
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
JULY 19, 2010**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, July 19, 2010, 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
Steve Camp	Bob Hendricks	Bob Pospisil
Paul Decker	Billy S. Hobbs	David Satterfield
Shawn Fennell	Chris Hughes	Jo Skidmore
Paul D. Freels	Merrol N. Hyde	Jim Vaughn
Frank E. Freels		Shawn Utley

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Bob Barker. Chairman Hyde noted that with twenty 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 David Kimbrough, Trisha LeMarbre, David Cummings, Jerry Stone were not present for the meeting.

The Invocation was led by Mr. Stacey Durham of Creekview Church of Christ.

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

APPROVAL OF AGENDA

Chairman Hyde announced that the Budget hearing will be on next month's agenda. Under Report of the Chairman, he stated that the certificate honoring Mrs. Tennessee will be next month and Laura Williams will not be present for her certificate but the Commission would still consider it. Chairman Hyde stated that an Executive Session of the Commission would be placed at the heel of the agenda. Commissioner Matthews requested the removal of Resolution 1007-08 from the Consent Agenda. Chairman Hyde placed it under the Education Committee report. Commissioner Matthews moved, seconded by Commissioner Hobbs, to adopt the agenda with the additions. 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 June 21, 2010, and recorded in the office of the Clerk, Bill Kemp, were approved by voice vote after Commissioner Frank Freels made the motion, seconded by Commissioner Graves.

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 introduced the following resolution:

A RESOLUTION HONORING LAURA WILLIAMS AS THE HENDERSONVILLE CHRISTIAN ACADEMY TEACHER OF THE YEAR

WHEREAS, Miss Laura Williams, who has taught school for the past seven years and the last two years at Hendersonville Christian Academy was recently selected as the Hendersonville Christian Academy Teacher of the Year; and

WHEREAS, Laura Williams teaches third grade and has made learning fun as well as challenging for her students thereby giving them an early love of school; and

WHEREAS, Laura Williams, through dedication in the noble profession of teaching, has positively influenced numerous students during her tenure and by her efforts countless students began school with a good foundation which will aid them their entire life.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body hereby congratulates and commends Laura Williams for her dedication and outstanding service to the youth of our county and for her recognition as the Hendersonville Christian Academy Teacher of the Year Award; and

BE IT FURTHER RESOLVED that this resolution is to be spread on the minutes of this body and the Clerk is to provide a copy of this resolution to Laura Williams.

Upon motion of Commissioner Goode, seconded by Commissioner Matthews, the Commission approved the resolution honoring Ms. Williams.

Commissioner Graves read the following resolution into the record:

A RESOLUTION HONORING SUMNER COUNTY HIGHWAY EMPLOYEES

WHEREAS, Sumner County was battered by a historic flood in May, 2010, yet when called the Sumner County Highway Department was dispatched and worked diligently to assist and repair roads and bridges damaged by the flood; and

WHEREAS, Mr. Scotty Parker, Mrs. Judy Hardin and all Sumner County Highway Employees should be commended and recognized for their diligence and valuable dedication to the service and operations in Sumner County; and

WHEREAS, when presented with this devastating weather disaster, the Sumner County Highway Department and its staff zealously set out to repair and clean up the natural disaster which devastated our county.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body hereby expresses its appreciation to Scotty Parker, Judy Hardin and all Sumner County Highway Employees for committing their time, skills and efforts; and

BE IT FURTHER RESOLVED that this resolution 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 hereby directed to furnish a copy of this resolution to Mr. Scotty Parker, Mrs. Judy Hardin and all Sumner County Highway Employees.

Upon motion of Commissioner Graves, seconded by Commissioner Fennell, the Commission approved the resolution honoring the Sumner County Highway employees.

Commissioner Decker read the following resolution into the record:

**A RESOLUTION HONORING
HENDERSONVILLE HIGH SOCCER COACHES AND TEAM**

WHEREAS, the Hendersonville High School Soccer team led by Coach Russ Plummer and outstanding coaching staff and team, completed a remarkable season winning their fifth State Soccer Championship; and

WHEREAS, the coaches are to be commended for their influence and efforts in leading the Hendersonville High School Soccer Team and through their efforts have demonstrated the benefits of hard work and dedication; and

WHEREAS, this season the Hendersonville High School Soccer team has defeated countless state and nationally ranked opponents and has forged an astonishing legacy in high school soccer; and

WHEREAS, Hendersonville High School Soccer Team has played with pride, practiced hard, strived for perfection and for their outstanding efforts has brought honor not only to the team, but their school and Sumner County.

