
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
APRIL 20, 2009**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, April 20, 2009, in the Commission Chambers of the Sumner County Administration Building in Gallatin, Tennessee at 7:00 p.m. Present and presiding was the Chairman Merrol Hyde. Also present were the County Clerk Bill Kemp and County Law Director Leah Dennen and the following Commissioners to wit:

Mike Akins	Paul Goode	Joe C. Matthews
Saundra Ridings Boyd	Steve Graves	Kirk Moser
David Cummings	Bob Hendricks	Bob Pospisil
Paul Decker	Billy S. Hobbs	David Satterfield
James A. England	Chris Hughes	Jo Skidmore
Shawn Fennell	Merrol N. Hyde	Jerry F. Stone
Paul D. Freels	David Kimbrough	Shawn Utley
Frank E. Freels	Trisha LeMarbre	

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Bob Barker. Chairman Hyde noted that with twenty-three members seated, a simple majority would be by thirteen votes; and that matters requiring a two-thirds vote would be by sixteen votes during this session. Commissioner Jim Vaughn was not present for the meeting.

The Invocation was led by Mr. Jerry Burchett, Pastor of the Station Camp Church of Christ.

The Pledge of Allegiance was led by the County Clerk, Bill Kemp.

APPROVAL OF AGENDA

Chairman Hyde stated that there were on the Commissioners' desks, Board of Education budget appropriations to add from Commissioner Decker and an update on Committee appointments. Commissioner LeMarbre noted a change in the agenda to reflect the Board of Equalization as an appointment for this month. Commissioner Decker moved to remove 0409-09 from the Consent Agenda to the Education Committee, along with additional budget appropriations to be added. Commissioner Hobbs objected to the Board of Education budget amendments.

The electronic vote was recorded in the following manner:

Akins	N	Fennell	N	Cummings	Y
Utley	Y	Graves	N	Satterfield	N
F. Freels	Y	Matthews	N	Boyd	N
England	N	Hendricks	N	LeMarbre	N
Moser	N	Decker	Y	Hyde	N
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	N	Stone	N
Hobbs	N	Pospisil	N		

AMEND Yes: 8 No: 15 Abs: 0 07:04 PM

Chairman Hyde declared the amendment to the Agenda failed to pass.

Without objection, Chairman Hyde added a five-minute presentation by the Assessor of Property. Upon motion by Commissioner Goode, seconded by Commissioner Moser, the Regular and Consent Agenda items with additions and changes were approved by unanimous vote of the body.

APPROVAL OF MINUTES

The minutes for the meeting of this body held on March 16, 2009, and recorded in the office of the Clerk, Bill Kemp, were approved by voice vote after Commissioner Graves made the motion, seconded by Commissioner Akins. Commissioner Moser abstained from the vote.

RECOGNITION OF THE PUBLIC

Chairman Hyde opened the floor to allow the public to speak concerning any matter on the agenda.

Jeff Hollins of 904B Lower Station Camp Creek Road reported that he was opposed to the road closing of Lower Station Camp Creek Road. He presented a petition of 881 concerned citizens, signers of the petition who asked that the road remain open and the speed limit increase.

Chairman Hyde recognized County Executive Anthony Holt who stated that an agreement had been worked out tentatively between property owners and the County to keep the road open and also construct a greenway. That will be finalized and bought back to the Highway Commission next month.

With no one else wishing to speak, recognition of the public was closed.

REPORT OF THE CHAIR

Commissioner Stone read the following certificate of recognition into the record:

A RESOLUTION HONORING THE BEECH HIGH SCHOOL BASKETBALL TEAM AND COACH DARRIN JOINES

WHEREAS, the Beech High School Basketball team led by Coach Darrin Joines and his outstanding coaching staff, David Woods, Alex Lamberth, Jeremy Story have completed their regular season of play with a remarkable record of twenty-nine wins and five losses and along the way becoming the Beech Holiday Tournament Champions, Gatlinburg Holiday Champions, 9-AAA Regular Season Champions, 9-AAA District Tournament Champions, 5-AAA Region Tournament Champions and State Tournament Quarterfinalists; and

WHEREAS, the Beech High School Basketball team played with pride and spirit and through their diligent efforts have brought honor to themselves, their school and Sumner County by their outstanding performances; and

WHEREAS, Matt Cowan, John Taylor and Reece Chamberlain were named Most Valuable Players in All-District Season; Tyler Brown, Steven Dorse, Reece Chamberlain, and John Taylor were named Most Valuable Players in 5-AAA All Tournament Team and along

with the other members Justin Allen, Seth Brown, Valentino Bryant, Nathan Hansen, Kyle Hood, Matthew Johnson, Toby Lee, Trevor Lovingood, Ethan Walker, and student assistant, Adam Mills played with pride and dignity and through their diligent efforts have demonstrated the benefits of hard work and dedication.

NOW THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby congratulate and commend the Beech High School Basketball team for their outstanding season; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to the Beech High School Basketball team and Coach Darrin Joines.

Upon motion of Commissioner Stone, seconded by Commissioner Goode, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Stone read the following certificate of recognition into the record:

**A RESOLUTION HONORING T.W. HUNTER MIDDLE SCHOOL FOOTBALL
TEAM AND COACH RON HELTON**

WHEREAS, the T.W. Hunter Middle School football team led by Coach Ron Helton had a remarkable season and for their efforts won the 2008 Sumner County Middle School Championship with a seven to zero record; and

WHEREAS, Coach Ron Helton was named the 2008 Sumner County Coach of the Year; Assistant Coaches Constance Hudgins, Anthony Hanson and Matt Cox; Robert Davis, Lincoln Kenitzer, Paul Kirby, Taylor Podany, Heath Johnson were named the all county team; Stephen Beech, Alec Meadows, Braxton Brinkley, and Sam Landrith were recognized as County Honorable Mention and along with team members Austin Linville, Tristan Presley, Colton Horstman, Derrick Chapman, Patrick Whittaker, Braden Smith, Parker Henry, Christopher Carroll, Jonathan Pilkington, Cody Hatfield, Dakota Diel, Trevor Fleming, Gage Hunt, Ben Murley, Andrew Russell, Joseph Broome, Johnny Cox, Austin Mundy, Matt Hanson, Connor Disbrow, Caleb McClanahan, Alex Yunker, Zac Grava, Jonathan Horne, Brent Cross, Tyler Iverson, Philip Baites, Jesse Bloodworth, Cosmin Petrescu, Zack Knight, Josh Phillips, Casen Cunneback, Austin Ballantine, Jacob Hageman, Josh Brewer, Dakota Schroeder, Dane Peoples, Luke Barnes, Dakota Wink, Tyler Hampsey, and managers Shelby Willis, Nicole Kirby, Ashley Podany, and Faith Rollins and the entire team have exhibited diligent effort and hard work and through their efforts have been an inspiration to others and have brought honor to themselves, their school and this county; and

WHEREAS, T.W. Hunter Middle School football team played with pride and power and should all be commended for their endeavors.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby congratulate T.W. Hunter Middle School football team and Coach Ron Helton for their outstanding season; and

BE IT FURTHER RESOLVED that this resolution is to be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to T.W. Hunter Middle School football team and Coach Ron Helton.

Upon motion of Commissioner Stone, seconded by Commissioner Freels, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Pospisil read the following certificate of recognition into the record:

**A RESOLUTION HONORING THE
WHITE HOUSE HIGH SCHOOL CHEERLEADERS
AND COACH DAWN WALTERS**

WHEREAS, the White House High School Cheerleaders sponsored by Coach Dawn Walters recently competed in Level 3 Small Varsity Team Division and walked away with First Place and the National Champion Title; and

WHEREAS, the White House High School Cheerleaders as a team as well as its individual members have distinguished themselves by their enthusiasm and outstanding efforts; and

WHEREAS, Savannah Hagedwood, Jordan Levering, Raven Broadrick, Glenna Eddy, Ashley Hall, Taylor Kirby, Taylor Coley, Ashley Clark, Amy Gee, Shelby Pegram, Alivia Akers, Mary Fitzgerald, Jessie Kirkpatrick, Morgan Buttrey, Morgan Wair, Melanie Wiley have practiced hard, strived for perfection and for their outstanding efforts have brought honor not only to themselves, but their school and this County.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby congratulate the White House High School Cheerleaders and Coach Dawn Walters; and

BE IT FURTHER RESOLVED that this resolution is to be spread on the minutes of this body and a copy of this resolution is to be provided to the White House High School Cheerleaders and Coach Dawn Walters.

