
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
MARCH 17, 2014**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, March 17, 2014, 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, County Executive Anthony Holt and County Law Director Leah Dennen and the following Commissioners to wit:

Paul Decker
Paul D. Freels
Frank E. Freels
Billy Geminden
Paul Goode
Steve Graves
Michael Guthrie

Ben Harris
Chris Hughes
Merrol N. Hyde
David Kimbrough
Trisha LeMarbre
Joe C. Matthews
Bob Pospisil

Baker Ring
David Satterfield
Jo Skidmore
Jerry F. Stone
Paige Brown
Moe Taylor
Shawn Utley

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Sonny Weatherford. Chairman Hyde noted that with twenty-one 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. Commissioners Kirk Moser, Mike Akins and Jim Vaughn were not present for the meeting.

The invocation was led by The Reverend Duane Harris, Hendersonville Church of the Nazarene.

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

APPROVAL OF AGENDA

Without objection from the body, Chairman Hyde announced the certificate of recognition honoring Amanda Thompson Jordan would be moved to the April meeting. He reported that two announcements from Commissioners Frank Freels and Trisha LeMarbre would be added under the Report of the Chair as items 4 and 5. At the request of the chairman of the Budget Committee, Chairman Hyde removed Resolution 1403-12 from the Consent Agenda and referred it back to the committee for further review. Commissioner Ring requested that Resolution 1402-13 be removed from the Consent Agenda and

moved under the Budget Committee as item 4. Commissioner Frank Freels moved, and was duly seconded by Commissioner Skidmore, to adopt the agenda with the additions and changes. The Commission approved the agenda as amended by unanimous voice vote of the body.

APPROVAL OF MINUTES

The minutes for the meeting of this body held on February 24, 2014, and recorded in the office of Clerk Bill Kemp, were approved by voice vote after Commissioner Graves made the motion, seconded by Commissioner Brown.

RECOGNITION OF THE PUBLIC

Chairman Hyde opened the floor to allow the public to speak concerning any matter on the agenda. With no one wishing to speak, recognition of the public was closed.

REPORT OF THE CHAIR

Chairman Hyde noted that the Veterans Service report had been distributed in the packets.

Chairman Hyde directed Clerk Kemp to read the following:

PUBLIC NOTICE

There will be a public hearing at the Sumner County Commission meeting on March 17, 2014, at 7 p.m. This meeting will be held at the Sumner County Administration Building in the Commission Chambers, located at 355 N. Belvedere Drive, Gallatin, TN. This meeting is to discuss and vote on a proposed amendment to the following articles of the Sumner County Zoning Resolution as it relates to Breweries and Wineries in Agricultural Zoned Districts:

Article IX: Provisions Governing Agricultural Districts; Section 1;1.2 Agricultural Districts; Uses Permitted on Appeal with Site Plan Review; Sub-Section 1.2(6) Uses as listed below:

Uses Permitted on Appeal (or Special Exception) with Site Plan Review;

- *Breweries
- *Wineries

Article XIII: Board of Zoning Appeals

*Special Conditions for Review Pertaining to Breweries and Wineries:

A copy of this amendment along with Special Conditions associated with this amendment is located in the Sumner County Construction and Development Department which is located in Room 202 of 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 Construction and Development Department at (615)452-1467.

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

Commissioner Frank Freels moved, seconded by Commissioner Taylor, to approve the following resolution:

1403-01 A RESOLUTION APPROVING ZONING PROVISIONS GOVERNING AGRICULTURAL DISTRICTS; SECTION 1; 1.2 AGRICULTURAL DISTRICTS: USES PERMITTED ON APPEAL WITH SITE PLAN REVIEW; SUB-SECTION 1.2(6); USES AS LISTED: BREWERIES AND WINERIES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body hereby approves a zoning provision governing agricultural districts; Section 1; 1.2 agricultural districts: uses permitted on appeal with site plan review; sub-section 1.2(6); uses as listed: breweries and wineries, as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	N	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-01 Yes: 20 No: 1 Abs: 0 07:08 PM

Chairman Hyde declared the resolution approved by the body.

