

**MINUTES OF THE HARDEMAN COUNTY
LEGISLATIVE BODY MARCH TERM
REGULAR SESSION MARCH 21ST, 2023**

Be it remembered that a Regular Meeting of the Legislative Body for the County of Hardeman, State of Tennessee was conducted in the Hardeman County Courthouse in the City of Bolivar, on the 21st day of March, 2023 at 7:00 p.m. Hon. Todd Pulse, County Mayor, was present and presiding, and a quorum of Commissioners, namely, Hon. David Bell, Hon. Cory Bufford, Hon. Russell Deberry, Hon. Mark Gilliam, Hon. Brad Grantham, Hon. Bobby Hensley, Hon. Joe Jenkins, Hon. Jeff Kennamore, Hon. Chandra Y. Lake, Hon. Johnny M. Lanier, Hon. Bethany Miller, Hon. Johnny Weems, Hon. Jackie Sain, Hon. John Vickers, and Hon. Bobby Wright were present and Hon. Thomas Polk was absent. County Clerk, Tonet Griggs and County Attorney, Dale Conder Jr. was present and the meeting was opened in due form of the law and had to wit:

15 PRESENT 1 ABSENT

APPROVAL OF MINUTES

Hon. Bobby Wright made a motion and Hon. Johnny Lainer seconded to approve the minutes of the Regular Meeting held February 21st 2023.
CARRIED BY ACCLAMATION

APPROVAL OF NOTARIES

Hon. Johnny Lanier made a motion and Hon. Mark Gilliam seconded to approve the list of notaries.

CARRIED BY ACCLAMATION

COMMITTEE

BOARD OF EDUCATION – SUPERINTENDENT CHRISTY SMITH

Superintendent Christy Smith stated that they are submitting a budget amendment for a line item correction. There was also an emergency purchase for a lift pump at the Hope Street Operation Center.

PROPERTY TAXES – JOSH PULSE

Josh stated that April 7th assessment change notice will be mailed out from Nashville. The following week April 11th – April 17th there will be representatives from the Division of Property Assessments to answer questions about the new reappraised property values.

REGISTER OF DEEDS – LILY BARNES

No report

ELECTION COMISSION – AMBER MOORE

Bids for the new ballet machines will open April 11th.

HIGHWAY DEPARTMENT – SUPERINTENDENT CASEY SWIFT

No report

SHERIFF OFFICE - SHERIFF DOOLEN

No report

BUILDING COMMITTEE – CHAIRMAN DAVID BELL

Commissioner Bell stated that there were two things he wanted to address. The first is the quote for the HVAC system. Secondly there is an excess of paper files in different offices that need to be sorted through, purged, organized and stored. Sheriff Doolen stated that he had been looking into a refrigerated conex box trailers used by the army. He found one for \$230 dollars but we would have to get it here from Florida and have somewhere to place it. The trailer is 53 feet long and insulated so it will not sweat. It also has a refrigerator on so if needed and can be cranked up to have cold storage.

LAW ENFORCEMENT COMMITTEE – CHAIRMAN CORY BUFFORD

No report

AIRPORT COMMITTEE – CHAIRMAN BRAD GRANTHAM

No report

SOLID WASTE COMMITTEE – CHAIRMAN JEFF KENNAMORE

The next meeting will be March 29, 2024 at 5 pm. The meeting will be held at the UT Extension.

AMBULANCE COMMITTEE – CHAIRMAN BETHANY MILLER

No Report

LIBRARY COMMITTEE – CHAIRMAN JOHNNY WEEMS

There will be a budget amendment later to fix the employee raises that were approved last year. Since the library is funded by both the county and the city, there will have to be a budget amendment so that they can meet their budget for the year.

BUDGET AMENDMENTS:

Hardeman County Sheriff's Department Chief Greg Moore

- \$36,000 is to be debited from guards and \$36,000 to be credited to deputy overtime. The above amendment was needed to pay overtime for the deputies working due to shift shortages, court, etc. (See Budget Amendment #1)

General Government Miscellaneous - Executive Office

- \$3,687.50 is to be debited from fund balance and \$3,687.50 to be credited to data processing services. The amendment was needed because the actual charges for local government paid in July 2022, was \$3687.50 over budgeted amount. (See budget amendment #2)

Hardeman County Attorney - Executive Office

- \$18,000 is to be debited from administrative, \$1,150 is to be debited from employer social security. \$1,900 is to be debited from employer state retirement, \$7,490 is to be debited from employee insurance, \$50 is to be debited from unemployment insurance, \$275 is to be debited from employer Medicare, \$771 is to be debited from legal fees lake, \$150 is to be debited from travel, and \$29,786 is to be credited to legal services. The amendment was created to close accounts that were not in use and apply to attorney fees (Justin Reynolds). (See Budget Amendment #3)

Hardeman County Clerks Office - Tonet Griggs

- \$10,500 is to be debited from data process fee county clerk and \$10,500 to be credited to office equipment. The amendment is to recognize data

process frees and allocate the county clerk office equipment. (See Budget Amendment #4)

