
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
JANUARY 23, 2023**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, January 23, 2023, 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 N. Hyde. Also present were the County Clerk Carolyn Templeton, County Mayor John C. Isbell and Law Director Eric Sitler, and the following Commissioners to wit:

Jerry Becker
Robert Brown III
Terri Boyt
Shannon Burgdorf
Dr. Mary Genung
Benjamin Harris
Mark Harrison
Merrol N. Hyde

Deborah Holmes
Tim Jones
David Klein
Dillion Lamberth
Jeremy Mansfield
Chrissi Miller
Terry Moss

Baker Ring
Darrell Rogers
Don Schmit
Matthew Shoaf
Danny Sullivan
Dr. Jamie Teachenor
Terry Wright
J. Wes Wynne

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Sonny Weatherford. Chairman Merrol Hyde noted that with twenty-two 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 Pomeroy was not present due to an emergency at home and Commissioner Sullivan arrived after roll call.

The Invocation was led by Commissioner Jeremy Mansfield.

The Pledge of Allegiance was led by the County Clerk, Carolyn Templeton.

APPROVAL OF AGENDA

Without objection, Chairman Hyde added the County Road List to the Consent Agenda as Resolution 2301-13 and stated recognition of the Beech High School Football team was moved to February. Chairman Hyde also noted after the Report of County Officials and before Report of Standing Committees there will be an Executive Session for Commissioners to meet with legal counsel in Room 112.

Chairman Hyde recognized Commissioner Rogers who requested to add the purchase of three tractors in the amount of \$380,036.00 for the Highway Department to the agenda. Without objection Chairman Hyde added to the Budget Committee report.

Commissioner Harris moved, seconded by Commissioner Mansfield, to adopt the agenda with the changes. The Commission unanimously approved the agenda as amended by voice vote of the body.

Chairman Hyde introduced the following items on the Consent Agenda:

CONSENT AGENDA

2301-08 A RESOLUTION DOCKETING SUMNER COUNTY BOARD OF EDUCATION SCHOOL FUND BUDGET AMENDMENTS FOR THE FISCAL YEAR 2022-2023

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby docket in its records the Sumner County Board of Education School Fund Budget Amendments for the fiscal year 2022-2023, as shown on the attachment herewith.

2301-09 A RESOLUTION TO STRONGLY ENCOURAGE THE SUMNER COUNTY BOARD OF EDUCATION TO ADOPT THE MEASURE TO INSTALL EMERGENCY OVERDOSE BOXES WITH NARCAN IN EACH SUMNER COUNTY HIGH SCHOOL

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body hereby strongly encourages the Sumner County Board of Education to adopt the measure to install emergency overdose boxes with Narcan in each Sumner County High School.

2301-10 A RESOLUTION REVISING THE PTO POLICY FOR THE SUMNER COUNTY SHERIFF'S OFFICE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby revises the PTO Policy for the Sumner County Sheriff's Office, as shown on the attachment herewith.

2301-11 A RESOLUTION TO APPROPRIATE ADDITIONAL \$1,474.00 FOR THE SUMNER COUNTY JUVENILE COURT TRANSITION SPACE LEASE AMENDMENT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby appropriate additional \$1,474.00 for the Sumner County Juvenile Court transition space lease amendment, as shown on the attachment herewith.

2301-12 A RESOLUTION AUTHORIZING A TRANSFER OF \$1,553.00 BETWEEN MAJOR CATEGORIES FOR VARIOUS ITEMS FOR THE SUMNER COUNTY HIGHWAY DEPARTMENT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby authorize a transfer of \$1,553.00 between major categories for various items for the Sumner County Highway Department, as shown on the attachment herewith.

2301-13 A RESOLUTION APPROVING THE OFFICIAL ROAD LIST OF SUMNER COUNTY AS ATTACHED HEREWITH

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this 23rd day of January 2023, that this body, upon recommendation of the Road Superintendent and Road Committee, hereby adopts and approves Exhibit A attached herewith as the official Road List of Sumner County; and

BE IT FURTHER RESOLVED that the County Clerk is directed to enter the attached list in the official records of this body.

