
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
DECEMBER 17, 2012**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, December 17, 2012, 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:

Mike Akins
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
Kirk Moser

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

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Sonny Weatherford. 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 Pospisil was not present for the meeting.

The Invocation was led by Rev. Kendall DeFord of the Hendersonville Church of the Nazarene.

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

APPROVAL OF AGENDA

Commissioner Skidmore moved, and was duly seconded by Frank Freels, to adopt the regular and consent agendas with the addition of an announcement by Commissioner Graves. 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 November 19, 2012, 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.

RECOGNITION OF THE PUBLIC

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

David Whitt of 1030 Margaret Drive in Hendersonville and Erskine. P. Ausbrooks of 140 Fairways Drive in Hendersonville spoke on the resolutions before the Commission to move aggressively to monitor and take action regarding the TIF agreement.

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

CONSENT AGENDA

Commissioner Taylor moved, seconded by Commissioner Geminden, to approve the following items on the Consent Agenda:

1212-06 A RESOLUTION APPROVING BUDGET TRANSFERS AND ADJUSTMENTS FOR THE SUMNER COUNTY BOARD OF EDUCATION

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body does hereby approve the Budget transfers and adjustments for the Sumner County Board of Education as shown on the attached five pages.

1212-07 A RESOLUTION TO FILE THE BUDGET DISCLOSURES FOR THE SUMNER COUNTY BOARD OF EDUCATION

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body does hereby file the Budget Disclosures for the Sumner County Board of Education as shown on the attached two pages.

1212-08 A RESOLUTION APPROPRIATING \$7,000.00 AS PASS-THROUGH FUNDS FROM COUNTY GENERAL FUND CONTRIBUTIONS TO BUDGET OF SHERIFF-ANIMAL CONTROL FROM A CONTRIBUTION BY MARS PETCARE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body hereby appropriates \$7,000.00 in pass-through funds from County General Fund Contributions to the budget of the Sheriff-Animal Control from a contribution by Mars Petcare as shown on the attachment herewith.

1212-09 A RESOLUTION APPROPRIATING \$3,353.46 AS PASS THROUGH FUNDS FROM COUNTY GENERAL FUND E-RATE FUNDING TO THE BUDGET OF THE HENDERSONVILLE LIBRARY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body hereby appropriates \$3,353.46 as pass through funds from County General Fund E-Rate Funding to the budget of the Hendersonville Library as shown on the attached schedule.

**1212-10 A RESOLUTION APPROPRIATING \$10,000.00 FROM THE COUNTY
GENERAL FUND INSURANCE RECOVERY TO THE BUDGET OF
EMERGENCY SERVICES FOR AMBULANCE REPAIRS**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012 that this body hereby appropriates \$10,000.00 from County General Fund Insurance Recovery to the budget of Emergency Services for ambulance repairs as shown on the attachment herewith.

**1212-11 A RESOLUTION APPROPRIATING \$2,500.00 FROM COUNTY
GENERAL UNASSIGNED FUND BALANCE TO COUNTY GENERAL
HIGHWAY ACCOUNT LINE FOR SIGNAL REPAIRS**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012 that this body hereby appropriates \$2,500.00 from County General Fund Unassigned Fund Balance to County General Highway account line for signal repairs as shown on attachment herewith.

**1212-12 A RESOLUTION RESTATING THE POLICY THAT
SUMNER COUNTY, TENNESSEE
DOES NOT DISCRIMINATE ON THE BASIS OF RACE,
SEX, COLOR, RELIGION, NATIONAL ORIGIN, AGE,
DISABILITY OR VETERAN STATUS**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body hereby restates its policy that Sumner County, Tennessee, does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran status.

Tax Refunds were listed as follows:

- Billy Newton etux Jo Ann Brady \$523.90
-

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

REPORT OF THE CHAIR

Chairman Hyde noted the passing of former County Commissioner Bill Craig and the mother of former County Commissioner Bruce Rainey.