Commissioner Frank Freels announced the passing of former County Commissioner Ray Bowles.

Commissioner LeMarbre reported on information regarding the Sumner County Tourism Board.

CONSENT AGENDA

Commissioner Pospisil moved, seconded by Commissioner Matthews, to approve the following items on the Consent Agenda.

1403-07 A RESOLUTION DECLARING VARIOUS ITEMS FROM THE JAIL 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 17th day of March, 2014, that this body does hereby declare the items from the Jail as surplus or salvage, as shown on the attachment herewith; and

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

1403-08 A RESOLUTION DECLARING VARIOUS ITEMS FROM SUMNER COUNTY REGIONAL AIRPORT AUTHORITY 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 17th day of March, 2014, that this body does hereby declare the items from Sumner County Regional Airport Authority as surplus, as shown on the attachment herewith; and

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

1403-09 A RESOLUTION DECLARING ITEMS FROM ANIMAL CONTROL OFFICE 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 17th day of March, 2014, that this body does hereby declare items from Animal Control Office as surplus or salvage, as shown on the attachment herewith; and

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

1403-10 A RESOLUTION APPROVING THE FISCAL YEAR 2013-2014 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 17th day of March, 2014, that this body hereby approves the 2013-2014 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 schedules which are hereby incorporated as a part of this resolution.

1403-11 A RESOLUTION APPROVING THE PAYOUT OF VETERANS' SERVICES OFFICER COSTS DUE TO RETIREMENT AND REPLACEMENT OF OFFICER, AS WELL AS ADDITIONAL APPROPRIATION OF SUCH FUNDS AS REQUIRED FROM THE GENERAL FUND UNASSIGNED FUND BALANCE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body hereby approves the payout of Veterans' Services Officer costs due to retirement and replacement officer, as well as additional appropriation of such funds as required from the General Fund Unassigned Fund Balance, as shown on the attached schedule which is hereby incorporated by reference and made a part of this resolution.

1403-14 A RESOLUTION APPROPRIATING \$2,500.00 FROM COUNTY CLERK DATA FEES RESTRICTED LINE TO DATA PROCESSING EQUIPMENT ACCOUNT LINE FOR ROUTERS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body hereby approves \$2,500.00 from County Clerk Data Fees Restricted Line to Data Processing Equipment Account Line for the purchase of routers, as shown on the attachment herewith.

Tax Refunds

- | | |
|------------------------------------|-------------|
| • American Eagle Mart | \$ 59.00 |
| • Church at Bledsoe Creek | \$ 265.00 |
| • Digital Connections Inc. aka DCI | \$ 1,583.00 |

REPORT FROM COUNTY OFFICIALS

County Officials filed 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:

1403-NOT A RESOLUTION TO APPROVE AND ACCEPT APPLICATIONS FOR NOTARIES 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 publics 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.

NOTARIES TO BE ELECTED

JOAN WALLER ALCANTAR	TAMMY MORRIS
LORI D ATCHLEY	F AMELIA MUNDY
DANA N BARTLETT	BRENDA D PENMAN
BARBARA BOWERS	ANGELA A RAMSEY
JULIE COLLIER	C BUDDY REED
NICHOLAS D COLLINS	CINDY D REID
CHRISTY J COOLEY	PAMELA REINSIMAR
AMANDA N CRAIG	BILL C RITTENBERRY
JAKE CRUM	BROOK C S RUTHERFORD
SUSAN DYE	SHERRY SIMPSON
BETSY D FULBRIGHT	LISA LYNN SMALLING
BRITT GILBERT	HILARY R SPELLINGS
RAPHAEL GIRALDO	SANDRA L STANLEY
BONNIE S GRAVES	PATSY W STERRY
CHERYL GUFFEY	CHRISTA K STEWART
BETH HAZELWOOD	JAMES M TAYLOR
VICTOR HAZELWOOD	SARAH E THOMPSON
KRISTA S HENDRICK	GLENDA TROUTT
SANDRA LEE HESSON	MEG TROUTT
KAREN C HUFFMAN	JANET M WARREN
BARBARA J KIMES	CHRISTOPHER WEATHERSPOON
JANICE LEONARD	
M TATE WILLIAMS	RHONDA C MANSFIELD
PAUL M MOORE	