Tax Refunds

Jeffery and Chanda Renee Gregory	\$ 402.00
Race Trac Inc	\$ 880.00
Tennessee Nails	\$ 41.00

Chairman Hyde declared the items on the Consent Agenda, approved unanimously by voice vote of the body upon motion by Commissioner Becker, seconded by Commissioner Wynne.

APPROVAL OF MINUTES

The minutes for the meeting of this body held on December 19, 2022 and recorded in the office of the Clerk, Carolyn Templeton, were approved by voice vote after Commissioner Mansfield made the motion, seconded by Commissioner Ring.

RECOGNITION OF THE PUBLIC

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

Cole Shepherd of 637 E. Main Street, Gallatin spoke to the School Board Resolution 2301-03. He expressed his support for the book *A Place Inside of Me*.

Monique Ritterbeck of 2325 Nashville Pike, Gallatin read her response to the book *A Place Inside of Me* and stated that CRT curriculum is racist and unnatural. Children should be taught about character and values and not based on skin color.

Rebecca Goddard of 2339 New Hope Road, Hendersonville expressed her support for Resolution 2301-03 and thankful sexually explicit material was removed from school libraries. She asked how the books got into the libraries and who chose them.

Charlena Aumiller of 143 Ruland Circle, Hendersonville stated she is the petitioner in the lawsuit filed and explained it has two parts, a petition for declaratory judgement and an open meeting act violation. She has submitted a settlement offer to drop the lawsuit if the School Board resolution is withdrawn.

Kevin Baigert of 424 AB Wade Road, Portland encouraged people to exercise the right to address the government so it is not lost and spoke in favor of Resolution 2301-03. He also spoke against the Beyond School Hours conference that the LEAP site managers are supposed to attend and stated his concerns will be taken up with the School Board.

Joanna Daniels of 152 N Shadowhaven Way, Hendersonville spoke against CRT and expressed concerns about the book *Ways to Make Sunshine*.

Jessica McKearns of 657 Neals Lane, Gallatin spoke against the book *Ways to Make Sunshine* and stated it violates the CRT law.

With no one else wishing to speak on regular agenda items, recognition of the public was closed.

REPORT OF THE CHAIR

Chairman Hyde noted that the Veterans Service Officer's report was provided for information only.

Commissioner Ring introduced the following Proclamation:

A PROCLAMATION HONORING

Nancy Amanda Wright

***The Sumner County Board
of
County Commissioners,***

*meeting in regular session on this the
23rd day of January 2023,
does hereby honor and commend*

Ms. Nancy Amanda Wright

on her retirement from the Sumner County Juvenile Court.

Upon motion of Commissioner Ring, seconded by Commissioner Schmit, the Commission voted unanimously by voice vote to approve the proclamation honoring Nancy Amanda Wright.

Commissioner Rogers introduced the following Proclamation:

A PROCLAMATION HONORING

Hadley Brown

***The Sumner County Board
of
County Commissioners,***

*meeting in regular session on this the
23rd day of January 2023,
does hereby honor and commend*

Ms. Hadley Brown

for being the first State 4-H Council President for Sumner County.

Upon motion of Commissioner Rogers, seconded by Commissioner Harrison, the Commission voted unanimously by voice vote to approve the proclamation honoring Hadley Brown.

Commissioner Teachenor introduced the following Proclamation:

A PROCLAMATION HONORING

Kenny Minchey

***The Sumner County Board
of
County Commissioners,***

*meeting in regular session on this the
23rd day of January 2023,
does hereby honor and congratulate*

Mr. Kenny Minchey

*for signing with the College of
Notre Dame Football Team.*

Upon motion of Commissioner Teachenor, seconded by Commissioner Becker, the Commission voted unanimously by voice vote to approve the proclamation honoring Kenny Minchey.

Chairman Hyde noted that the report for emergency purchases/winter weather damages to County building and Financial Statement Memo are included in the packet and for information only.