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

**A RESOLUTION HONORING
THE BEECH HIGH SCHOOL BUCCANEERS FOOTBALL TEAM
AND COACH ANTHONY CRABTREE**

WHEREAS, the Beech High School Buccaneers football team led by Coach Anthony Crabtree and his outstanding staff have ended their season with a record of fifteen wins and no losses and for the second time in four years won the Class 5A state football championship; and

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

WHEREAS, this outstanding group of young men should be honored for their amazing feats both on the football field and for the legacy they will leave for Beech High School and this county.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body does hereby commend the Beech High School Buccaneers football team and Coach Anthony Crabtree 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 the Beech High School Buccaneers football team and Coach Anthony Crabtree.

Chairman Hyde declared the resolution honoring the Beech High School football team and coach approved by unanimous voice vote of the body.

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:

1212-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 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 PUBLIC ELECTION

CONNIE I AUSTIN	ANITA JO HAYZLETT
JENNIFER BELLO	SANDRA D JACKSON
JOY BENNETT	JAMES R JONES
CINDY L BRAZEL	JENNIFER LEMMON
DREW BURGETT	DAVID A LEWIS
CATHERINE J BURRIS	STACEY MASSINGALE
MERRY CAMPBELL	EDWIN M MIMMS
DAN CARMACK	JENNIFER A MUSTAIN
DWIGHT N DAVIS SR	BRUCE N OLDHAM
GREG D DAVIS	EVELYN D OLIVER
LESLIE D DAWES	J D RYE
ANGELA DICKENS	TERESA K SADLER
MICHAEL N DONAHOE	TERESA SAVAGE
PATSY P DONAHOE	TONI SIMPSON
ZALE DOWLEN	LINDA STOREY
FRANK FREELS JR	LYNDY THOMPSON
RHONDA GROVES-SOECHTING	PERSONAL SURETY
	NATHAN HARSH
	JOE HARSH
	SUE DUNNING
	JOE WHITAKER

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

Akins	Y	Taylor	Y	Geminden	Y
Utleigh	Y	Graves	Y	Satterfield	Y
F. Freels	Y	Matthews	Y	Harris	Y
Ring	Y	Brown	Y	Vaughn	Y
LeMarbre	Y	Moser	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	A
Stone	A	Guthrie	Y		

1212-NOTARY Yes: 21 No: 0 Abs: 2 07:18 PM

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

COMMITTEE ON COMMITTEES

Commissioner Stone brought forth the re-appointment of Jim Hodges on the Industrial Development Board. Upon motion of Commissioner Stone, seconded by Commissioner LeMarbre, the Commission voted unanimously to approve the re-appointment of Mr. Hodges to a five-year term.

Commissioner Stone brought forth the expiring four-year terms of Billy Still and Jimmy Anderson on the Emergency 911 Communications District Board. Upon motion of Commissioner Stone, seconded by Commissioner Geminden, the Commission voted unanimously to approve the re-appointments of Mr. Still and Mr. Anderson to four-year terms.

Commissioner Stone brought forth the expiring four-year terms of Howell Wilson, Paul D. Freels, Larry Tate and Steve Graves on the Health and Safety Standards Board. Upon motion of Commissioner Stone, seconded by Commissioner Skidmore, the Commission voted unanimously to approve the re-appointments of Mr. Wilson and Mr. Tate and Commissioners Graves and Paul Freels to four-year terms.

Commissioner Stone noted the following appointments for next month:

- Agricultural Extension Committee 2-Year Term Ralph Cook/Farmer, Steve Graves, Commissioner; and Vivian Reece/ Farm Woman
-

HIGHWAY COMMISSION

There was no report from the Highway Commission.

EDUCATION COMMITTEE

Commissioner Decker stated that the Education Committee will hear a proposal from Volunteer State Community College on continuing adult education in Sumner County.

GENERAL OPERATIONS COMMITTEE

Commissioner Skidmore reported that General Operations Committee met and is moving forward with plans for the emergency services complex.