Upon motion of Commissioner Pospisil, seconded by Commissioner Hobbs, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Matthews read the following certificate of recognition into the record:

A RESOLUTION HONORING THE SUMNER COUNTY DRUG COURT

WHEREAS, the Sumner County Drug Court was started by Judge Jones and Judge Wheatcraft in February of 2002 and the drug court movement has grown from a dozen original drug courts to a statewide phenomenon that helps all communities; and

WHEREAS, Sumner County Drug Court has been repeatedly honored and commended for its pioneering efforts, resourceful and creative commitment to the program and novel approach to helping the people it serves; and

WHEREAS, the Sumner County Drug Court consisting of Judge Gay, Judge Hunter, Attorney General Ray Whitley, David Doyle, Tracye Bryant, Louie Miranda, John Merryman, Jane Murray, Russ Cheatham, Jay Fitts, and Renie Brown have demonstrated the hard work and dedication necessary to make a successful program and it be appropriate that we recognize each person for his or her diligent service and dedication to the citizens of Sumner County.

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body hereby expresses its appreciation for the many years of service and dedication of the Sumner County Drug Court and this body urges all the citizens of Sumner County to

acknowledge the accomplishments and contributions made by the Sumner County Drug Court; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body so as to make it a permanent part of the records of this body and the Clerk is to furnish a copy of this resolution to each member of the Sumner County Drug Court.

Upon motion of Commissioner Matthews, seconded by Commissioner Fennell, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Boyd read the following certificate of recognition into the record:

**A RESOLUTION HONORING
JONATHAN GARROTT DRIVER**

WHEREAS, Mr. Jonathan Garrott Driver has been involved in scouting since the 4th grade; and now has completed all requirements for earning his rank as an Eagle Scout; and

WHEREAS, Jonathan Garrott Driver is a senior at Gallatin High School and serves on the student council and yearbook committee; and

WHEREAS, Jonathan Garrott Driver represents the future leadership of our county and is a positive role model for all persons; and

WHEREAS, Jonathan Garrott Driver, through his participation in community and school projects and his diligent work and outstanding efforts, has brought honor, not only to himself, but to his school and community and represents the future leadership of our county.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby congratulate and commend Mr. Jonathan Garrott Driver for his outstanding achievements; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Jonathan Garrott Driver.

Upon motion of Commissioner Boyd, seconded by Commissioner Hendricks, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Akins read the following certificate of recognition into the record:

**A RESOLUTION HONORING
MORGAN BYRD**

WHEREAS, Morgan Byrd a seventh grader at Westmoreland Middle School placed second in the Westmoreland Middle School Spelling Bee; and

WHEREAS, Morgan went on to place second in the County Spelling Bee and seventh in the Middle Tennessee Regional Spelling Bee; and

WHEREAS, Morgan's accomplishments, brought honor to himself, his school and our county and his efforts are an inspiration to all and he should be commended for his hard work and dedication.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body does hereby congratulate Morgan Byrd for his outstanding achievements; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Morgan Byrd.

Upon motion of Commissioner Akins, seconded by Commissioner Fennell, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Fennell read the following certificate of recognition into the record:

**A RESOLUTION HONORING
MICHAEL BYRD**

WHEREAS, Michael Byrd a seventh grader at Westmoreland Middle School after a hard won competition, was named spelling bee champion at Westmoreland Middle School; and

WHEREAS, Michael went on to place sixth in the County Spelling Bee and placed first in the Jr. Beta Club State Spelling Bee and will go on to compete at the National Level in Orlando, Florida; and

WHEREAS, Michael's accomplishments, brought honor to himself, his school and our county and his efforts are an inspiration to all and he should be commended for his hard work and dedication.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body does hereby congratulate Michael Byrd for his outstanding achievements; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Michael Byrd.

Upon motion of Commissioner Fennell, seconded by Commissioner Akins, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Decker read the following certificate of recognition into the record:

**A RESOLUTION HONORING
KEVIN KEY**

WHEREAS, Mr. Kevin Key a student at Hawkins Middle School was the first place winner of the overall Sumner County Spelling Bee; and

WHEREAS, Kevin participated in the regional competition, which was held at Belmont University, where he tied for 6th place in a field of 34 of the best spellers in the state; and

WHEREAS, by his accomplishments, Kevin has brought honor upon himself, his school, and our county; and

WHEREAS, Kevin should be commended for his hard work and is a positive attitude which serves as encouragement to others.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body does hereby congratulate Kevin Key for his outstanding achievement; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Kevin Key.

Upon motion of Commissioner Decker, seconded by Commissioner Hyde, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner Hobbs read the following certificate of recognition into the record:

**A RESOLUTION HONORING
MR. BENNY BILLS**

WHEREAS, Mr. Benny Bills, the Sumner County Director of Schools has been honored by being named Administrator of the Year by the Tennessee Education Association; and

WHEREAS, Mr. Bills has been an educator for nearly 50 years during which time he has served as a teacher, principal, and administrator, where he has been known for his leadership, advocacy and community engagements; and

WHEREAS, Mr. Bills has worked hard to build bridges between teachers, administrators, parents and citizens of Sumner County and tirelessly toiled to make Sumner County the best school district in Middle Tennessee; and

WHEREAS, Benny Bills is to be commended and recognized for his diligent service and dedication to the citizens of Sumner County; and

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby express its appreciation and gratitude for the many years of service and dedication of Mr. Benny Bills and this body urges all the citizens of Sumner County to acknowledge the accomplishments and contributions made by Mr. Benny Bills to Sumner County; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Benny Bills.

Upon motion of Commissioner Hendricks, seconded by Commissioner England, the Commission voted to approve the resolution by unanimous voice vote of the body.

Commissioner LeMarbre read the following certificate of recognition into the record:

**A RESOLUTION HONORING
JOHN JENKINS**

WHEREAS, Mr. John Jenkins, a senior at Station Camp High School has been recognized as one of the top 15 all-time basketball scorers in the State of Tennessee, with more than 3,200 points in his high school career; and

WHEREAS, Mr. Jenkins, during his high school basketball career has won two Tennessee Secondary School Athletic Association Mr. Basketball Awards along with

numerous other achievements and for his talent John will be attending Vanderbilt University to continue his basketball and academic career; and

WHEREAS, John Jenkins has been recognized by ESPN as well as Sports Illustrated Magazine and has distinguished himself for his outstanding efforts and through his dedication, has brought honor, not only to himself, but his school and his community.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body does hereby congratulate John Jenkins for his outstanding achievements; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. John Jenkins.

Upon motion of Commissioner LeMarbre, seconded by Commissioner Moser, the Commission voted to approve the resolution by unanimous voice vote of the body.

Chairman Hyde recognized Assessor of Property John Isbell who explained the process of the current reappraisal system. Chairman Hyde recognized William Donaldstead, property owner on Charles Brown Road, who asked Mr. Isbell if the waterlines had increased the appraisal on his property. Chairman Hyde requested Mr. Isbell to talk with him further.

