
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
AUGUST 13, 2012**

The Board of County Commissioners of Sumner County, Tennessee met in special session on Monday, August 13, 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 and County Law Director Leah Dennen and the following Commissioners to wit:

Mike Akins	Ben Harris	Baker Ring
Paul Decker	Chris Hughes	David Satterfield
Paul D. Freels	Merrol N. Hyde	Jo Skidmore
Frank E. Freels	David Kimbrough	Jerry F. Stone
Billy Geminden	Trisha LeMarbre	Paige Brown Strong
Paul Goode	Joe C. Matthews	Moe Taylor
Steve Graves	Kirk Moser	Jim Vaughn
Michael Guthrie	Bob Pospisil	Shawn Utley

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Sonny Weatherford. Chairman Hyde noted that with twenty-four 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.

The Invocation was led by Commissioner Baker Ring.

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

Chairman Hyde directed the County Clerk to read the following notice into the record:

**NOTICE OF EMERGENCY SPECIAL CALLED MEETING
OF THE
SUMNER COUNTY COMMISSION**

County Executive Anthony Holt, pursuant to T.C.A. Sections 5-5-104 & 5-5-105, hereby calls an **Emergency Special Called Meeting of the Sumner County Commission for Monday, August 13, 2012 at 7:00 p.m. (local time)** at the Sumner County Administration Building, Commission Chambers, 355 North Belvedere Drive, Gallatin, Tennessee 37066.

The purpose of the special called meetings is to discuss, consider and possibly vote on the following:

Any and all items related to the Sumner County Board of Education 2012-2013 Budgets and the immediate opening of Sumner County Schools.

Anyone having an interest, desiring to comment or ask questions concerning the above referenced issues is invited to attend these meetings.

RECOGNITION OF THE PUBLIC

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

The following speakers supported the funding of the Board of Education's budget proposal:

Lindy Gaughan of 120 Ashland Point in Hendersonville, representing the Sumner County Board of Realtors, reported on how a fully funded school system has positive effects on property values and homeowners' desire to live in Sumner County.

Leslie Schell of 1558B Brinkley Branch Road in Hendersonville
Aimee Vance of 363 Sunset Island Trail in Gallatin
Mary Anne Keene of 420 Kirk Lane in Gallatin
Mary Martin Butler of 100 Memosa Drive in Gallatin
Lindsey Walker of 106 Crooked Creek Court in Hendersonville
Emily Reyes of 327 Huntington Circle in Gallatin
MeriAllen Krueger of 121 Windham Circle in Hendersonville
Jim Hawkins of 475 Bay Point Drive in Gallatin

Those speaking in support of funding the adult education program were the following:

Glen Kirby of 114 Eagle Drive in Gallatin
Miranda Kristine Owens of 116 Homestead Drive in Hendersonville
Abby Lynn Hale of Gallatin
Casey Moss of 1008 Village Green Crossing in Gallatin
Raymond Summers of 108 Tulip Circle in Gallatin

The speakers who opposed increasing taxes to fund the Board of Education's budget request:

Billy W. Woodard of 211 Opossum Road in Portland
James Gregory of Bethpage
James Mooneyhan of 588 Brandy Hollow Road in Portland stated he thought the Board of Education could spend their funds more wisely and find ways to trim costs.

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

Chairman Hyde recognized Commissioner Akins who introduced a proposal to create the Sumner County Volunteer School Fund with guidelines to be later defined. He stated that citizens can make a tax-exempt donation to schools and would be publicly recognized. He said the funds could go through both the finance department. He so moved and Commissioner Taylor seconded.

Commissioner Vaughn raised a point of order about an account that already exists. He suggested using the existing account for the fund.

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 Strong	Y	Vaughn	Y

The electronic vote was recorded in the following manner:

.10 to School Fund; .04 to County General Fund

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

PROPERTY TAX Yes: 8 No: 16 Abs: 0 08:51 PM

Chairman Hyde declared the motion failed to pass.

Commissioner Kimbrough moved to re-allocate seven cents of the property tax allocation from the Capital Projects Fund to the School General Purpose Fund.

County Law Director Leah Dennen responded to a question about the \$15 million hospital fund. To spend it the request must meet the test of being used for the public good. She said there were many scenarios under which a project might qualify.

The electronic vote was recorded in the following manner:

MOVE \$.07 FROM CAP FUND TO SCHOOLS

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

MOVE Yes: 9 No: 15 Abs: 0 09:17 PM

Chairman Hyde declared the motion failed to pass.