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

1212-01 A RESOLUTION DIRECTING THE LAW DIRECTOR AND THE FINANCE DIRECTOR TO TRACK THE OUTCOME OF ANY LITIGATION FILED AGAINST HALO AND CONTACT THE COURT APPOINTED RECEIVER TO DETERMINE IF FUNDS DESIGNATED TO THE INDIAN LAKE TIF PROJECT WERE PROPERLY USED

WHEREAS, recent litigation has been filed by the court appointed receivers against HALO Properties; and

WHEREAS, this litigation raises issues regarding accounting practices and how funds were spent; and

WHEREAS, as part of the Indian Lake TIF review analysis of funds spent on that project should be monitored.

THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on the 17th day of December, 2012 that this body does hereby direct the Law Director and the Finance Director to track the outcome of any litigation filed against HALO and contact the court appointed receiver to determine if funds designated to the Indian Lake TIF project were properly used.

The electronic vote was recorded in the following manner:

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

1212-01 Yes: 23 No: 0 Abs: 0 07:22 PM

Chairman Hyde declared Resolution 1212-01 approved by the body.

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

1212-02 A RESOLUTION AUTHORIZING ACTION, INCLUDING FURTHER INVESTIGATION, NEGOTIATION AND IF NECESSARY LITIGATION TO PROTECT THE INTEREST OF THE COUNTY, DESIGNATING THE TIF AD HOC COMMITTEE TO ACT FOR THIS BODY, AND APPROPRIATING UP TO \$150,000.00 FOR EXPENSES AND COSTS OF THESE ACTIONS

WHEREAS, this body, through its Ad Hoc TIF committee, has undertaken extensive research and delved into issues relating to the Indian Lake TIF bonds; and

WHEREAS, through assistance of experts and outside counsel, the committee has identified several issues regarding the structure of the Indian Lake

TIF bond issues which need to be further addressed through additional research, negotiation and if necessary litigation.

THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners, meeting in regular session on this the 17th day of December, 2012 that this body believes that it is in the best interest of the county to pursue further action, including additional research, negotiation and if necessary, litigation to maintain the rights of Sumner County as it relates to the Indian Lake TIF bonds; and

BE IT FURTHER RESOLVED that this body does hereby designate the Ad Hoc TIF committee to work with the Law Director and outside counsel to determine the best manner to protect the interests of the county; and

BE IT FURTHER RESOLVED that this body hereby appropriates up to \$150,000.00 from County General Fund's Unassigned Fund Balance to contracted services-office of Law Director for payment of legal fees, experts and other costs associated with investigation and litigation of these claims; and

BE IT FURTHER RESOLVED that the chairman of the Ad Hoc TIF committee shall continue to call Ad Hoc TIF Committee meetings as necessary and shall make quarterly reports to this body of the status of this matter; and

BE IT FURTHER RESOLVED that the City of Hendersonville shall be invited to participate in any negotiation or litigation relative to these matters so as to protect the City's interest, on the condition that the City shall bear its pro-rata share of all costs thereof and pay its portion of all costs as the matter progresses.

Upon discussion, Commissioner Hughes moved, seconded by Commissioner Ring, for the Commission go into executive session.

The electronic vote was recorded in the following manner:

Akins	Y	Taylor	Y	Utley	Y
Satterfield	Y	Matthews	Y	Harris	Y
Ring	Y	Brown	Y	Vaughn	Y
LeMarbre	Y	Decker	Y	Hyde	N
Hughes	Y	Kimbrough	Y	Goode	Y
P. Freels	N	Stone	N	Guthrie	Y

EXEC Yes: 15 No: 3 Abs: 0 07:25 PM

Chairman Hyde declared the Commission in executive session at 7:25 p.m. as approved by the body and ordered that the chambers be cleared of all but commissioners.

After Chairman Hyde declared the Commission back in session from executive session, the electronic vote on the resolution was recorded in the following manner:

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

1212-02 Yes: 18 No: 4 Abs: 1 07:52 PM

Chairman Hyde declared the Resolution 1212-02 approved by the body.