REPORT FROM COUNTY OFFICIALS

By motion of Commissioner Akins, seconded by Commissioner Graves, the commissioners approved unanimously the filing as received of the following reports: County Investments, County General Fund, County Debt Service Fund, County Highway Fund, County Capital Outlay Fund, School General Purpose Fund, School Federal Projects Fund, School Food Service Fund, Employee Health Insurance Trust Fund, Employee Dental Insurance Trust Fund, Casualty Insurance Trust Fund, County Trustee Funds, Special Reports: County Dental Insurance Claim Payments, County Health Insurance Claim Payments, County Property Tax Collections, County EMS Billing/Collections/Balances, County Sales Tax Collections, County Wheel Tax Collections, County Tax Rates/Property Values and County School Loan Program Rates. Approval of the filing of these records does not certify to the accuracy of the documents.

Chairman Hyde introduced the following resolution:

0904-NOT

**A RESOLUTION TO APPROVE AND ACCEPT
APPLICATIONS FOR NOTARY PUBLIC POSITIONS AND
PERSONAL SURETY GUARANTORS**

WHEREAS, according to the law of the State of Tennessee, an individual must apply for the office of Notary Public in the county of residence, or of their principal place of business; and

WHEREAS, state statute requires personal sureties making bonds for Notaries Public to be approved by the Sumner County Commission; and

WHEREAS, said applicant must be approved by the County Commission assembled; and

WHEREAS, Bill Kemp, Sumner County Clerk, has certified according to the records of his office that the persons named on the attached listing labeled "SUMNER COUNTY

NOTARY PUBLIC APPLICATIONS and SURETY GUARANTORS” have duly applied for the positions so sought; and

**BE IT FURTHER RESOLVED THAT THIS TAKE EFFECT FROM AND AFTER
PASSAGE.**

ANDERSON, CHARLOTTE	JOHNSON, KIRSTIE ALANE
AVERY, LORI ANN	JONES, TAMMY T
BAKER, DARLENE BRENDA	LACEY, ANGELA DERIPASKA
BALDWIN, MELISSA ANN	LANNOM, CHRIS
BANDY, FREDDY ARNOLD	LYONS, KIMBERLY DAWN
BARRETT, HOWARD MAXWELL	MCCLAIN, BRENDA LEE
BATEMAN, JOHN DUANE	MCCUTCHEON, JULIE ANN
BENTLE, MARK DARREN	MURDOCK, EVETTE MARIE
BOWMAN JR, JAMES CHARLES	NASH, SUZANNE DENISE
BROWN, MELISSA	PATTERSON, ANGELA L
BURNS, MARIBETH LEECH	PEAY, DOLLY TAYLOR
CASE, DEBORAH SHERLIN	PITTENGER, KAREN LINN
CHADWELL, NICOLE LEA	PROCTER, MICHAELA VIRGINIA
CHAMBERLAIN, STEPHEN WILLIAM	ROBINSON, SUZANNA RIPPETEAU
CHAMBERS, JANET LAUGHLIN	ROGERS, MELISSA DIANE
COLEY, JUDY FAYE	SADLER, ALANA D
DARBY, KELLY ANN	SHAFFER, JYL RAYE
DYE, LAURA GALE	SHELTON, CHARLENE MARIE
ELROD, REBECCA M	SMITH, SHEILA M.
GOMER, BETTY	STURDIVANT, KATHRYN LYNNE
GOODALL, BETTY ANN	THOMPSON, CHARLOTTE DARLENE
GRAVES-DENNY, DONNA	TREADWAY, DEBBIE A
GREER, BESSIE LOUISE	TUBBS, DIANNE DRAPER
HEATH, AMY MICHELLE	TURBEVILLE, TERESA LOUISE
HENSLEY, ASHLEY DAWN	WHITED, MELISSA ANN
HILL, JAMES JOSEPH	PERSONAL SURETY
HOWARD, JACKIE ANN	BANDY, LARRY W
HOWE, JULIE LEANN	BANDY, JIMMY D

Upon motion of Commissioner Graves, seconded by Commissioner Akins, voting was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utle	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Stone	A
Hobbs	Y	Pospisil	Y		

0904-NOTARY Yes: 22 No: 0 Abs: 1 08:04 PM

Chairman Hyde declared the election of Notaries Public by the body.

COMMITTEE ON COMMITTEES

Commissioner LeMarbre brought forth the following and moved to group and approve with a second by Commissioner Hughes:

- Vacancy on the Board of Equalization upon the resignation of Teresa Dowlen. She moved the Committee's recommendation of Richard Cummings for the position.
- Re-appointment of David Cummings to the Sumner County Resource Authority
- Re-appointment of Terry Mimms to the Sheriff's Civil Service Board

Upon unanimous voice vote of the body, the Commission approved the appointments.

HIGHWAY COMMISSION

There was no report from the Highway Commission.

EDUCATION COMMITTEE

Commissioner Decker introduced the following resolution and moved for approval.
Commissioner LeMarbre seconded the motion.

**0904-01 A RESOLUTION APPROPRIATING \$42,667.73 TO THE
BOARD OF EDUCATION FROM OCTOBER 2007 BOND PROCEEDS FOR
LOCKERS FOR THE PORTLAND MIDDLE SCHOOL RENOVATION**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 16th day of March, 2009 that this body hereby appropriates \$42,667.73 to the Board of Education from October 2007 bond proceeds for lockers for the Portland Middle School renovation.

Passed first reading March 16, 2009.

SECOND READING

The electronic vote was recorded in the following manner:

Akins	A	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	N
F. Freels	Y	Matthews	Y	Boyd	N
England	N	Hendricks	A	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	N	P. Freels	N	Stone	N
Hobbs	N	Pospisil	Y		

0904-01 Yes: 14 No: 7 Abs: 2 08:19 PM

Chairman Hyde declared Resolution 0904-01 approved by the body.

GENERAL OPERATIONS COMMITTEE

There was no report from the General Operations Committee.

EMERGENCY SERVICES COMMITTEE

Commissioner Fennell introduced the following resolution and moved for approval;
Commissioner Goode seconded the motion.

**0904-02 A RESOLUTION ESTABLISHING REGULATIONS AND
REQUIREMENTS ("SUMNER COUNTY AMBULANCE REQUIREMENTS") FOR THE**

OPERATION OF PATIENT TRANSPORT SERVICES IN SUMNER COUNTY; GRANTING EXCLUSIVE SERVICE RIGHTS TO SUMNER COUNTY EMERGENCY MEDICAL SERVICE TO OPERATE AND MAINTAIN AN AMBULANCE SERVICE AS THE PRIMARY SERVICE PROVIDER OF PATIENT TRANSPORT AND EMERGENCY MEDICAL CARE SERVICES WITHIN THE BORDERS OF SUMNER COUNTY; AND DECLARING THAT THE OPERATION OF AMBULANCE SERVICES WITHIN SUMNER COUNTY IS A PUBLIC SERVICE NECESSARY FOR THE CONVENIENCE AND PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS AND INHABITANTS OF THIS COUNTY.

WHEREAS, pursuant to the legal authority vested in cities and counties under the laws of the State of Tennessee, the Sumner County Legislative Body hereby promulgates reasonable and legitimate governmental restrictions on private and nonprofit ambulance services operating in the county and formerly declares that the Sumner County Emergency Medical Service is the primary provider of patient transport services within the County, and in so adopts regulations to guarantee the integrity and level of competence for emergency medical and patient transport services operating within Sumner County, and

WHEREAS, T.C.A. § 7-61-102 provides that the governing body of any county or city of the State of Tennessee may provide, maintain and do all things necessary to provide ambulance service as a public service, and

WHEREAS, T.C.A. § 7-61-103 states in pertinent part that in order to protect the public health and welfare, any county or city may adopt reasonable regulations to control the provision of private or nonprofit ambulance service, and

WHEREAS, the Sumner County Legislative Body so declares that the operation of an ambulance service within the borders of Sumner County is a public service and not a business of common right, and the protection of the public health, safety and welfare outweighs the burden of these restrictions on the private and nonprofit entities they are designed to regulate, and

WHEREAS, the operation of a public ambulance service within Sumner County is a reasonable and legitimate governmental interest and so subject to the adoption and enforcement of local regulations and controls designed to protect the health, safety and welfare of the citizens of Sumner County, and

WHEREAS, it is within the legislative discretion of the Sumner County Legislative Body to so designate an ambulance service as the subject of exclusive primary service provider rights, and to further operate and maintain an ambulance service for the benefit of the citizens of Sumner County, and

WHEREAS, T.C.A. § 7-61-104 dictates that no county may provide and maintain, license, franchise, or contract for ambulance service within the boundaries of a city or another county, and no city may provide and maintain, license, franchise, or contract for ambulance service outside its corporate boundaries, without the approval of the governing body of the area to be served.