Chairman Hyde introduced the following resolution:

**2301-01 A RESOLUTION DOCKETING HIGHWAY/PUBLIC WORKS FUND
ANALYSIS FOR THE FISCAL YEAR 2022-2023**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby docket in its records the Highway/Public Works Fund Analysis for the fiscal year 2022-2023, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2301-1 approved unanimously by voice vote of the body upon motion by Commissioner Wynne, seconded by Commissioner Rogers.

Chairman Hyde directed Clerk Templeton to read the notice into record:

PUBLIC NOTICE/REZONING

The Sumner County Board of County Commissioners will hold a public hearing on January 23, 2023 at 7:00 PM in the Bethel Brown Commission Chambers of the Sumner County Administration Building, located at 355 North Belvedere Drive, Gallatin, Tennessee.

456 Thompson Lane PUD – Rezoning – Lewis Head, represented by CJ Murrell, 615 Design Group – 4th Commission Voting District (Dillon Lamberth) – Applicant is seeking to rezone 5.02 acres from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of operating a steel fabricating company. Subject property is located at 456 Thompson Lane, Portland, TN 37148, is Tax Map 073, Parcel 013.02, contains 120.92 acres and is zoned Rural Residential (RR).

The Sumner County Regional Planning Commission forwarded a Negative recommendation related to this item on November 22, 2022.

A copy of this notice is on file at the Sumner County Development Services Department in the Sumner County Administration Building located at 355 North Belvedere Drive, Gallatin, Tennessee. Anyone having any interest or desiring to ask questions concerning this request is invited to join this meeting or call 615-451-6097.

Chairman Hyde declared the public hearing open for anyone wishing to speak.

Christine Mullins of 564 Thompson Lane, Portland spoke against the rezoning request and gave examples of traffic incidents that have occurred.

Robert Tyson of 477 Halltown Road, Portland presented a handout with pictures of traffic issues and spoke against the rezoning request.

Brant Corlew of 107 S. Nikki Drive, Portland spoke in favor of the company and rezoning request.

Kenneth Lame of 452 Thompson Lane, Portland expressed his support for the rezoning request.

Tabby Allen of 290 Dink Rut Road, Portland spoke against the rezoning request.

Ken Allen of 763 Halltown Road, Portland spoke against rezoning request.

Jonathan Carothers of 564 Thompson Lane, Portland spoke against the rezoning request.

Michael Guthrie of 548 Thompson Lane, Portland spoke against the rezoning request.

Austin Kirby of 120 Main Street, Portland, representative for applicant, gave brief overview of rezone request and asked the Commission to approve.

CJ Murrell of 714 Hamilton Drive, Gallatin, civil consultant representing applicant, explained the technical aspects of the request.

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

Commissioner Wynne moved, seconded by Commissioner Miller, to reject/deny the rezoning request.

Chairman Hyde noted a “yes” vote is to reject the request.

After discussion, the electronic vote to reject/deny Resolution 2301-02 was recorded in the following manner:

2301-02				1/23/2023 8:38:53 PM	
YES - 23		NO - 0		ABS - 0	
<i>Individual Voting Results</i>					
Becker 21	- Y	Boyt 13	- Y	Brown 17	- Y
Burgdorf 19	- Y	Genung 9	- Y	Harris 10	- Y
Harrison 3	- Y	Holmes 12	- Y	Hyde 20	- Y
Jones 23	- Y	Klein 6	- Y	Lamberth 4	- Y
Mansfield 16	- Y	Miller 24	- Y	Moss 1	- Y
Pomeroy 11	- NP	Ring 8	- Y	Rogers 5	- Y
Schmit 18	- Y	Shoaf 22	- Y	Sullivan 7	- Y
Teachenor 14	- Y	Wright 2	- Y	Wynne 15	- Y

Chairman Hyde declared Resolution 2301-02 unanimously denied by the body.

Commissioner Becker called for a point of information and stated Resolution 2301-01 included in the packet does not match what was voted on. Chairman Hyde stated they would discuss during the Executive Session and Law Director Eric Sitler would advise.

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:

2301-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, Carolyn Templeton, 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.