Hardeman County Buildings - Executive Office

- \$109,365 is to be debited from insurance recovery, and \$103,365 is to be credited to maintenance & repair county buildings, \$6,000 is to be credited to maintenance & repair county equipment totaling \$109,365 to be credited. The justification for this amendment is to recognize the insurance received and allocate to county buildings repair and maintenance. (See Budget Amendment #5)

Hardeman County Trustee Office - Sandy Hammons

- \$500 is to be debited from Employee insurance, and \$500 credited to other contact services. The amendment was needed to move money from employee insurance into other contracted services. (see Budget Amendment #6)

Landfill - Stevens Grave

- \$18,500 is to be debited from net position unrestricted, and \$18,500 to be credited to interest on debit. The reason for this budget amendment is to set up a line to pay the interest portion of the note payable for the compactor purchased at the landfill. (See Budget Amendment #7)

Juvenile Court –

- \$1,200 is to be debited from travel, \$2,000 is to be debited from state retirement, \$ 1,550 is to be debited from employee insurance, \$16,763 is to be debited from fund balance, and \$20,000 is to be credited to salaries and wages, \$ 1,225 is to be credited to social security, \$13 is to be credited to unemployment, \$275 is to be credited to employer Medicare making it a total of \$21,513. The amendment is needed to allocate resources into the needed lines of expenditures. A person retired so they needed to bring a person in and also train them. (See Budget Amendment #8)

Development – Jim Pierce

- \$ 1,003 is to be debited from employee health insurance, and \$3 is to be credited from unemployment insurance, \$1,000 is to be credited to other charges totaling \$1,003. This amendment is needed to allocate resources into the needed lines of expenditures. (See Budget Amendment #9)

Election Commission – Amber Moore

- \$1,850 is to be debited from other salaries and wages, and \$1,850 is to be credited to election workers. This amendment is needed to allocate resources into the needed lines of expenditures. (See Budget Amendment #10)

Beer Board – Chandra Lake

- \$253 is to be debited from fund balance, and \$250 is to be credited to board and committee, \$3 is to be credited to social security making it a total of \$253 to be debited to correct line items. (See Budget Amendment #11)

Hardeman County Board of Education - Christy Smith

- \$42,705 is to be debited from teachers, \$2,300 is to be debited from social security, \$2,850 is to be debited from pensions, \$1,400 is to be debited from medical insurance, \$700 is to be debited from employer Medicare, and \$8,275 is to be credited to clerical personnel, \$34,430 is to be credited other salaries & wages, \$2,300 is to be credited to social security, \$2,850 is to be credited to pensions, \$1,400 is to be credited to medical insurance, \$700 is to be credited to employer Medicare. The transferred line items from debit to credit total \$49,955. This budget amendment is needed to make corrections by debiting accounts 71100 and crediting accounts 72210. (No Budget Amendment number available)

Hon. Jackie Sain made motion to accept all amendments and Hon. Johnny Weems seconded the motion.

15 Aye 0 Nay

RESOLUTIONS:

RESOLUTION 3-21-2023 – FLOODED COURTHOUSE BASEMENT

Hon. Todd Pulse has made a resolution to declare the basement flooding event of January 8, 2023 to be declared as an imminent danger to the residents of Hardeman County who enter the building and the employees of Hardeman County employed at the building. Hon. Bobby Wright made the motion to accept and Hon. Bethany Miller seconded the motion.

CARRIED BY ACCLAMATION

CAPITAL OUTLAY NOTE RESOLUTION 23-06

This resolution authorizes the issuance, sale, and payment of one retroactive Capital Outlay Notes not to exceed \$618,752.18 to complete the landfill project. Hon. Johnny Weems made the motion to accept the resolution and Hon. Jackie Sain seconded the motion.

CARRIED BY ACCLAMATION

ZONING/MORATORIUM RESOLUTIONS – JIM PIERCE

Mr. Pierce handed out three letters prior to meeting start time. One was from Mayor Julian McTizic Sr., the second one was from Representative Johnny W. Shaw, and the last letter was from Jackson Tennessee Chamber of Commerce. The letters simply stating that the solar farms are something great for the community and the decision that is made could negatively affect surrounding areas. He then presented four resolution options.

Resolution 23-06-01 Jim Pierce is referring to it as the Silicon Ranch Moratorium. Jim does not recommend going with this resolution.

0 Aye 15 Nay

Resolution 23-07 - This email/resolution exchange is between Jim Pierce and Jonathan Flemings of Greengo Energy. Jonathan Flemings made a suggestion of change for section 1 and 2 of the resolution 23-08. Jim stated he would think about it and get back with him. Jim does not recommend going with this resolution.

0 Aye 15 Nay

Resolution 23-08 - A resolution to amend the zoning resolution of Hardeman County, Tennessee by amending the resolution that a 1 year moratorium amendment prohibiting the administrative acceptance and processing of applications for solar farms in Hardeman County Tennessee and exempts solar farms with a duly approved site plan and “use permitted on appeal” from prohibition of making applications for a building permit. This resolution is Jim Pierce’s 2nd recommendation to accept.