Upon motion of Commissioner Taylor, seconded by Commissioner Geminden, voting was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
LeMarbre	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Stone	A
Guthrie	Y	Pospisil	Y		

1403-NOTARIES Yes: 19 No: 0 Abs: 1 07:11 PM

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

COMMITTEE ON COMMITTEES

Commissioner Taylor brought forth the following appointment of Elaine Gore to serve as the Solid Waste Board's Gallatin representative.

Upon motion of Commissioner Taylor, seconded by Commissioner LeMarbre, the Commission voted to approve the appointment of Ms. Gore to the Solid Waste Board.

Commissioner Taylor stated there were appointments for consideration next month: Equalization Board, two-year term, all members.

HIGHWAY COMMISSION

There was no report from the Highway Commission.

EDUCATION COMMITTEE

Commissioner Decker reported that action taken by the Education Committee would be reported under the Budget Committee.

GENERAL OPERATIONS COMMITTEE

There was no report from the General Operations Committee.

EMERGENCY SERVICES COMMITTEE

There was no report from the Emergency Services Committee.

PUBLIC SERVICES COMMITTEE

There was no report from the Public Services Committee.

LEGISLATIVE COMMITTEE

Commissioner Pospisil moved, seconded by Commissioner Skidmore, to approve the following resolution:

**1403-03 A RESOLUTION ACCEPTING THE REVIEW OF THE JUDICIAL
MAGISTRATE PROGRAM**

WHEREAS, the 2013 annual review of the Sumner County Judicial Magistrate program was held on March 17th, 2014, before this body.

THEREFORE, BE IT RESOLVED that the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body does hereby accept the review of the Judicial Magistrate program for the 2013 calendar year; and

BE IT FURTHER RESOLVED that a copy of this report shall be made a part of this record.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-03 Yes: 21 No: 0 Abs: 0 07:13 PM

Chairman Hyde declared the resolution approved by the body.

Commissioner Pospisil moved, seconded by Commissioner Skidmore, to approve the following resolution:

1403-02 A RESOLUTION TO REQUEST LEGISLATION BY THE TENNESSEE GENERAL ASSEMBLY TO MORE EQUITABLY DISTRIBUTE LOCAL OPTION SALES TAX COLLECTED BY ON-LINE RETAILERS NOT PHYSICALLY LOCATED IN THE STATE OF TENNESSEE

WHEREAS, e-commerce and on-line sales have accounted for a significantly larger portion of retail sales in the United States, including Tennessee, over the last ten years, and

WHEREAS, the amount of Local Option Sales Tax collected and remitted to the State by on-line retailers who have no physical presence in the State will continue to accelerate over the next several years; and

WHEREAS, based on this trend, no new method to distribute Local Option Sales Tax that would recognize the locality of the actual taxpayer for distribution to local governments based on the purchasers address has been developed, and

WHEREAS, Local Option Sales Tax is the second largest source of revenue for most local governments.

THEREFORE, the Sumner County Legislative Body hereby requests that our State Legislators initiate appropriate legislation to ensure that local option sales tax collected and remitted to the State of Tennessee is distributed to local governments based upon the residence and ship to address of the purchaser who paid the tax; and

BE IT FURTHER RESOLVED, that our state delegates along with the Tennessee County Services Association and County Mayor's Association work with the State Legislature and Department of Revenue to more equitably distribute local option sales tax collected by on-line retailers not physically located in the State of Tennessee, and

Chairman Hyde recognized County Law Director Leah Dennen who explained the distribution of the sales tax to the counties.