MELINDA ADAMS
STACY BALLINGER
ASHLEEEY BARNES
SUSAN M. BIBLE
AMY R BURKE SALYERS
AUCRETIA C CAREY
KEITH WAYNE CHUPP
DANIEL CLARK
LAURIE CLARK
TATUMN CLARK
L CLARK
REGAN COTHROON
GEORGE J DUZANE
DANNETTE M EMERSON
SIERRA L EVANS
DANIEL W EVANS
LISA GALLAGHER
BETH A GARRISON
ASHLEY A GLASS
TAMMY GOAD
JENNIFER GRAGG
CAROL HOWES
JULIE HUBBARD
ASHLEY JIRIK
CHRISTINA JOHNSON
TERESA D KING
SANDRA E KNOX

JENNIFER LANG
MELISSA LEE
TERESA MADDOX
PHYLLIS R MANTLO
BRITNY MCPEAK
PERRY MORGAN
ANDREA KAYE PENNINGTON
ERIN PHILLIPS
MARY POINDEXTER
NORMA PORTILLO
KORALEA DIANA REEVES
THERESIA C REID
DAVID A SANDERS
HANNAH SMITH
DEBORAH SMITH
JACLYN STAFFORD
BRENDA M STILES
TINA M TOWNSEND
LARRY D TURNER
ROGER R WADE
V WEATHERS
SCOTT T WETTENGEL
NANCY H WILSON
ALISA WOODARD
JAMIE C ZIEGEMEIER
BARBARA ZINSER
LETRESE LACY

Upon motion of Commissioner Rogers, seconded by Commissioner Mansfield, voting was recorded in the following manner:

2301-NOT			1/23/2023 8:41:53 PM
YES - 22	NO - 0	ABS - 0	
Individual Voting Results			
Becker 21 - Y	Boyt 13 - Y	Brown 17 - Y	
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - Y	
Harrison 3 - Y	Holmes 12 - Y	Hyde 20 - Y	
Jones 23 - Y	Klein 6 - NV	Lamberth 4 - Y	
Mansfield 16 - Y	Miller 24 - Y	Moss 1 - Y	
Pomeroy 11 - NP	Ring 8 - Y	Rogers 5 - Y	
Schmit 18 - Y	Shoaf 22 - Y	Sullivan 7 - Y	
Teachenor 14 - Y	Wright 2 - Y	Wynne 15 - Y	

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

EXECUTIVE SESSION

Chairman Hyde called for recess for an Executive Session at 8:44 PM. Chairman Hyde directed the Commissioners to move to Room 112. The meeting reconvened at 9:00 PM.

Chairman Hyde explained this is in regard to any action that may be taken after meeting with Law Director Eric Sitrler.

Commissioner Brown moved, seconded by Commissioner Shoaf, to reject the offer that was proposed during the Executive Session meeting in Room 112.

The electronic vote to reject the offer was recorded in the following manner:

Reject Offer			1/23/2023 9:03:31 PM
YES - 20	NO - 0	ABS - 3	
Individual Voting Results			
Becker 21 - Y	Boyt 13 - Y	Brown 17 - Y	
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - A	
Harrison 3 - A	Holmes 12 - Y	Hyde 20 - Y	
Jones 23 - Y	Klein 6 - Y	Lamberth 4 - Y	
Mansfield 16 - Y	Miller 24 - Y	Moss 1 - Y	
Pomeroy 11 - NP	Ring 8 - A	Rogers 5 - Y	
Schmit 18 - Y	Shoaf 22 - Y	Sullivan 7 - Y	
Teachenor 14 - Y	Wright 2 - Y	Wynne 15 - Y	

Chairman Hyde declared the motion to reject the offer proposed approved by the body.

Chairman Hyde clarified the incorrect resolution was in the packet for Resolution 2301-01. He stated it was for docketing purposes only and did not require vote but the correct Highway resolution will be given at next month's meeting.

COMMITTEE ON COMMITTEES

Commissioner Mansfield announced the following appointment and moved to approve, seconded by Commissioner Schmit.