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session this 20th day of April, 2009, that this body does hereby adopt the following resolution known as the

SUMNER COUNTY AMBULANCE REQUIREMENTS

SECTION I: Scope of Coverage

The provisions of this Resolution shall apply to all ambulance and patient transport services operating in Sumner County, including the Sumner County Emergency Medical Service and other governmental, private or nonprofit ambulance services.

SECTION II: Grant of Exclusive Primary Service Provider Rights

The Sumner County Emergency Medical Services is hereby granted the exclusive primary service right to handle all calls for patient transport services and to operate and maintain an ambulance service for the public convenience and necessity in Sumner County.

SECTION III: Approval of Municipalities

Local municipalities within the boundaries of Sumner County will be served by the Sumner County Emergency Medical Service and subject to all inter-local agreements and contracts currently in effect. All private contracts entered into by Sumner County Emergency Medical Service to be performed within the corporate boundaries of a municipality shall be approved by the governing body of the area to be served and the Sumner County Legislative Body.

SECTION IV: Agreement with other Counties

The Sumner County Emergency Medical Service may also enter into agreements with other surrounding counties to provide and operate an ambulance service within another county or portions of other counties, but only with the express consent and approval of the Sumner County Legislative Body and the governing body of the county to be served.

SECTION V: Agreement with Private Entities

The Sumner County Emergency Medical Service may contract with private entities, and health care facilities for patient transport services subject to the approval of the Sumner County Legislative Body and governing body of the area to be served. Such a contract is for the provision of services, not a guarantee of payment nor a creation of an employment or subcontractor relationship.

SECTION VI: Private, Nonprofit Service Must Obtain Local License

No other private, nonprofit or governmental ambulance service may operate within the unincorporated areas of Sumner County, except with the proper local licensing, compliance with all requirements contained herein("Locally Licensed Provider") , and the express permission of the Sumner County Legislative Body or its designee, the Sumner County Emergency Medical Service.

SECTION VII: Authority to Defer Calls to Other Licensed Services

The Sumner County Emergency Medical Service is hereby declared to be the primary ambulance service provider in Sumner County and all calls for patient transport services must first be referred to this agency and will be handled by this agency, provided that the Sumner County Emergency Medical Service may at any time necessary, depending on call volume, staff, ambulance and equipment availability, defer a call for patient transport services to another private, nonprofit or governmental ambulance service authorized and licensed by Sumner County Government("Locally Licensed Provider").

SECTION VIII: Deferred Calls, Local License Required

Only a Locally Licensed Provider properly licensed and meeting all county requirements and regulations outlined below will be allowed to handle deferred calls for service arising within Sumner County.

If however, in the event of a need for additional resources, the Director or his designee determines that such a situation exists where neither SCEMS nor a Locally Licensed Provider can supply appropriate service, then the Director or his designee can contact any non-approved provider to render service or assistance.

SECTION IX: Patient's Private Right to Select

Nothing contained within this Resolution shall be interpreted as restricting or interfering with the right of the individual patient to select a private person for their personal patient transport needs, so long as, in the case of a private request for a

particular ambulance service, the ambulance service requested must meet the requirements of this Resolution and is licensed by Sumner County.

SECTION X: No Interference with Emergency Medical Care

At no time shall the provisions of this Resolution operate to impede the practical and proper medical care and emergency patient transport needs of any patient, provided that a valid medical necessity was in existence at the time, if and when the decision was made to use an alternative patient transport service provider.

SECTION XI: No Denial of Service

No ambulance service or patient transport service licensed and operating in Sumner County shall deny emergency medical treatment or patient transportation services to any individual based on that individual's race, creed, sex, national origin, religious belief, insurance coverage, ability to pay, or any other discriminatory practice. Ambulance services shall be available to all requestors inside the boundaries of Sumner County commensurate with the terms and provisions of this Resolution.

SECTION XII: Procedure to Defer Calls for Service

At all times any emergency medical or patient transport calls received by a Sumner County PSAP (public Safety answering point) shall be first referred to the Sumner County Emergency Medical Service. The director or supervisor on duty shall have the discretion to accept or defer any call received by the agency dependent upon existing call volume, prioritization of calls, staff, ambulance and equipment availability. Deferred calls shall be transmitted immediately and without delay to a Locally Licensed Provider authorized to operate in the county.

Sumner County Emergency Medical Service shall at all times utilize a system that is fair and impartial in the selection of a Locally Licensed Provider to handle deferred calls for service.

SECTION XIII: Fees Shall Be Reasonable

Fees and total charges for all ambulance services licensed and operating in Sumner County shall at all times be reasonable and competitive within the Middle Tennessee area, and shall be subject to discretionary review by the Sumner County Legislative Body.

SECTION XIV: Health Care Facilities

All health care facilities, including, but not limited to, hospitals, clinics, nursing homes, assisted care or homes for the aged shall consider the Sumner County Emergency Medical Service as the primary service provider of patient transport needs in Sumner County and shall at all times respect and adhere to the terms of this Resolution. Subject to the individual patient's request for a particular person, private, nonprofit, or government operated ambulance service to meet that individual's private patient transport needs, all calls for ambulance service or patient transport needs shall be transmitted to the Sumner County Emergency Medical Service as the primary ambulance provider. The Sumner County Emergency Medical Service shall handle the call for service within a reasonable period of time depending on the priority status of the call, provided that the Sumner County Emergency Medical Service currently has the available resources, dependent upon, but not limited to, call volume, staff, ambulance and equipment availability in operation to properly and safely handle the call. If resources are currently not available from the Sumner County Emergency Medical Service to properly and safely handle the call, such may then defer to another state and locally licensed ambulance service approved to conduct Sumner County patient transport services. Only ambulance services, authorized pursuant to the resolution will be allowed to operate, conduct patient transport services, and handle deferred calls within Sumner County.

SECTION XV: State License Required

All locally licensed ambulance services operating in Sumner County must be certified and properly licensed by the Tennessee Department of Health - Emergency Medical Service guidelines and regulations.

SECTION XVI: Vehicles Must Comply with State and Local Laws

All vehicles providing ambulance service within the boundaries of Sumner County shall adhere to the laws of the State of Tennessee regarding emergency medical and patient transport requirements, licensing, traffic laws regarding responses to emergencies, provisions of this Resolution and the following rules and regulations adopted by the Sumner County Legislative Body.

