motion was made by Mr. Donnie Jordan, seconded by Mr. John Paul Wood to authorize a capital outlay note for the issuance, sale, and payment of the Energy Efficiency School Initiative Program not to exceed \$5,002,361.00.

Funding Source: Note Proceeds

Budget Vote: 5 Yes 0 No 0 Absent

Education Vote: 4 Yes 0 No 1 Absent

Capital Improvements: 3Yes 0 No 2 Absent

Motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 8.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

The Budget Committee recommended, motion was made by Mr. Donnie Jordan, seconded by Ms. Ann Jarreau to affirm support of the Energy Efficiency Schools Initiative Financial Procedures.

Budget Vote: 5Yes 0 No 0 Absent

Motion approved by voice vote 1 Absent. See Resolution 9.

The Budget Committee recommended, motion was made by Mr. Rob Myers, seconded by Ms. Doris Sanders to support the choice not to participate in the Hazard Mitigation Grant Program Phase 1- Acquisition of residential homes located in the floodplain.

Budget Vote: 5 Yes 0 No 0 Absent

Motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 10.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

The Budget Committee recommended, motion was made by Mr. Donnie Jordan, seconded by Ms. LuAnn Engelman to authorize the county to pay rollback taxes in the amount of \$131,247.00 from the land purchased from A.O. Smith.

Funding Source: Debt Service Fund Balance

Budget Vote: 4 Yes 1 No 0 Absent

After Discussion, motion failed by roll call vote 3 Yes 8 No 1 Absent.

Betty Ramsey	No	Donnie Jordan	Yes
Doris Sanders	No	Walter Weakley	No
Ann Jarreau	No	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	No	John Haines	No
John Paul Wood	No	Jimmy Hedgepath	No

The Budget Committee recommended, motion was made by Ms. Ann Jarreau, seconded by Mr. Walter Weakley to authorize the following budget amendment for the County General Fund:

Kingston Springs Library
 101-44570 Contributions & Gifts \$100.00
 101-56500-432-002 Library Books \$100.00

Donation from the Town of Pegram

Funding Source: Donation

Budget Vote: 5 Yes 0 No 0 Absent

Motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 11.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

The Budget Committee recommended, motion was made by Ms. Ann Jarreau, seconded by Mr. Donnie Jordan to authorize the following budget amendment for the Highway/Road Fund:

County Local Option Taxes

131-40240	Wheel Tax	\$15,000.00
131-39000	Fund Balance	\$15,000.00

Increase wheel tax revenue to better reflect true collections for 5 years average purposes.

Funding Source: Increase in revenue

Budget Vote: 5 Yes 0 No 0 Absent

Motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 12.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

ECONOMIC & COMMUNITY DEVELOPMENT – MR.JAMES FENTON: Mr. Fenton stated the Sales Tax Report was included in the packet.

Mr. Fenton gave a report on several projects that the Joint Economic and Community Development committee has in the works.

STANDING COMMITTEES

BEER BOARD- Mr. Walter Weakley stated they did not meet.

EDUCATION – Mr. John Paul Wood stated they did meet.

EMERGENCY SERVICES- Mr. John Paul Wood stated they did meet to discuss the Fire Tax.

CAPITAL IMPROVEMENTS – Mr. John Paul Wood stated they did meet. The minutes were included the packet.

CALENDAR, RULES AND NOMINATING – Mr. Dale McCarver stated they did meet with several recommendations.

Calendar, Rules and Nominating Committee recommended, motion was made by Mr. Dale McCarver, seconded by Ms. Ann Jarreau to approve a proclamation to all School Board members for there outstanding services.

Motion approved by voice vote 1 Absent. See Resolution 13.

Calendar, Rules and Nominating Committee recommended, motion was made by Mr. Dale McCarver, seconded by Mr. Donnie Jordan to approve the following to the Cheatham County Extension Ag Committee.

<i>Mr. Mike Maxey</i>	<i>beginning January 1, 2011</i>	<i>ending December 31, 2012</i>
<i>Ms. LuAnn Engelman</i>	<i>beginning January 1, 2011</i>	<i>ending December 31, 2012</i>
<i>Ms. Doris Sanders</i>	<i>beginning January 1, 2011</i>	<i>ending December 31, 2012</i>
<i>Ms. Pam Binkley</i>	<i>beginning January 1, 2010</i>	<i>ending December 31, 2011</i>
<i>Ms. Marlena Elrod</i>	<i>beginning January 1, 2011</i>	<i>ending December 31, 2012</i>

Motion approved by voice vote 1 Absent. See Resolution 14.

Calendar, Rules and Nominating Committee recommended, motion was made by Mr. Dale McCarver, seconded by Mr. Walter Weakley to amend Resolution dated October 18, 1982 Entitled “Zoning Amendment To Article XIII Section 1” Minute book reference 10-182-9.

Motion approved by voice vote 1 Absent. See Resolution 15.