Solid Waste Board 6-year term:

- Presley Powers to replace Ben Harris – term expired May 2022

Chairman Hyde declared the appointment of Presley Powers to the Solid Waste Board approved unanimously by voice vote of the body.

Commissioner Mansfield announced the following appointment and moved to approve, seconded by Commissioner Harris.

E-911 Board 3 – year term:

- Teddy Baird to replace Alan Driver, ex-commissioner

Chairman Hyde declared the appointment of Teddy Baird to the E-911 approved unanimously by voice vote of the body.

Commissioner Mansfield announced the following appointments and moved to group and approve, seconded by Commissioner Klein.

Agricultural Extension Service Committee 2 – year term:

- Krista Oswald, farmer to replace Jennifer Bates, farmer
- Dwight Dixon, farmer to replace Frosty Gregory, farmer
- Nicole Guyot, farmer to replace Bailey Holland, farmer
- Ray Rainwater, farmer to replace Carl Cooper, farmer

Chairman Hyde declared the appointments of Krista Oswald, Dwight Dixon, Nicole Guyot and Ray Rainwater to the Agricultural Extension Service Committee approved unanimously by voice vote of the body.

Commissioner Mansfield announced the following appointment and moved for approval, seconded by Commissioner Miller.

Library Board:

- Ruth Fennell to replace Beth Popick, expires January 2023

Chairman Hyde declared the appointment of Ruth Fennell to the Library Board approved unanimously by voice vote of the body.

EDUCATION COMMITTEE

Commissioner Brown explained that even though the following resolution was passed by full Commission last month a lawsuit was filed against the Commission. Therefore, the resolution was taken through the Committee process in order to satisfy the lawsuit.

He noted there was one change made to the original resolution with the addition of Head Librarians and Principals to the second Be It Resolved paragraph.

Commissioner Brown introduced the following resolution and moved for approval, seconded by Commissioner Miller.

2301-03 A RESOLUTION REQUESTING TO STRONGLY ENCOURAGE THE HEAD LIBRARIANS, PRINCIPALS, DIRECTOR OF SCHOOLS, AND THE CHIEF ACADEMIC OFFICER TO ENSURE THE SUMNER COUNTY SCHOOL ENVIRONMENT IS FREE FROM OBSCENE AND PROVOCATIVE MATERIAL, IN ACCORDANCE WITH TENNESSEE CODE

WHEREAS T.C.A. § 39-17-91 1 states, "It is unlawful for any person to knowingly sell or loan for monetary consideration or otherwise exhibit or make available to a minor. . .(a)(1)Any picture, photograph, drawing, sculpture, motion picture film, video game, computer software game, or similar visual representation or image of a person or portion of the human body, that depicts nudity, sexual conduct, excess violence, or sado-masochistic abuse, and that is harmful to minors; or, (a)(2) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording, which contains any matter enumerated in subdivision 1), or that contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse, and that is harmful to minors"; and

WHEREAS a violation of T.C.A. § 39-17-91 1 was found in the book Lawn Boy, by Jonathan Evison which was purchased and distributed in Sumner County schools, and text found in the book has a grown man thinking about graphically narrated sex between two small boys; and

WHEREAS a sampling of such unlawful passages as displayed on page 174 of the book Lawn Boy reads as follows: "He talked about all the times at the church but never mentioned our penises, or the fact that he never said ten words to me after our little foray in the bushes. Not a single reference to holding or tugging or sucking d**ks. All I could think about while he was chatting me up over the rim of his cappuccino was his little salamander between my fourth-grade fingers, rapidly engorging with blood."; and

WHEREAS violation of the above statute is a Class A misdemeanor in the State of Tennessee ; and

WHEREAS T.C.A. § 49-06-1019(a) establishes several concepts which shall not be included or promoted in curriculums and supplemental materials of primary and secondary schools within the State of Tennessee, such as:

- (1) One (1) race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;
- (3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(4) An individual's moral character is determined by the individual's race or sex;

(5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

- (7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
- (8) This state or the United States is fundamentally or irredeemably racist or sexist;
- (9) Promoting or advocating the violent overthrow of the United States government;
- (10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
- (11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or

sex;

- (12) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
- (13) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
- (14) Governments should deny to any person within the government's jurisdiction the equal protection of the law,

WHEREAS T.C.A. § 49-06-1019(b) does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;
- (2) The impartial discussion of controversial aspects of history;
- (3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; or
- (4) Historical documents relevant to subdivisions (b)(1)-(3) that are permitted under 49-6-101 1.