Commissioner Matthews moved, seconded by Commissioner LeMarbre, to re-allocate four cents of the property tax allocation designated for the Capital Projects Fund and move it to the school system. Furthermore, he requested the Board of Education to take a long look at reducing the school budget as suggested by some of its members.

The electronic vote was recorded in the following manner:

MOVE \$.04 FROM CAP FUND TO SCHOOLS

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

MOVE\$.04 Yes: 11 No: 13 Abs: 0 09:18 PM

Chairman Hyde declared the motion failed to pass.

Commissioner Goode moved for the Commission to stay as long as it takes to resolve the matter. Chairman Hyde ruled the motion out of order. Commissioner Goode asked the Chairman to allow the Director of Finance to speak on what budget options are possible to come up with to fund the \$2.8 million shortfall for the schools.

David Lawing responded with the following categories: \$3.4 million in Capital Projects Fund; \$3.6 million in funds from the regional hospital sale although it is needed to build up the insurance fund; and an additional tax.

RECESS

Commissioner Hughes called for a recess at 9:20 p.m. Chairman Hyde declared the Commission reconvened at 9:30 p.m.

Commissioner Vaughn moved, seconded by Commissioner Pospisil, to fund the school system at \$192,424,435.00.

Commissioner Kimbrough moved to amend, seconded by Commissioner LeMarbre, to appropriate \$1 million from the Capital Projects Fund and \$1 million from the \$3.5 million regional hospital fund to the school system.

The electronic vote was recorded in the following manner:

\$1M FROM CAP FUND \$1M HOSPITAL RESERVE

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

AMEND4 Yes: 9 No: 15 Abs: 0 09:38 PM

Chairman Hyde declared the motion failed to pass.

Commissioner Hughes moved to amend, seconded by Commissioner Guthrie, to take \$750,000.00 million from the Capital Projects Fund and \$750,000.00 million from the regional hospital fund and appropriate it to the school system.

Chairman Hyde recognized Commissioner Moser who requested the Board of Education and the Director of Schools get cost figures on the number of school employees working part time and receiving full-time benefits.

The electronic vote was recorded in the following manner:

\$750K FROM CAP FUND \$750K FROM HOSPITAL RESERE

Akins	N	Taylor	N	Geminden	N
Utley	Y	Graves	N	Satterfield	N
F. Freels	N	Matthews	N	Harris	Y
Ring	Y	Brown Strong	Y	Vaughn	N

LeMarbre	Y	Decker	Y	Hyde	N
Hughes	Y	Kimbrough	Y	Goode	Y
Skidmore	N	P. Freels	N	Stone	N
Guthrie	Y	Pospisil	N		

AMEND5 Yes: 10 No: 13 Abs: 0 09:42 PM

Chairman Hyde declared the motion failed to pass.

RECESS

Commissioner Utley called for a recess at 9:45 p.m. Chairman Hyde declared the Commission reconvened at 10:00 p.m.

Commissioner Goode requested the total reserves of the County. Mr. Lawing responded, stating from the close of the 2011-12 Fiscal Year the reserves are as follows:

- \$18,179, 212.00 - hospital funds
- \$9,595.00 - construction fees
- \$20,529.00 - abatement fees
- \$702,992.00 set aside by legislation
- \$278,841.00 - Volunteer State Community College Fund
- \$35,464.00 - MPG Grant
- \$11,437,691.00 – Unassigned Fund Balance Mr. Lawing stated that to keep the current bond rating the County has to have a stable reserve. Mr. Lawing said it was unsound to fund the school system from this fund. Mr. Lawing said it was more economically sound to take schools funds from the hospital fund or to create more revenues through taxes.

Mr. Lawing stated that Total County Reserves equaled approximately \$30,000,000.00.

Commissioner Goode moved to amend the motion, seconded by Commissioner Guthrie, to take \$1.5 million from the \$3.8 million hospital fund for the school system. Mr. Lawing stated that this would leave \$2 million in the fund.

Mr. Lawing stated that the Employees Insurance Trust will need a cash infusion of approximately \$4 million, which may need to come from the hospital fund. He stated that other ways to pay the Trust were to re-allocate one-time pennies into the fund; \$3.8 million from hospital fund; or allocate a few pennies one time from the Debt Service Fund, which has a reserve of \$10 million.

Commissioner Ring declared an indirect conflict of interest but stated that he would vote his conscience.

Commissioner Frank Freels called for the question.