NOW THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body does hereby congratulate and commend Hendersonville High School Soccer Coaches and Team for their 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 Hendersonville High School Soccer Coaches and Team.

Upon motion of Commissioner Decker, seconded by Commissioner Goode, the Commission approved the resolution honoring the Hendersonville High School Soccer Coaches and Team.

Commissioner Fennell read the following resolution into the record:

**A RESOLUTION HONORING THE MEMORY OF WESTMORELAND
MAYOR RICKY WOODARD**

WHEREAS, Mayor Ricky Woodard who recently passed away, will be remembered as a great politician, citizen, father, grandfather, husband and friend; and

WHEREAS, Mayor Ricky Woodard lived in the Westmoreland community for most of his life and in addition to his notable political career also owned and operated Woodard Funeral Home; and

WHEREAS, Mayor Ricky Woodard was dedicated to making a difference in Sumner County, during which time he served on numerous boards and committees, functioned as an Emergency Medical Technician, a member of the Westmoreland Rotary Club, Westmoreland Lions Club and Westmoreland High School Advisory Board; and

WHEREAS, it is appropriate that Mayor Ricky Woodard be remembered for the very significant contribution he made to Sumner County through his loyal dedication and involvement with the community.

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body hereby remembers Mayor Ricky Woodard for his dedication and service to the citizens and the community and this body further expresses its sympathy to the family of Ricky Woodard for their great loss; 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 family of Mayor Ricky Woodard.

Upon motion of Commissioner Fennell, seconded by Commissioner Akins, the Commission approved the resolution honoring the late Mr. Woodard.

REPORT FROM COUNTY OFFICIALS

By motion of Commissioner Frank Freels, seconded by Commissioner Akins, 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.

Clerk Kemp read a letter of appreciation from the First United Methodist Church in Hendersonville for the County Commission's donation in honor of L. H. "Dink" Newman.

Chairman Hyde introduced the following resolution:

1007-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.

DAVID A ALLEN	CHRISTINA L FOSTER
BRENDA JONES	JENNIFER A PERKINS
LURA BRADY	THUY H GAINES
PATRICK E KANE	REBECCA B ROGERS
BEVERLY J BREEDLOVE	LINDA GILLIAM
DEBRA Y KING	CHAD MICHAEL ROSS
CLATA R BREWER	JILL Z GRIM
LESLIE JO KING	MARK T SMITH
BILLY W BROWN	SAM L GRISHAM
JASON M KOTLER	VIRGINIA WILLIAMS
ANNETTE CRABTREE	SUE C JONES
LISA J LOVE	LEAH WILSON
BEVERLY ANN EIDSON	
SHANNON L MARTINEZ	PERSONAL SURETY
DEBRA LYNN ELLEDGE	PHILLIP KELLY
CAROL MOSELEY	GWYNN SMITH
JASON FITE	
SUE NEWBY-ALEXANDER	
STEPHANIE R FLOYD	
SYLVIA R NODINI	

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

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Utlely	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	A	Boyd	Y	Camp	Y
Hendricks	Y	Vaughn	Y	Moser	Y
Decker	Y	Hyde	Y	Hughes	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Hobbs	Y	Pospisil	Y		

1007-NOTARY Yes: 19 No: 0 Abs: 1 07:21 PM

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

COMMITTEE ON COMMITTEES

Commissioner Hughes reported that the appointments to the Solid Waste Board were deferred for one month.

Commissioner Hughes brought forth the nominations of John Bradley and Johnnie Freedle to serve another term on the Sumner County Public Library Board. The re-appointments were approved upon motion of Commissioner Hughes, seconded by Commissioner Pospisil.

Commissioner Hughes brought forth the nomination of Michael Carter of Westmoreland to fill the vacancy created by the passing of Charles Haynes.

Commissioner Hughes reported next month's appointments as follows: Joint Economic and Development Board, Planning Commission and Sheriff's Civil Service Board.

HIGHWAY COMMISSION

There was no report from the Highway Commission.