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

1212-03 A RESOLUTION SETTING THE REGULAR MEETINGS OF THE SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS DURING THE 2013 CALENDAR YEAR

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012 that this body hereby sets its regular meetings at 7:00 p.m. (local time) at the Sumner County Administration Building, 355 North Belvedere Drive, Gallatin, Tennessee, on the following dates in 2012:

Monday, January 28, (4 th Monday)	Monday, July 15, (3 rd Monday)
Monday, February 25, (4 th Monday)	Monday, August 19, (3 rd Monday)
Monday, March 18, (3 rd Monday)	Monday, September 16, (3 rd Monday)
Monday, April 15, (3 rd Monday)	Monday, October 21, (3 rd Monday)
Monday, May 20, (3 rd Monday)	Monday, November 18, (3 rd Monday)
Monday, June 17, (3 rd Monday)	Monday, December 16, (3 rd Monday)

BE IT FURTHER RESOLVED that this body shall consider at such meetings all matters which may properly be considered at regular meetings of this body; and

BE IT FURTHER RESOLVED that the County Clerk is directed to have published the required notice of this resolution.

Chairman Hyde declared Resolution 1212-03 approved upon unanimous voice vote of the body.

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

1212-04 A RESOLUTION APPOINTING THE JUDICIAL MAGISTRATES OF SUMNER COUNTY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012, that this body hereby appoints the following individuals as Judicial Magistrates; and

BE IT FURTHER RESOLVED that the Judicial Magistrates shall serve a one year term or until a successor is appointed.

Downey, William E.	Offitt, Kevin
Draper, Todd H.	Porter, Erika S.
Gann, Robert J.	Ridings, Bobby W.
Gilbreath, William J.	Short, John C.
Hille, Jennifer	Smith, William W.
Kittrell, Bruce	Whiteside, Lee

Chairman Hyde declared Resolution 1212-04 approved upon unanimous voice vote of the body.

BUDGET COMMITTEE

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

1212-05 A RESOLUTION APPROPRIATING \$156,862 FROM THE CAPITAL PROJECTS FUND FOR COURTHOUSE AND JAIL CAPITAL EXPENDITURES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 17th day of December, 2012 that this body does hereby appropriate \$156,862 from the Capital Projects Fund for Courthouse and Jail capital expenditures as shown on the attached document; and

BE IT FURTHER RESOLVED, that of the appropriation \$23,809 is to be reimbursed to the Courthouse and Jail Maintenance Fund for capital expenditures paid in this fiscal year; and

BE IT FURTHER RESOLVED, that of the appropriation, \$133.053 is for capital expenditures consisting of \$83.053 as attached and \$50,000 for future capital expenditures if needed.

Chairman Hyde recognized County Executive Anthony Holt who stated that the additional funds were needed because the court fees have been in decline and the costs are going up to maintain buildings and equipment.

Chairman Hyde recognized County Finance Director David Lawing who clarified why the funds were needed to meet expenses.

The electronic vote was recorded in the following manner:

Akins	Y	Taylor	Y	Geminden	Y
Utle	Y	Graves	Y	Satterfield	N
F. Freels	Y	Matthews	Y	Harris	Y
Ring	Y	Brown	Y	Vaughn	Y
LeMarbre	Y	Moser	Y	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	Y		

1212-05 Yes: 22 No: 1 Abs: 0 07:58 PM

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

RULES AND PROCEDURES

There was no report from the Rules and Procedures Committee.

FINANCIAL MANAGEMENT COMMITTEE

Commissioner Frank Freels stated that the 2012 Financial Management Committee met for its first time.

ADJOURNMENT

Chairman Hyde declared the Commission meeting adjourned at 8 p.m. upon motion of Commissioner LeMarbre, seconded by Commissioner Frank Freels.

BILL KEMP, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Maria A. Savage

Approved on _____