The electronic vote was recorded in the following manner:

END DEBATE

Akins	Y	Taylor	Y	Geminden	N
Utley	N	Graves	N	Satterfield	N
F. Freels	N	Matthews	N	Harris	N
Ring	N	Brown Strong	N	Vaughn	Y
LeMarbre	N	Moser	N	Decker	N

Hyde	Y	Hughes	N	Kimbrough	N
Goode	N	Skidmore	Y	P. Freels	Y
Stone	Y	Guthrie	N	Pospisil	Y

QUESTION Yes: 8 No: 16 Abs: 0 10:11 PM

Chairman Hyde declared the motion to end debate failed to pass.

Commissioner LeMarbre moved to suspend the rules, seconded by Commissioner Matthews, to allow Dr. Del Phillips to speak. Mr. Phillips stated that he could not determine at this time how much in funds it would take to keep all the teachers.

The electronic vote was recorded in the following manner:

\$1.5M FROM HOSPITAL RESERVE FUND

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

\$1.5M Yes: 9 No: 15 Abs: 0 10:14 PM

Chairman Hyde declared the Commissioner Goode's motion failed to pass.

Commissioner Freels called for the question on the main motion and was seconded by Commissioner Taylor.

The electronic vote was recorded in the following manner:

END DEBATE ON MAIN MOTION

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

QUESTIONMAIN Yes: 10 No: 13 Abs: 1 10:15 PM

Chairman Hyde declared the motion to end failed to pass.

Commissioner Matthews moved, seconded by Commissioner Ring, to re-allocate two cents from the Capital Projects Fund to schools.

The electronic vote was recorded in the following manner:

\$.02 FROM CAPITAL PROJECTS TO SCHOOLS

Akins	N	Taylor	N	Geminden	N
Utley	Y	Graves	N	Satterfield	N
F. Freels	N	Matthews	Y	Harris	Y
Ring	Y	Brown Strong	Y	Vaughn	N

LeMarbre	Y	Moser	N	Decker	Y
Hyde	Y	Hughes	Y	Kimbrough	Y
Goode	Y	Skidmore	N	P. Freels	N
Stone	N	Guthrie	Y	Pospisil	N

\$.02 Yes: 12 No: 12 Abs: 0 10:21 PM

Chairman Hyde declared the motion failed to pass.

Commissioner Freels moved, seconded by Commissioner Stone, for adjournment.

The electronic vote was recorded in the following manner:

MOTION TO ADJOURN

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

ADJOURN Yes: 11 No: 13 Abs: 0 10:22 PM

Chairman Hyde declared the amendment failed to pass.

Commissioner Moser moved to amend, seconded by Commissioner Vaughn, to pay for \$800,000.00 for capital projects out of the Capital Projects Fund.

The electronic vote was recorded in the following manner:

\$800K IN CAPITAL EXPENSES

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

\$800K Yes: 19 No: 4 Abs: 0 10:24 PM

Chairman Hyde declared the amendment approved by the body.

The electronic vote was recorded in the following manner:

MAIN MOTION AS AMENDED TO FUND SCHOOLS

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

Stone	Y	Guthrie	Y	Pospisil	Y
SCHOOLS	Yes: 16	No: 8	Abs: 0	10:26 PM	

Chairman Hyde declared the motion as amended approved by the body.
The resulting resolution was prepared as follows:

1208-S02 AN AMENDED RESOLUTION APPROPRIATING FUNDS FOR THE 2012-2013 GENERAL PURPOSE SCHOOL FUND BUDGET IN THE AMOUNT OF \$190,224,435.00 PLUS APPROPRIATING AN ADDITIONAL ONE TIME SUM OF \$3,000,000.00 IN THE CAPITAL PROJECT BUDGET TO FUND CAPITAL ITEMS ALREADY SET FORTH IN THE PROPOSED EDUCATION GENERAL PURPOSE BUDGET

BE IT RESOLVED by the Sumner County Board of County Commissioners, meeting in special session on this the 13th day of August , 2012 that this body does hereby appropriate funds for the 2012-2013 general purpose school fund budget in the amount of \$190,224,435.00; and

BE IT FURTHER RESOLVED that this body also appropriates an additional one time sum of \$3,000,000.00 in the capital project budget to fund capital items already set forth in the proposed education general purpose budget, which shall be chosen by the Board of Education.

Chairman Hyde declared the Commission meeting adjourned at 10:25 p.m. upon motion by Commissioner Vaughn, seconded by Commissioner Stone, and approved unanimously by the body.

BILL KEMP, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Maria A. Savage

Approved on _____