EDUCATION COMMITTEE

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

1007-08 A RESOLUTION APPROVING A FIVE-YEAR LEASE/PURCHASE FOR TRASH COMPACTING EQUIPMENT FOR A THREE PILOT PROGRAM, AT AN ESTIMATED COST OF \$52,250.20 PENDING A FORMAL FINANCING PROPOSAL FROM SPD SOLUTIONS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body hereby approves a five-year lease/purchase for trash compacting equipment for a three school pilot program, at an estimated cost of \$52,250.20 pending a formal financing proposal from SPD Solutions; and

BE IT FURTHER RESOLVED that these funds shall be paid from current Board of Education budgeted funds; and

BE IT FURTHER RESOLVED that the maintenance contracts for the equipment shall be free during the lease term; and

BE IT FURTHER RESOLVED that the Board of Education shall confirm that any and all state and federal laws, rules and regulations regarding debt and long term contracts shall be met.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Boyd	Y	Camp	Y
Hendricks	Y	Vaughn	Y	Moser	Y

Decker	Y	Hyde	Y	Hughes	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Hobbs	Y	Pospisil	Y		

1007-08 Yes: 20 No: 0 Abs: 0 07:26 PM

Chairman Hyde declared the resolution approved by the body.

GENERAL OPERATIONS COMMITTEE

There was no report from the General Operations Committee.

EMERGENCY SERVICES COMMITTEE

There was no report from the Emergency Services Committee.

LEGISLATIVE COMMITTEE

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

1007-01 A RESOLUTION ADOPTING THE SOLID WASTE DISPOSAL AGREEMENT AND POST-CLOSURE MONITORING AGREEMENT OF THE SUMNER COUNTY RESOURCE AUTHORITY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body does hereby agree to the Solid Waste Disposal Agreement (attached herewith as Exhibit A) and the Post-Closure Monitoring Agreement (attached herewith as Exhibit B) from the Sumner County Resource Authority; and

BE IT FURTHER RESOLVED, that the County Executive and the Law Director are authorized to sign these agreements on behalf of the county.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Utley	Y
Graves	Y	Satterfield	Y	Matthews	Y
Boyd	Y	Camp	Y	Hendricks	Y
Vaughn	Y	Moser	Y	Decker	Y
Hyde	Y	Hughes	Y	Goode	Y
Skidmore	Y	P. Freels	Y	Hobbs	Y
Pospisil	Y				

1007-01 Yes: 19 No: 0 Abs: 0 07:27 PM

Chairman Hyde declared the resolution approved by the body.

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

1007-02 A RESOLUTION TO APPROVE APPLICABILITY OF T.C.A. 67-5-606(C)

WHEREAS, *Tennessee Code Annotated*, Section 67-5-606(c), permits the county legislative body, in a county included in the FEMA declaration, to approve the applicability of that section so that property owners within the county affected by the flood of 2010 may make application to the assessor of property for prorated property assessment in accordance with the provisions of *Tennessee Code Annotated*, Section 67-5-606 (c); and

WHEREAS, the annual assessment of affected commercial and industrial tangible personal property in a county included in the FEMA declaration may be prorated as otherwise provided in *Tennessee Code Annotated*, Section 67-5-606 (a), for the actual time the qualifying personal property is not replaced or restored notwithstanding that such personal property is replaced or restored by September 1, provided the total time the qualifying personal property is not replaced or restored exceeds thirty (30) days; and

WHEREAS, the owner must apply for this relief to the assessor by September 1, 2010, using a form approved by the Director of the State Division of Property Assessments; and

WHEREAS, the owner must provide the assessor a listing of the destroyed, demolished or substantially damaged personal property for which the proration is sought;

NOW, THEREFORE, BE IT RESOLVED, by a two-thirds (2/3) vote of the Sumner County Legislative Body, meeting in regular session on this the 19th day of July, 2010 that:

Section 1. The applicability of *Tennessee Code Annotated*, Section 67-5-606 (c) is approved.

Section 2. This Resolution shall be effective upon its passage and approval, the public welfare requiring it.

Section 3. This Resolution shall expire on December 31, 2010.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Boyd	Y	Camp	Y
Hendricks	Y	Vaughn	Y	Moser	Y
Decker	Y	Hyde	Y	Hughes	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Hobbs	Y	Pospisil	Y		

1007-02 Yes: 20 No: 0 Abs: 0 07:28 PM

Chairman Hyde declared the resolution approved by the body.