SECTION XVII: Local Vehicle Regulations

All vehicles providing ambulance, and/or patient transport services, except those operated by private citizens pursuant to an individual private patient's request, must conform and comply with all requirements of current and contemporaneous Tennessee law, and the following locally adopted mandates:

- A) All vehicles must conform to the Tennessee Department of Health Regulations concerning specifications, licensing and equipment.
- B) Each ambulance must be properly equipped with certified staff and all items necessary to be a Class B unit and shall contain all equipment and supplies approved by state regulations and referenced in this resolution.
- C) Each ambulance shall be inspected daily for maintenance and repair purposes and compliance with the mandated ambulance inventory of equipment and supplies approved by state regulations and referenced in this resolution.
- D) All ambulances must be properly staffed, capable of responding to, and equipped to handle emergency calls and natural disasters when needed and requested by Sumner County Government, Emergency Management Director or the Sumner County Emergency Medical Service.
- E) Each ambulance must be equipped with a two-way radio system for both communications with their base dispatcher, hospitals, Sumner County Emergency Medical Service from both inside and outside the ambulance on VHF, UHF, and/or 800 MHZ frequencies or such other additional frequencies as may be designated from time to time by the FCC Coordinator.
- F) Provisions of this Resolution shall not preclude Invalid Transport as defined by Tennessee Department of Health, Emergency Medical (TDH-EMS) guidelines, so long as such Invalid Transport conforms to all state or locally adopted regulations.
- G) Ambulances must have available all necessary equipment needed to allow the ambulance to travel safely in adverse or inclement weather conditions.
- H) Each ambulance, with the exception of designated back-up units, must be housed inside, or measures to ensure the interior temperature of the ambulance between forty degrees (40°) and ninety degrees (90°) at all times.
- I) Each ambulance shall display the company name and ambulance identification number on both exterior sides of the vehicle's body with a minimum size four (4) inch block letters. Letters should contrast with the primary body color of the vehicle and should be easily readable from a distance of one hundred (100) feet.
- J) All ambulances and equipment shall be kept clean and sanitary at all times. Staff shall be continuously supplied with cleaning equipment, supplies and an area suitable for cleaning and disinfecting the ambulance.

- K) Ambulances shall be no more than eight (8) years old from the date of new sale or have no more than two hundred thousand (250,000) miles on the odometer, except for established and dedicated back-up units.
- L) All vehicles must comply at all times with state guidelines for maintenance adopted by the Tennessee Department of Health and Tennessee Department of Transportation.
- M) Vehicles must be maintained by an ASE certified Master Automotive Technician.
- N) Ambulances shall undergo preventative maintenance every three thousand, five hundred (3,500) miles and repaired immediately when operational deficiencies are identified and reported by staff.

SECTION XVIII: Drivers and Attendants

All drivers and attendants must meet the following requirements:

- A) Any ambulance used by a licensed service provider for patient transport services in Sumner County shall conform to all Class B ambulance standards as defined by the Tennessee Department of Health, Division of Emergency Medical Services (TDH-EMS), and must be staffed with a minimum of one emergency medical technician and one paramedic when responding to all emergency transfer calls. Basic life support units shall consist of no less than two (2) Emergency Medical Technicians. Paramedics conducting Advanced Life Support transports must be certified in Advanced Cardiac Life Support, and Pediatric Advanced Life Support or Pediatric Emergency Pre-hospital Provider.
- B) Any service requesting certification by Sumner County shall have no person designated as supervisor or shift captain who is less trained or qualified than the person or persons under their command with the exception of critical care certification.
- C) Each Emergency Medical Technician and Paramedic shall be physically able to perform the tasks associated with patient rescue, medical treatment and patient transport.
- D) Each Emergency Medical Technician and Paramedic shall be clean in appearance and dress, and shall at all times display his/her name, certification and company/agency name in an appropriate manner on their uniform. Uniform dress for all personnel is required with an insignia or patch displaying the name of the company or agency on the shirt.
- E) Any service requesting certification shall have only licensed Emergency Medical Technicians and/or Paramedics providing patient care and transport services.
- F) Any service requesting certification by Sumner County shall provide a description of their training program, including training requirements for new employees, continuing education requirements and employee evaluation programs.
- G) Personnel certification, license, and training compliance documents shall be provided to the Sumner County Emergency Medical Service by October 31st of each calendar year.

SECTION XIX: Certification Documents

Each ambulance service requesting certification and licensing in Sumner County shall provide the following documents prior to being considered or receiving certification for local licensing.

- A) The full name and address of the applicant and the owner or owners of the business.

- B) The trade or other business name(s) in which the applicant does business or proposes to do business under and verification of name registration from the Tennessee Secretary of State.
- C) The training or experience of the applicant in the transportation and care of patients, with a minimum requirement of two (2) years experience operating an ambulance service.
- D) A list of employees including current copies of certifications as Emergency Medical Technicians, Paramedics, Cardio Pulmonary Resuscitation, and other specific advanced certification documents, state license number, motor vehicle record, criminal record and a copy of the employee's Tennessee drivers license.
- E) A description of each ambulance to be utilized in Sumner County including the make, model, year of manufacture, current odometer reading, state E.M.S. permit number, vehicle identification number, primary body color, and the length of time the vehicle has been owned by the applicant or company and the amount of years the vehicle has been in service. The applicant shall provide a photograph of each ambulance utilized in Sumner County to the Director of the Sumner County Emergency Medical Service prior to county license being granted.
- F) The location and address of the company office in Sumner County and the primary office address of the company.
- G) Phone numbers to access patient transport services, management and supervisors twenty-four (24) hours per day.
- H) Accurate financial records to describe the company's current and historic financial condition.
- I) Copies of all insurance policies in effect and required under Section XXV.
- J) Copies of registration documents with the Tennessee Secretary of State.
- K) Copies of the corporate charter and by-laws or the like for the business organization.
- L) Name, address and phone number of the individual selected for service of legal process.
- M) Name and address of all shareholders/owners holding five percent (5%) or more of the company's shares or ownership assets.
- N) A copy of the State of Tennessee Department of Health license and rating.
- O) A completed inventory checklist for all vehicles currently in service.
- P) Copies of maintenance records for all vehicles.
- Q) A copy of the Drug Enforcement Administration license.
- R) The name and address of the medical director employed by the service.
- S) Each service must provide any documentation requested to verify compliance with any section or term included in this Resolution.
- T) Each service operating in Sumner County shall certify annually that it meets all regulations contained in this Resolution and shall update employee records on file with Sumner County as needed.

SECTION XX: Ambulance Inventory and Daily Checklist

All ambulances must conform to Tennessee Department of Health, Division of EMS Rules and Regulations Specifically:

- 1200-12-1-.01
Sanitation of Ambulances
- 1200-12-1-.02
Ambulance Safety, Design, and Construction Standards
- 1200-12-1-.03
Emergency Medical Services Equipment and Supplies

SECTION XXI: Vehicle Inspections

All ambulances licensed in Sumner County, and equipment and supplies contained therein are subject to annual inspection during regular business hours by the Sumner County Emergency Medical Services Director or his or her designee. Inspections may be random and unannounced, without prior notice. The annual inspection fee for each vehicle is one hundred dollars (\$100.00) payable to Sumner County Government on or before December 31st of each calendar year. If a vehicle fails the inspection it will be taken out of service immediately and shall remain out of service until the deficiencies have been corrected and the vehicle re-inspected for compliance and approved for service by the Sumner County Emergency Medical Service Director or his or her designee. The re-inspection fee for each vehicle found to be in violation of this Resolution shall be one hundred dollars (\$100.00) for each re-inspection.

SECTION XXII: Records Compliance Inspection

All specified business records of ambulance services licensed in Sumner County shall be subject to annual compliance inspections conducted by the Sumner County Emergency Medical Service Director, or his or her designee. Inspected documents shall include, but not limited to, the following business records of the company: call logs, response time verification forms, daily inventory forms, dispatch records, personnel training and certification forms, vehicle maintenance records, radio maintenance records and current licensing documents, public complaints regarding the ambulance service while operating in Sumner County, insurance documents, Drug Enforcement Administration license, a copy of all fees and rates charged to citizens of Sumner County and all state required licenses.

SECTION XXIII: Other Inspections - All vehicles, equipment and required reports shall be available at all times during regular business hours for inspection by the Sumner County Emergency Medical Service Director, or his or her designee, and/or the Regional Emergency Medical Service Coordinator.

SECTION XXIV: Must Respond to Emergencies and Disasters

All providers of service in Sumner County are required, in all cases of disaster or emergency drill preparedness, to respond to all requests for service from the Sumner County Government, Sumner County Emergency Medical Service, Sumner County Emergency Management Agency and report for coordination and training when requested to do so by the Director of the Sumner County Emergency Medical Service or the Incident Commander on scene.