Calendar, Rules and Nominating Committee recommended, motion was made by Mr. Dale McCarver, seconded by Mr. Donnie Jordan to request County Attorney Mr. Bill Herbert to draft a proposal to submit to State Representative Mr. Phillip Johnson and State Senator Mr. Tim Barnes for a Private Act in the Tennessee Legislature that will allow an option to fund Cheatham County Emergency Services with a fee per parcel of land.

After Discussion, motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 16.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Absent
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Yes	Jimmy Hedgepath	Yes

ROAD AND BRIDGE –Ms. Ann Jarreau stated they did not meet.

NOTARIES: Motion was made by Mr. Walter Weakley, seconded by Ms. Doris Sanders to approve the following applicants for Notary Public Commissions:

<i>Jessica L Coradini</i>	<i>Jennifer L Davidson</i>	<i>Jonda Earls</i>
<i>Gina M Gibbs</i>	<i>Pamela B Hampton</i>	<i>Aubrey J Harris</i>
<i>Natalie R Hudgens</i>	<i>Douglas M Quin</i>	<i>Rebecca L Read</i>

Motion approved by voice vote 1 Absent. See Resolution 17.

CONSENT CALENDAR: Motion was made by Mr. Rob Myers, seconded by Ms. Ann Jarreau to approve the following recognitions:

<i>Memorial</i>	<i>To The Family of Mr. W. Allen Davidson</i>
<i>Memorial</i>	<i>To The Family of Mr. Charles Binkley</i>

Motion was approved by voice vote 1 Absent. See Resolution 18.(Individual Resolutions will be 19 and 20).

At 8:19 P.M., motion was made by Mr. Donnie Jordan, seconded by Mr. Dale McCarver that the Legislative Body recess until January 31, 2011 at 7:00 P.M.

Motion approved by voice vote 1 Absent. See Resolution 21.

The Regular Session of the Cheatham County Legislative Body Meeting reconvened at 7:00 P.M. Monday January 31, 2010.

Chairman County Mayor Mr. David McCullough and County Clerk Ms. Teresa Gupton presided. County Attorney Mr. Bill Herbert attended.

County Attorney Mr. Bill Herbert read **T.C.A. 5-17-107. Fire tax; property tax** (a) The fire tax shall be assessed in the same manner as the county property tax and collected as an addition thereto. (b) The fire tax shall in all ways be treaded as part of the county property tax.

Therefore, County Attorney Mr. Bill Herbert stated that after research the ability to adopt a Private Act that would allow an option to fund Cheatham County Emergency Services with a fee per parcel of land was not feasible. Mr. Herbert stated that the County could not use a Private Act to supersede what the State Legislature has established as a Public Law.

After Discussion, motion was made by Mr. John Paul Wood, seconded by Mr. Rob Myers to suspend Regular Rules of Order to request the State Legislative Body to amend T.C.A. 5-17-107.

Motion approved by voice vote 1 Absent. See Resolution 22.

Regular Rules of order suspended at 7:18 P.M.

After discussion, Regular Rules of Order resumed at 7:30 P.M.

Motion was made by Mr. John Haines, seconded by Mr. Jimmy Hedgepath to approve a memorial for the Family of Mr. Charles Kenneth Welch.

Motion approved by voice vote. See Resolution 23.

At 7:44 P.M., Motion was made by Mr. Donnie Jordan, seconded by Mr. John Haines to recess the Commission Meeting until Tuesday, February 15, 2011 after a workshop that is scheduled for 6:00 P.M. for County Commissioners to discuss options to collect fees for the purpose of funding Cheatham County Emergency Services.

Motion approved by voice vote 1 Absent. See Resolution 24.

The Regular Session of the Cheatham County Legislative Body Meeting reconvened at 9:11 P.M. Tuesday February 15, 2011.

Chairman County Mayor Mr. David McCullough and County Clerk Ms. Teresa Gupton presided. County Attorney Mr. Bill Herbert attended.

Mr. David Davidson present at 9:11 PM.

Motion was made by Mr. David Davidson, seconded by Ms. Doris Sanders to amend the motion to request the State Legislature to amend fire tax statutes T.C.A. 5-17-101 to provide for funding through a flat fee on all parcels by adding: That the collection be made by Cheatham County Trustee in the same manner as property taxes are collected.

Motion approved by voice vote 1 Absent. See Resolution 26.

Motion was made by Mr. Donnie Jordan, seconded by Mr. John Haines to approve the original motion as amended.

After discussion, motion approved by roll call vote 11 Yes 0 No 1 Absent. See Resolution 25.

Betty Ramsey	Yes	Donnie Jordan	Yes
Doris Sanders	Yes	Walter Weakley	Yes
Ann Jarreau	Yes	David Davidson	Yes
Rob Myers	Yes	LuAnn Engelman	Yes
Dale McCarver	Yes	John Haines	Yes
John Paul Wood	Absent	Jimmy Hedgepath	Yes

There being no further business to discuss, motion was made by Mr. David Davidson, seconded by Mr. John Haines to adjourn at 9:23P.M.

Motion approved by voice vote, 1 Absent. See Resolution 27.