WHEREAS T.C.A. § 49-06-1019(c) states specifically, "If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section",

WHEREAS violations of T.C.A. § 49-06-1019(a) were found in the books A Place Inside of Me, by Zetta Elliott, and Dragonwings by Laurence Yep, which were purchased and distributed in Sumner County schools, and text found in the books has examples of racism, foul language, underage drinking, violence, drugs, prostitution, alcohol, hatred of police, overthrow of the government, destruction of the nuclear family, and communism.

WHEREAS the Sumner County Commission is committed to supporting the just laws of the State of Tennessee by ensuring against violation against our laws by a single individual's opinion, judgment, or ideology; and,

WHEREAS the administration and Board of Education of Sumner County Schools have failed to comply with Tennessee law; and,

WHEREAS statements by some individual staff and administrative personnel indeed appear to argue for direct defiance of Tennessee law; and,

BE IT RESOLVED that the Sumner County Commission strongly encourages the formation of three material and curriculum review committees, one each for the elementary, middle, and high school levels, to review appropriate books for the school district.

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby request to strongly encourage the Head Librarians, Principals, Director of Schools, and the Chief Academic Officer to ensure that the Sumner County School environment is free from obscene and provocative material, in accordance with Tennessee Code.

BE IT FURTHER RESOLVED that this body directs the Office of the Law Director to send copies of this resolution to all members of the Sumner County School Board.

During discussion, Commissioner Rogers called for a Point of Order to ask for more direct motions. Chairman Hyde ruled in favor and asked Commissioner Wynne to bring discussion back to a specific motion.

After discussion, Commissioner Wynne moved, seconded by Commissioner Ring, to amend to insert the following language after the following described sections:

After eleventh Whereas section:

Whereas a violation of T.C.A. 8-44-101 was found which prohibits members of a governing body from meeting privately to deliberate on public business; and,

Where as the Chairman of Education has failed to comply with Tennessee State Law.

End of second Be It Resolved section:

Further, it is resolved the Education Chairman is strongly encouraged to abide by Tennessee Law in the deliberation of public business.

End of sentence to the third Be It Resolved section:

And Sumner County Commission.

After further discussion, the electronic vote to insert language was recorded in the following manner:

Amend to add language			1/23/2023 9:21:56 PM
YES - 2	NO - 19	ABS - 0	
Individual Voting Results			
Becker 21 - N	Boyt 13 - N	Brown 17 - N	
Burgdorf 19 - N	Genung 9 - N	Harris 10 - NV	
Harrison 3 - NV	Holmes 12 - N	Hyde 20 - N	
Jones 23 - N	Klein 6 - N	Lamberth 4 - N	
Mansfield 16 - N	Miller 24 - N	Moss 1 - N	
Pomeroy 11 - NP	Ring 8 - Y	Rogers 5 - N	
Schmit 18 - N	Shoaf 22 - N	Sullivan 7 - N	
Teachenor 14 - N	Wright 2 - N	Wynne 15 - Y	

Chairman Hyde declared the amendment to insert language failed to carry.

After discussion, Commissioner Becker moved, seconded by Commissioner Ring, to amend to strike paragraph two from the resolution.