SECTION XXV: Insurance Coverage

All ambulance services operating in Sumner County shall maintain the minimum insurance coverage as required by the State of Tennessee per incident for malpractice, per incident for automobile insurance, and for professional liability and must maintain the statutory minimum limits on worker's compensation insurance. The insurance company must be authorized and licensed to operate in the State of Tennessee. Proof of insurance shall be made available to the Sumner County Emergency Medical Service Director prior to local license being granted.

SECTION XXVI: Restrictions on Trade Name

No ambulance service operating in Sumner County shall use or advertise the words "Sumner County" as a part of its trade or business name.

SECTION XXVII: Restrictions on Telephone Numbers; Display of 911

No private or nonprofit ambulance service or patient transport provider shall display or advertise a seven (7) or ten (10) digit telephone number for emergency calls for service. All services shall include the "911" number for emergency calls in any advertising and shall not represent that another telephone number other than "911" should be used to request an emergency ambulance. Any advertising or document, letter head, business card, brochures distributed or generated by the private or nonprofit ambulance service that includes the company's seven (7) or ten (10) digit telephone number should also include a statement or reference that "911" should be used to call for emergency medical care and transportation purposes.

SECTION XXVIII: Monitoring Radio Frequency to Obtain Calls

No private or nonprofit ambulance service, or agent thereof, shall cause or permit any ambulance to be dispatched on the basis of information received and obtained by monitoring a radio frequency assigned to law enforcement, ambulance service, rescue squad or other governmental or public agency, except pursuant to specific request and prior arrangement with the coordinating agency responsible for dispatching emergency ambulances.

SECTION IXXX: Physician Medical Director

All services licensed and operating in Sumner County must designate and identify the name, address and phone number of the medical director on staff. All medical directors must be Tennessee licensed physicians. The appointed medical director shall at all times work in conjunction with the Sumner County Emergency Medical Service to ensure that the medical treatment and transport protocol standards are being properly followed by the licensed service and its staff personnel.

SECTION XXX: Dispatcher and Dispatch Center Required

Each service licensed and operating in Sumner County shall provide at all times for a twenty-four (24) hour per day dispatch center and on-duty dispatcher for communication purposes. Dispatchers shall work no more than sixteen (16) hour daily shift assignments. All dispatchers are required to be trained in the operation of, and continually monitor while on duty, a telephone device for the deaf (TDD); must pass a background check provided for and paid by the employing agency. Dispatch center must have standard operating procedures in place for handling all calls and providing for multiple means of communication with Sumner County Government and the Sumner County Emergency Medical Service. A back-up or emergency radio and electrical generation system must be in place at the dispatch center and available for use at all times. Dispatchers must be certified in Health Care Provider CPR.

SECTION XXXI: Local Business Office

Each service licensed or currently operating in Sumner County must provide for a local business office with a local business licenses in Sumner County open to the public between the hours of 9:00 A.M. and 5:00 P.M. for the purpose of paying bills, acceptance of complaints and conducting business with the company. The address and phone number of the local Sumner County office shall appear in any advertising, billing information or company brochure distributed or addressed for delivery in Sumner County.

A Minimum of one ambulance, meeting the standards of this agreement, must be stationed and staffed on a 24 hour, 7 day a week basis at the local business office.

SECTION XXXII: Medicare Approved

Each locally licensed ambulance service, or service operating in Sumner County must be Medicare enrolled and currently approved to provide Medicare reimbursable services. The current Medicare provider number shall be on prominent display in the public portion of the business office of the service at all times the office is open to the public. All services shall be setup to complete electronic billing for Medicare approved patients and shall be able to provide copies of Medicare and other insurance billings to the patient upon request.

SECTION XXXIII: Penalties

Violations of this Resolution are enforceable in General Sessions, Chancery or Circuit Courts of Sumner County. All violations of this Resolution shall be reported immediately to the Sumner County Emergency Medical Service Director for review and enforcement action. Convictions for violations of this Resolution may carry possible license suspension, revocation or monetary civil fines, remedial and restitution in nature, not to exceed five-hundred dollars (\$500.00) or punitive fines not to exceed fifty dollars (\$50.00), without trial by jury, for each offense the violator is convicted thereof. Each particular definable offense or each day a continuing offense is allowed to continue constitutes a separate and enforceable act.

SECTION XXXIV: Record of Dispatch

Each locally licensed ambulance service shall report total number of calls originating within Sumner County. The report shall be broken down by zip code and include time call received, dispatched, arrival at scene, transport time, arrival at drop-off location, return to service time shall be maintained. All dispatch records and patient care reports shall conspicuously reference the SCEMS assigned Manifest Number.

SECTION XXXV: Conflict with Other Laws

If a particular provision of this Resolution conflicts with a provision of federal or state law, the federal or state law shall be controlling with regard to that particular provision in conflict only. Prior provisions of past county resolutions in conflict with any particular provision contained herein are hereby repealed, and this Resolution should be considered the controlling document with regard to the subject matter covered.

SECTION XXXVI: Severability

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such language or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity or the remaining portions thereof, unless so noted by the court.

SECTION XXXVII: Effective Date - This Resolution shall take effect July 1, 2009, the public welfare requiring it.

Chairman Hyde recognized the County Law Director who stated that the resolution places restrictions on private ambulances operating in Sumner County.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	N
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Stone	Y
Hobbs	Y	Pospisil	Y		

0904-02 Yes: 22 No: 1 Abs: 0 08:28 PM

Chairman Hyde declared the resolution approved by the body.

Commissioner Fennell introduced the following resolution and moved for approval.
Commissioner Matthews seconded the motion.

**0904-03 A RESOLUTION AUTHORIZING APPLICATION FOR FUNDING UNDER
THE RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT (JAG) PROGRAM AND AUTHORIZING PUBLIC HEARING OF THIS
GRANT APPLICATION**

WHEREAS, on February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 which includes, as one of its elements, providing the United States Department of Justice with the funding for grants to assist State, local and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth-mentoring; and

WHEREAS, the Sumner County Sheriff's Office has been advised that it is eligible for approximately \$61,773.00 in funding; and

WHEREAS, the Recovery Act provides for certain deadlines to be met, and requirements to be fulfilled, to apply for the grant; and

WHEREAS, all grant applications must be submitted by May 18, 2009 at 8:00 p.m. and

WHEREAS, the Sumner County Sheriff's Office, must make the grant application available for review by its governing body not fewer than thirty (30) days before the application is submitted; and

WHEREAS, it is further required that an opportunity to comment be provided to citizens and neighborhood or community organizations and by this resolution such occasion is hereby given; and

WHEREAS, because the stated deadline for application, and the scheduled times for the Sumner County Commission meetings, dictate that the Sumner County Commission will have to review this application at its April meeting in order to meet the stated requirements; and

WHEREAS, it appears that the opportunity for public comment from citizens and neighborhood or community organizations can be held at the April 20, 2009 County Commission meeting;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sumner County, Tennessee, as follows:

1. The Sumner County Sheriff's Office is hereby authorized make application to the American Recovery and Reinvestment Act of 2009 for funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.
2. The Sumner County Commission has reviewed this resolution at its meeting on April 20, 2009, which will be more than thirty (30) days before the application is submitted.
3. When these requirements have been fulfilled by the County Commission, then the Sheriff's Office may make their application for funding under the American Recovery and Reinvestment Act of 2009.
4. The County Executive of Sumner County is authorized to sign any necessary documents for completion of this grant application.

Commissioner Goode declared an indirect conflict of interest stating that he would vote his conscious.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hughes	Y
Kimbrough	Y	Goode	Y	Skidmore	Y
P. Freels	Y	Stone	Y	Hobbs	Y
Pospisil	Y				

0904-03 Yes: 22 No: 0 Abs: 0 08:30 PM

Chairman Hyde declared Resolution 0904-03 approved by the body.