County Executive Anthony Holt spoke in favor of passage of the resolution.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utlely	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-02 Yes: 21 No: 0 Abs: 0 07:18 PM

Chairman Hyde declared the resolution approved by the body.

RULES AND PROCEDURES

There was no report from the Rules and Procedures Committee.

FINANCIAL MANAGEMENT COMMITTEE

There was no report from the Financial Management Committee.

BUDGET COMMITTEE

Commissioner Stone moved, seconded by Commissioner Pospisil, to approve the following resolution:

1403-04 A RESOLUTION APPROPRIATING \$60,000.00 TO COURTHOUSE AND JAIL MAINTENANCE FUND FROM UNASSIGNED FUND BALANCE FOR BUILDING MAINTENANCE SUPPLIES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body hereby appropriates \$60,000.00 to Courthouse and Jail Maintenance Fund from unassigned fund balance for building maintenance supplies, as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-04 Yes: 21 No: 0 Abs: 0 07:19 PM

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

Commissioner Stone moved, seconded by Commissioner Pospisil, to approve the following resolution:

1403-05 A RESOLUTION APPROPRIATING \$41,350.00 FOR EMERGENCY MANAGEMENT AGENCY PERFORMANCE GRANT WITH MATCHING FUNDS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this 17th day of March, 2014, that this body does hereby appropriate \$41,350.00 for Emergency Management Agency Performance Grant with matching funds, as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	N	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-05 Yes: 20 No: 1 Abs: 0 07:19 PM

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

Commissioner Stone moved, seconded by Commissioner Satterfield, to approve the following resolution:

1403-06 A RESOLUTION APPROPRIATING UP TO \$5,019,023.00 FOR THE GALLATIN HIGH SCHOOL AND UP TO \$8,008,517.00 FOR THE HENDERSONVILLE HIGH SCHOOL RENOVATIONS, ADDITIONS AND ARCHITECTURAL FEES FROM THE 2013 BOND FUND

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body hereby appropriates up to \$5,019,023.00 for the Gallatin High School, and up to \$8,008,517.00 for the Hendersonville High School Renovations, Additions and Architectural fees from the 2013 Bond Fund, as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-06 Yes: 21 No: 0 Abs: 0 07:20 PM

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

Commissioner Stone moved, seconded by Commissioner Decker, to approve the following resolution:

1403-13 A RESOLUTION APPROPRIATING UP TO \$7,000.00 FROM THE COUNTY CAPITAL PROJECT FUND BALANCE TO THE HIGHWAY DEPARTMENT FOR THE PAVING OF THE LAKESIDE PARK ELEMENTARY OUTDOOR BASKETBALL COURT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of March, 2014, that this body does hereby appropriate up to \$7,000.00 from the Capital Project Fund Balance to the Highway Department for the paving of the Lakeside Park Elementary outdoor basketball court, as shown on the attachment herewith.

Commissioner Hughes moved, seconded by Commissioner Ring, to amend the resolution to remove the funding source designated as County General Fund and substitute County Capital Project Fund Balance.

The electronic vote was recorded in the following manner:

FUNDING FROM CAPITAL PROJECTS

Taylor	N	Geminden	Y	Utley	N
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

AMENDMENT Yes: 19 No: 2 Abs: 0 07:22 PM

Chairman Hyde declared the amendment approved by the body. The amendment was incorporated into the resolution.

The electronic vote was recorded in the following manner:

Taylor	Y	Geminden	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Harris	Y	Ring	Y
Brown	Y	LeMarbre	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y	Pospisil	Y

1403-13 Yes: 21 No: 0 Abs: 0 07:24 PM

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

ADJOURNMENT

Chairman Hyde declared the Commission meeting adjourned at 7:25 p.m. upon motion of Commissioner Stone, seconded by Commissioner Skidmore.

BILL KEMP, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Maria A. Savage
Approved on _____