After further discussion, the electronic vote to strike paragraph two was recorded in the following manner:

Strike Paragraph 2			1/23/2023 9:50:56 PM					
YES - 6			NO - 16			ABS - 1		
Individual Voting Results								
Becker 21	- Y	Boyt 13	- N	Brown 17	- N			
Burgdorf 19	- N	Genung 9	- N	Harris 10	- Y			
Harrison 3	- Y	Holmes 12	- N	Hyde 20	- N			
Jones 23	- N	Klein 6	- N	Lamberth 4	- Y			
Mansfield 16	- N	Miller 24	- N	Moss 1	- N			
Pomeroy 11	- NP	Ring 8	- Y	Rogers 5	- N			
Schmit 18	- N	Shoaf 22	- N	Sullivan 7	- N			
Teachenor 14	- A	Wright 2	- N	Wynne 15	- Y			

Chairman Hyde declared the amendment to strike paragraph two failed to carry.

Commissioner Becker moved, seconded by Commissioner Wynne, to amend to add "perceived" in front of violations in paragraph two.

The electronic vote was recorded the following manner:

Add "perceived" paragraph 2			1/23/2023 9:53:13 PM					
YES - 12			NO - 11			ABS - 0		
Individual Voting Results								
Becker 21	- Y	Boyt 13	- N	Brown 17	- N			
Burgdorf 19	- N	Genung 9	- Y	Harris 10	- Y			
Harrison 3	- Y	Holmes 12	- N	Hyde 20	- N			
Jones 23	- Y	Klein 6	- Y	Lamberth 4	- Y			
Mansfield 16	- N	Miller 24	- N	Moss 1	- N			
Pomeroy 11	- NP	Ring 8	- Y	Rogers 5	- Y			
Schmit 18	- N	Shoaf 22	- Y	Sullivan 7	- N			
Teachenor 14	- Y	Wright 2	- N	Wynne 15	- Y			

Chairman Hyde declared the amendment failed to carry.

Commissioner Becker moved, seconded by Commissioner Wynne, to amend to add "perceived" in front of violations in paragraph eight.

Commissioner Shoaf, moved to amend the amendment to strike Dragonwings from paragraph eight. The maker and seconder of the motion agreed.

After discussion, the electronic vote was recorded in the following manner:

Add "perceived" & strike Dragonwings paragraph 8			1/23/2023 9:59:00 PM					
YES - 11			NO - 12			ABS - 0		

Individual Voting Results

Becker 21 - Y	Boyt 13 - N	Brown 17 - N
Burgdorf 19 - Y	Genung 9 - N	Harris 10 - Y
Harrison 3 - Y	Holmes 12 - N	Hyde 20 - N
Jones 23 - N	Klein 6 - Y	Lamberth 4 - Y
Mansfield 16 - N	Miller 24 - N	Moss 1 - N
Pomeroy 11 - NP	Ring 8 - Y	Rogers 5 - Y
Schmit 18 - N	Shoaf 22 - Y	Sullivan 7 - N
Teachenor 14 - Y	Wright 2 - N	Wynne 15 - Y

Chairman Hyde declared the amendment failed to carry.

Commissioner Becker moved, seconded by Commissioner Wynne, to amend to add "perceived" in front of violations in paragraph eight.

The electronic vote was recorded in the following manner:

A 7

1/23/2023 9:59:50 PM

YES - 12

NO - 10

ABS - 0

Individual Voting Results

Becker 21 - Y	Boyt 13 - N	Brown 17 - N
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - Y
Harrison 3 - Y	Holmes 12 - N	Hyde 20 - N
Jones 23 - N	Klein 6 - Y	Lamberth 4 - Y
Mansfield 16 - N	Miller 24 - N	Moss 1 - N
Pomeroy 11 - NP	Ring 8 - NV	Rogers 5 - Y
Schmit 18 - N	Shoaf 22 - Y	Sullivan 7 - Y
Teachenor 14 - Y	Wright 2 - N	Wynne 15 - Y

Chairman Hyde declared the amendment failed to carry.

Commissioner Becker moved, seconded by Commissioner Ring, to amend to strike paragraph ten.