PUBLIC WORKS COMMITTEE

There was no report from the Public Works Committee.

LEGISLATIVE COMMITTEE

Clerk Kemp read the following into the record:

PUBLIC NOTICE

There will be a public hearing before the Sumner County Commission on April 20, 2009, at approximately 7:00 p.m. to discuss several amendments to the Sumner County Zoning Resolution. This meeting will be held in the Sumner County Administration Building Commission Chambers located at 355 N. Belvedere Drive, Gallatin, TN.

This public hearing is to discuss and vote on amending the Sumner County Zoning Resolution Article X, Section 3.1 & 3.2, Sumner County Flood Damage Prevention Provisions to include updated flood insurance rate maps (firms) to maintain eligibility in the National Flood Insurance Program.

A copy of this request is on file in the Sumner County Planning Office which is located in Room 208 at the Sumner County Administration Building, 355 N. Belvedere Drive, Gallatin, TN.

Anyone having an interest, desiring to comment or ask questions concerning this request is invited to attend this meeting or call the Sumner County Planning Office at (615) 451-6097.

Chairman Hyde declared the public hearing open. With no one wishing to speak, the public hearing was declared closed.

Commissioner Pospisil introduced the following resolution and moved for approval. Commissioner Fennell seconded the motion.

0904-04 A RESOLUTION AMENDING THE SUMNER COUNTY ZONING RESOLUTION ARTICLE X, SECTION 3.1 AND 3.2 FLOOD DAMAGE PREVENTION PROVISIONS TO INCLUDE UPDATED FLOOD INSURANCE RATE MAPS (FIRM) TO MAINTAIN ELEGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby amend the Sumner County Zoning Resolution Article X, Section 3.1 and 3.2 flood damage prevention provisions to include updated flood insurance rate maps (firm) to maintain eligibility in the National Flood Insurance Program.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Stone	A
Hobbs	Y	Pospisil	Y		

0904-04 Yes: 22 No: 0 Abs: 1 08:32 PM

Chairman Hyde declared Resolution 0904-04 approved by the body.

BUDGET COMMITTEE

Commissioner Moser introduced the following resolution and moved for approval. Commissioner Hobbs seconded the motion.

0904-05 A RESOLUTION APPROPRIATING \$1,611,761.19 TO OCTOBER 2007 BOND PROCEEDS FROM DONATIONS FOR THE DRAKES CREEK SEWER PROJECT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body hereby appropriates as pass-through funds, when received from Davidson Academy and the Hendersonville Utility District for the Drakes Creek Sewer Project, \$1,611,761.10 to the October 2007 Bond Proceeds as shown on the attached schedule.

BE IT FURTHER RESOLVED that when received these funds shall be used to reimburse Bond Fund.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	A	P. Freels	Y	Stone	Y
Hobbs	Y	Pospisil	Y		

0904-05 Yes: 22 No: 0 Abs: 1 08:34 PM

Chairman Hyde declared Resolution 0904-05 approved by the body.

Commissioner Moser introduced the following resolution and moved for approval.
Commissioner Matthews seconded the motion.

**0904-06 A RESOLUTION APPROPRIATING \$500.00 TO THE COPS PROGRAM
FOR FAMILY OF BRIAN DENNING FOR TRAVEL EXPENSES TO THE POLICE
MEMORIAL IN WASHINGTON, D.C.**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body hereby appropriates \$500.00 from the County General Reserve Fund to the Cops Program for the family of Brian Denning to assist with their travel expenses to the Police Memorial in Washington, D.C.

Ms. Dennen stated that the donation in the resolution must be made to a non-profit organization and requested that the resolution reflect that the funds be given pursuant to appropriate rules regarding donations. Commissioner Moser agreed to the change in the resolution, as reflected in the resolution.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Stone	Y
Hobbs	Y				

0904-06 Yes: 22 No: 0 Abs: 0 08:36 PM

Chairman Hyde declared Resolution 0904-06 approved by the body.

Commissioner Moser introduced the following resolution and moved for approval.
Commissioner Kimbrough seconded the motion.

**0904-07 A RESOLUTION AUTHORIZING A CONTINUOUS FIVE (5) YEAR
REAPPRAISAL CYCLE**

WHEREAS, Tennessee Code Annotated Section 67-5-1601 establishes a general six (6) year appraisal for updating and equalizing property values for every county in Tennessee for property taxes purposes; and

WHEREAS, a six (6) year reappraisal program consists of an on-site review of each parcel of real property over a five-year period followed by revaluation of all such property in the year following completion of the review period and includes a current value updating during the third year of the review cycle and sales ratio studies during the second and fifth years of the review cycle; and

WHEREAS, Chapter 318 of the 1997 Public Acts provides upon the approval of the assessor and upon the adoption by majority approval vote of the county legislative body, the reappraisal program may be completed by a continuous five (5) year cycle comprised of an

on-site review of each real property over a four (4) year period followed by revaluation of all such property in the year following completion of the review period; and

WHEREAS, the county legislative body of Sumner County understands that by approving such a five (5) year reappraisal cycle a sales ratio study will be conducted during the second and fourth years of the review cycle and the centrally assessed properties and commercial/industrial tangible property will be equalized by the sales ration adopted by the State Board of Equalization;

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that PURSUANT to Tennessee Code Annotated Section 67-5-1601, as amended by Chapter 318 of the 1997 Public Acts, reappraisal shall be accomplished in Sumner County by a continuous five (5) year cycle beginning 2009, comprised of an on-site review of each parcel of real property over a four (4) year period followed by revaluation of all such property for tax year 2014.

Commissioner Stone moved, seconded by Commissioner Hobbs, to defer the matter.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Utley	Y	Graves	Y	Satterfield	Y
Matthews	Y	Boyd	Y	England	Y
Hendricks	Y	LeMarbre	Y	Moser	Y
Decker	Y	Hyde	Y	Hughes	Y
Kimbrough	Y	Goode	Y	Skidmore	Y
P. Freels	Y	Stone	Y	Hobbs	Y
Pospisil	Y				

DEFER Yes: 22 No: 0 Abs: 0 08:37 PM

Chairman Hyde declared the resolution deferred by the body.

Chairman Hyde recognized Commissioner England who discussed the Memo the Chairman Hyde send to County Commisioners. Commissioners England requested the parliamentarian review the Commission rules and Roberts Rules of Order.

CONSENT AGENDA

Commissioner Moser introduced the following resolution and moved for approval. Commissioner Goode seconded the motion.

0904-08 A RESOLUTION APPROVING THE FISCAL YEAR 2008-2009 SUMNER COUNTY BOARD OF EDUCATION FEDERAL PROJECTS BUDGET AMENDMENTS AND APPROPRIATING AND/OR TRANSFERRING SUCH FUNDS AS REQUIRED

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body hereby approves the 2008-2009 Sumner County Board of Education Federal Projects Budget Amendments and appropriates and/or transfers such funds among the various accounts as shown on the attached schedule which is hereby incorporated as part of this resolution.

0904-09 A RESOLUTION APPROVING THE FISCAL YEAR 2008-2009 SUMNER COUNTY BOARD OF EDUCATION GENERAL PURPOSE SCHOOL FUND BUDGET AMENDMENTS AND APPROPRIATING AND/OR TRANSFERRING SUCH FUNDS AS REQUIRED

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body hereby approves the 2008-2009 Sumner County Board of Education General Purpose School Fund budget amendments and appropriates and/or transfers such funds among the various accounts as shown on the attached schedule which is hereby incorporated as a part of this resolution.

0904-10 A RESOLUTION APPROPRIATING \$11,172.13 TO THE ANIMAL CONTROL FUND FROM UNDESIGNATED FUND BALANCE TO COVER SHORTAGE IN VARIOUS LINES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body does hereby appropriate \$11,172.13 to the Animal Control Fund from Undesignated Fund Balance to cover shortage in various lines.