10 Aye 5 Nay

Resolution 23-09 - A resolution to amend the zoning resolution of Hardeman County, Tennessee by the 1-year moratorium amendment prohibiting the administrative acceptance and processing of applications for solar farms in Hardeman County, Tennessee with exemption of the prohibition of an application

for a solar farm located on Peavine Road, Hardeman County, Tennessee. This resolution was Jim Pierce's 1st recommendation to accept.

11 Aye 4 Nay

Hon. Brad Grantham asked about the application of the solar farms. Jim stated that the Greengo application has been approved but they have not submitted there final plan as of yet. Hon. Mark Gilliam stated that if the state has not adopted a policy, we are addressing this issue now. He was wondering why we can't wait until the state can address the issue of solar farms since it is only a couple of months away. Jim Pierce said that the state owes us a preliminary report no later than September and a final report of the affects of solar farms by October or November. Hon. Johnny Lanier motion made to go into public hearing and Hon. Chandra Lake seconded the motion.

Michael Gowdy brought forth copies of some land which he claimed that is owned by Granthams. He said that Brad Grantham has a personal interest in this contract because the line needed would have to be ran through this lot of property and could have some financial gain in it and Hon Brad Grantham should exclude himself from the vote because of this fact. Hon. Grantham informed Gowdy that he has never seen this and there are other sets of Granthams.

Patricia Spicer shared her opinion on the Greengo matter as well. She is concerned about the expandable part of the contract and how it states that it seems as though they are saying that they can expand on to other people's property and that should not be allowed. Patricia also stated that Greengo should not be grandfathered in.

Andy Shelton of the Planning Commission spoke on the behalf of the commission. He proposes that we wait at least 90 days before accepting the moratorium amendments.

Sarah Wilson-Fowler said that her dad and the Mobius family have filed a lawsuit against the Piccolo Lake Hickory Valley Solar Power Plant. The current solar regulations were adopted illegally with out having a public hearing. She would like for the planning commission to have time to write good solar regulations and not vote to grand father the Hickory Valley project in.

Attorney John Cooper with Holland took the podium for Greengo Energy. He stated that Sarah Wilson Fowler is a plaintiff in an ongoing lawsuit against Greengo and the Planning Commission that the existing zoning resolution was passed illegally. Greengo operated under the rules that were in place. There has been no determination made that the existing zoning resolution was passed illegally. He wanted to get on record that it is not a fact that has been determined by a court. Greengo relied on the rules that were in place and they understand that if they need to make changes going forward then they understand but they have invested 3.5 million dollars into the current project. They are not requesting that the moratorium change but that they operate under the regulations they started with in the beginning.

Jake Hall spoke on how young farmers that are trying to make a living, raise families, and invest in the county but it is hard when they are taking 46% of the farm land for solar projects.

Mr. Tony Kirk said he is from this county and does not plan on doing anything that can hurt his county. He is looking at ways to make it better and spend less. The last storm there lights were out but they were able to supply 300 homes with electricity. He would not back it if it did nothing to help our county.

Mr. Calvin Howell stated that when we make a deal it should be a win for everyone. Right now the farmer's are losing, BEA is winning by able to help the citizens, and the citizens are losing. Let us sit down and talk this thing through in a boardroom and not courtroom.

Maury Hill works at Silicon Ranch they are not involved in any lawsuit. They have no agenda for 3% of the land. They were awarded a contract for 55 megawatts of power. They entered into a purchase option for that land. They have invested \$1 million to \$1.5 million to date. The project will not come online until 2025 but they need to be able to move forward.

Mayor McTizic spoke up saying he does not understand how the county says we don't have the money to do certain things, yet when there is an opportunity to receive help we sluggishly move along. He stated there will be no pleasing everyone and we look at what is best make the decision and go on. Hon. John Vickers made motion to reconvene into general sessions and Hon. Brad Grantham seconded.

Attorney Joe Van Dike states that he has heard the talk of all the money put into this and they did it off of good faith. Joe says he is not real good with civil law but he does know criminal and with everything going on if we go and pull this out from under them, it seems they would have a strong lawsuit and he doesn't want to deal with anymore lawsuits because we have enough as is.

LAWSUITS/ FLSA

Mr. Binkley presented a solution for the Sherriiff vs. County Lawsuit with a settlement for \$3,000,000. Hon. John Vickers can not understand how the price has almost doubled from the previous time. He then stated that there are no way we a judge will look at that and accept it and he wants to take a chance by going to court. Hon. Johnny Vickers made a motion to dismiss Dale Conder and rehire Amber Shaw do not settle and go to trial. Hon. Johnny Lanier seconded the motion.

4 Aye 11 Nay

Hon. Brad Grantham made a motion to reject the settlement offer and Hon. Jackie Sain seconded the motion.

7 Aye 8 Nay

Hon. Cory Bufford made a motion to accept the settlement and Hon. Bobby Wright seconded the motion.

8 Aye 7 Nay

ANNOUNCEMENTS

Hon. Bobby Hensley wanted it to be noted on record that if any employee does not receive their pay of overtime, to please come see him and he will get you paid.

Next meeting is April 17th 2023

ADJOURN

Mayor Todd Pulse adjourned the meeting.

COUNTY MAYOR_____

COUNTY CLERK_____