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

**1007-03 A RESOLUTION APPROVING THE BOND OF
 BENNY BILLS, DIRECTOR OF SCHOOLS
 SUMNER COUNTY, TENNESSEE**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body hereby approves the bond of Benny Bills, Director of Schools, Sumner County, Tennessee.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Utley	Y
Graves	Y	Satterfield	Y	F. Freels	Y
Matthews	Y	Boyd	Y	Camp	Y
Hendricks	Y	Vaughn	Y	Moser	Y
Decker	Y	Hyde	Y	Hughes	Y
Goode	Y	Skidmore	Y	P. Freels	Y
Hobbs	Y	Pospisil	Y		

1007-03 Yes: 20 No: 0 Abs: 0 07:28 PM

Chairman Hyde declared the resolution approved by the body.

BUDGET COMMITTEE

Commissioner Moser reported on collections made under the Voluntary Tax Act.

CONSENT AGENDA

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

**1007-04 A RESOLUTION AUTHORIZING THE COUNTY TO ENTER
 INTO A CONTRACT TO PROVIDE TRANSITION SERVICES FOR COUNTY
 GRANTS UNTIL GRANT ADMINISTRATION SERVICES ARE OBTAINED**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July 2010, that this body does hereby authorize county to enter into a contract to provide transition services for county grants until grant administration services are obtained; and

BE IT FURTHER RESOLVED that up to \$10,000.00 is appropriated from county general fund for payment of these transaction services.

**1007-05 A RESOLUTION APPROVING A CAPITAL EXPENDITURES OF UP
 TO \$50,000.00 FOR THE OFFICE OF THE SHERIFF FROM THE 2010-2011
 CONTINUATION BUDGET**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that

this body hereby approves a capital expenditures of up to \$50,000.00 for the office of the Sheriff from the 2010-2011 continuation budget.

1007-06 A RESOLUTION APPROPRIATING \$40,000.00 AS PASS-THROUGH FUNDS TO SUMNER COUNTY EMERGENCY MANAGEMENT FOR VARIOUS GRANTS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010 that this body does hereby appropriate \$40,000.00 as pass-through funds to Sumner County Emergency Management for various grants as shown on the attached schedule.

1007-07 A RESOLUTION APPROPRIATING \$32,992.71 AS PASS-THROUGH FUNDS TO SUMNER COUNTY EMERGENCY MANAGEMENT FOR VARIOUS GRANTS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010 that this body does hereby appropriates \$32,992.71 as pass-through funds to Sumner County Emergency Management for various grants as shown on the attached schedule.

1007-09 A RESOLUTION APPROPRIATING \$34,419.81 FOR CHANGE DIRECTIVE AT PORTLAND WEST MIDDLE SCHOOL (NEW PORTLAND MIDDLE) WITH PAYMENT COMING FROM CONTINGENCY FUNDS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010, that this body hereby appropriates \$34,419.81 for additional grading at Portland West Middle School (New Portland Middle) with payment coming from project contingency funds as shown on the attachments.

1007-10 A RESOLUTION DECLARING VARIOUS ITEMS FROM THE HENDERSONVILLE LIBRARY AS SURPLUS AND AUTHORIZING DISPOSAL OR SALE OF SAME PURSUANT TO EXISITING POLICIES AND PROCEDURES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010 that this body does hereby declare the items from the Hendersonville Library as surplus as shown on the attachments; and

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

1007-11 A RESOLUTION EXTENDING THE TIME PERIOD OF THE AIRPORT AUTHORITY AD HOC COMMITTEE TO COMPLETE ITS STUDY AND MAKE ITS REPORT

WHEREAS, by Resolution 0911-07 this body created the Airport Authority Ad Hoc Committee and directed that such body would report its findings within nine months of the formation; and

WHEREAS, the Ad Hoc Committee is of the opinion that additional time is needed to conclude the tasks for which it was established and therefore asks that the schedule be extended whereby the report shall be made to this body in October of 2010.

THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 19th day of July, 2010 that this body does hereby extend the time for reporting by the Airport Ad Hoc Committee to the October 2010 meeting series.

PROPERTY TAX REFUNDS

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

- Bibrey, Clay V. etux Nancy \$ 88.17
- Drakewood Associates LP \$ 9,432.29
- Gap Inc. \$77,329.55
- Moreland Associates LTD \$ 5,311.47
- Stafford, Cheryl \$ 496.93

Chairman Hyde declared the Consent Agenda approved upon voice vote of the body on the first and final reading.

ADJOURNMENT

Chairman Hyde declared the Commission meeting adjourned at 7:35 p.m.

BILL KEMP, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Maria A. Savage

Approved on _____