0904-11 A RESOLUTION APPROPRIATING \$60,000.00 FROM GALLATIN PUBLIC LIBRARY RESERVE ACCOUNT TO OTHER ACCOUNTS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body hereby appropriates \$60,000.00 from Gallatin Public Library Reserve Account to other Accounts for computer purchases as shown on the attached schedule.

0904-12 A RESOLUTION APPROPRIATING \$29,700.00 AS PASS-THROUGH FUNDS FROM DGA GRANT TO VARIOUS LINES TO THE HEALTH DEPARTMENT ACCOUNT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009 that this body hereby appropriates \$29,700.00 as pass-through funds from DGA Grant to Various Lines of the Health Department Account as shown on the attached schedules.

0904-13 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE \$195,000.00 STIMULUS GRANT FOR STATION CAMP GREENWAY PROJECT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body hereby authorizing the acceptance of the \$195,000.00 Stimulus Grant for the Station Camp Greenway Project.

0904-14 A RESOLUTION APPROPRIATING \$57,941.94 FROM VARIOUS FUNDS TO VARIOUS ACCOUNTS OF THE OFFICE OF THE SHERIFF

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body hereby appropriates \$57,941.94 from Various Funds to Various Accounts of the Office of the Sheriff as shown on attached schedules.

**0904-15 A RESOLUTION ALLOWING THE TRUSTEE'S OFFICE A CREDIT
IN THE FINAL SETTLEMENT OF THE 2007 PROPERTY TAX ROLL TOTALING
\$105,276.53 DUE TO CHANGES OF ERRORS AND RELEASES**

WHEREAS, Section 5-5-124, of the Tennessee Code Annotated, allows the Trustee of Sumner County, Tennessee, to obtain credit in final settlement of the 2007 property tax roll totaling \$105,276.53; and

WHEREAS, this amount represents changes due to errors and releases made by the Tax Assessor of Sumner County, Tennessee, State Board of Equalization, and Assessment Appeal Commission;

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby allow the Trustee of Sumner County, Tennessee, a credit in the final settlement of the 2007 property tax roll totaling \$105,276.53 due to changes of errors and releases (a list of which is attached).

**0904-16 A RESOLUTION FOR 2007 PROPERTY TAX ROLL
PICK-UPS SETTLEMENT**

WHEREAS, Section 5-5-124, of the Tennessee Code Annotated, allows the Trustee of Sumner County, Tennessee, to obtain credit in final settlement of the 2007 property tax roll totaling \$277,227.63; and

WHEREAS, this amount represents changes due to pick-ups added by the Tax Assessor of Sumner County, Tennessee, State Board of Equalization, and Assessment Appeal Commission;

NOW, THEREFORE, BE IT RESOLVED, by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby allow the Trustee of Sumner County, Tennessee, a credit in the final settlement of the 2007 property tax roll totaling \$277,227.63 due to pick-ups added.

**0904-17 A RESOLUTION DECLARING VARIOUS ITEMS FROM THE SHERIFF'S
OFFICE AS DESIGNATED FOR DISPOSAL PURSUANT TO EXISTING POLICIES**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby declare the various items listed below as designated for disposal and authorize the Office of Sheriff to proceed with same pursuant to existing policies and procedures:

06 SM Black BDU Corrections Officer Pants	01 XSM Black Corrections Officer Polo Shirt
24 MED Black BDU Corrections Officer Pants	06 SM Black Corrections Officer Polo Shirts
24 LG Black BDU Corrections Officer Pants	17 MED Black Corrections Officer Polo Shirts
16 XL Black BDU Corrections Officer Pants	17 LG Black Corrections Officer Polo Shirts
08 2XL Black BDU Corrections Officer Pants	07 XL Black Corrections Officer Polo Shirts
02 4XL Black BDU Corrections Officer Pants	02 2XL Black Corrections Officer Polo Shirts
02 SM Gray Corrections Officer Polo Shirts	01 LG Black Corrections Officer Jacket

02 MED Gray Corrections Officer Polo Shirts	03 MED Corrections Supervisor Shirts
07 LG Gray Corrections Officer Polo Shirts	05 LG Corrections Supervisor Shirts
05 2XL Gray Corrections Officer Polo Shirts	08 2XL Corrections Supervisor Shirts
02 3XL Gray Corrections Officer Polo Shirts	05 Pairs Green Deputy Pants
10 Tan Deputy Short Sleeve Uniform Shirts	01 Green Deputy Campaign Hat
03 Tan Deputy Long Sleeve Uniform Shirts	Maxon SP 2650 SC s/n 92010684 Radio
Kenwood TK 3200 s/n 70301384 Radio	Maxon SP 2850 XSC s/n 921023581 Radio
Kenwood TK 3200 s/n 70301409 Radio	Maxon SP 2850 SC s/n 920106909 Radio
Kenwood TK 3200 s/n 70406389 Radio	Maxon SL 70WU2 s/n 960307534B Radio
Kenwood TK 3200 s/n 30800105 Radio	Maxon SP 2850 SC s/n 9020106752 Radio
Kenwood TK 3200 s/n 00704391 Radio	Maxon unknown model, no s/n
Maxon unknown model, no s/n	Maxon unknown model, no s/n
Maxon unknown model, no s/n	Kenwood KSC 31 Rapid Charger, no s/n
Kenwood KSC 31 Rapid Charger, no s/n	Kenwood KSC 31 Rapid Charger, no s/n
Motorola Max Trac Radio s/n 428TXU3939	Motorola Max Trac Microphone, no s/n
Uniden Model SMU 300K Radio s/n 83003345	Pulsar Sound Off Strobelight
Pack Model ETP475 s/n 04121	
Whelen Dash King 1000 Light, Model DKPSS s/n PHH7834	

0904-18 A RESOLUTION DECLARING VARIOUS ITEMS FROM THE AMBULANCE SERVICE AS SURPLUS AND AUTHORIZING DISPOSAL OR SALE OF SAME PURSUANT TO EXISTING POLICIES AND PROCEDURES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body does hereby declare various items from the Ambulance Service as surplus as shown on the attached schedule; and

BE IT FURTHER RESOLVED, that the disposal or sale of the same is authorized pursuant to existing policies and procedures.

0904-19 A RESOLUTION ASKING THE TENNESSEE GENERAL ASSEMBLY TO PASS LEGISLATION ALLOWING FOR PUBLICATION BIDS NOT BY NEWSPAPER BUT BY OFFICAL GOVERNMENT INTERNET SITES

WHEREAS, Publication of Bids requests in local newspapers is expensive and fails to fully notify all interested bidders; and

WHEREAS, interested bidders can be encouraged to check frequently for bid notices through local government websites which are easily accessible to everyone.

THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 20th day of April, 2009, that this body hereby supports and encourages the Tennessee General Assembly to pass Legislation allowing for publication bids not by newspaper but by official government internet sites.

PROPERTY TAX REFUNDS

The following property tax refunds were included on the Consent Agenda:

- William Boes II etux Jennifer A., \$66.12
- Terry D. Kemp etux Joanne F., \$131.10
- Liberty Free Will Baptist Church of Portland, \$187.57

Elizabeth Ann Smith, \$516.42
Delia Jean Miracle, \$174.42

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	N
Utley	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	LeMarbre	Y
Moser	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Stone	Y
Hobbs	Y	Pospisil	Y		

0904-CONSENT Yes: 22 No: 1 Abs: 0 08:39 PM

Chairman Hyde declared the Consent Agenda approved by the body on the first and final reading.

ADJOURNMENT

Chairman Hyde declared the Commission meeting adjourned at 8:45 p.m. upon motion of Commissioner Satterfield, seconded by Commissioner Goode.

BILL KEMP, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Maria A. Moser
Approved on _____