The electronic vote was recorded in the following manner:

Strike paragraph 10

1/23/2023 10:05:29 PM

YES - 5

NO - 14

ABS - 1

Individual Voting Results

Becker 21 - Y	Boyt 13 - N	Brown 17 - N
Burgdorf 19 - N	Genung 9 - NV	Harris 10 - Y
Harrison 3 - Y	Holmes 12 - N	Hyde 20 - N
Jones 23 - N	Klein 6 - N	Lamberth 4 - Y
Mansfield 16 - N	Miller 24 - N	Moss 1 - N
Pomeroy 11 - NP	Ring 8 - Y	Rogers 5 - N
Schmit 18 - N	Shoaf 22 - N	Sullivan 7 - NV
Teachenor 14 - A	Wright 2 - N	Wynne 15 - NV

Chairman Hyde declared the amendment failed to carry.

Commissioner Teachenor moved, seconded by Commissioner Wynne, to amend to remove all "Whereas" paragraphs and leave "Be It Resolved" paragraphs.

Commissioner Wynne moved to amend the amendment to leave paragraph nine in place. Commissioner Teachenor, as maker of the motion, agreed to the change.

The electronic vote to remove “Whereas” paragraphs except for paragraph nine was recorded in the following manner:

Remove Whereas paragraphs	1/23/2023 10:14:27 PM					
YES - 12	NO - 11	ABS - 0				
Individual Voting Results						
Becker 21 - Y	Boyt 13 - N	Brown 17 - N				
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - Y				
Harrison 3 - Y	Holmes 12 - N	Hyde 20 - N				
Jones 23 - N	Klein 6 - N	Lamberth 4 - Y				
Mansfield 16 - N	Miller 24 - N	Moss 1 - Y				
Pomeroy 11 - NP	Ring 8 - Y	Rogers 5 - Y				
Schmit 18 - N	Shoaf 22 - N	Sullivan 7 - Y				
Teachenor 14 - Y	Wright 2 - N	Wynne 15 - Y				

Chairman Hyde declared the amendment failed to carry.

After discussion, Commissioner Rogers moved, seconded by Commissioner Harris, to defer back to the Education Committee.

The electronic vote to defer to Education Committee was recorded in the following manner:

Defer to Education	1/23/2023 10:24:16 PM					
YES - 10	NO - 11	ABS - 0				
Individual Voting Results						
Becker 21 - Y	Boyt 13 - N	Brown 17 - N				
Burgdorf 19 - N	Genung 9 - NV	Harris 10 - Y				
Harrison 3 - Y	Holmes 12 - Y	Hyde 20 - N				
Jones 23 - N	Klein 6 - N	Lamberth 4 - NV				
Mansfield 16 - N	Miller 24 - N	Moss 1 - Y				
Pomeroy 11 - NP	Ring 8 - Y	Rogers 5 - Y				
Schmit 18 - N	Shoaf 22 - N	Sullivan 7 - Y				
Teachenor 14 - Y	Wright 2 - N	Wynne 15 - Y				

Chairman Hyde declared the motion to defer failed to carry.

Commissioner Shoaf moved, seconded by Commissioner Harris, to nullify Resolution 2211-24 and replace with 2301-03.

Commissioner Harrison called for a Point of Order and stated it might be more appropriate to rescind the act of previous Resolution 2211-24 before voting on Resolution 2301-03. Chairman Hyde clarified since it is not on the agenda it would require sixteen votes to approve to add to the agenda.

Commissioner Shoaf moved, seconded by Commissioner Harris, to add to the agenda to rescind Resolution 2211-24.

The electronic vote to add item to the agenda was recorded in the following manner:

Rescind added to the agenda	1/23/2023 10:27:52 PM					
YES - 20	NO - 2	ABS - 0				
Individual Voting Results						
Becker 21 - Y	Boyt 13 - Y	Brown 17 - N				
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - Y				
Harrison 3 - Y	Holmes 12 - Y	Hyde 20 - NV				

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Jones 23	- Y	Klein 6	- Y	Lamberth 4	- Y
Mansfield 16	- Y	Miller 24	- Y	Moss 1	- Y
Pomeroy 11	- NP	Ring 8	- Y	Rogers 5	- Y
Schmit 18	- N	Shoaf 22	- Y	Sullivan 7	- Y
Teachenor 14	- Y	Wright 2	- Y	Wynne 15	- Y

Chairman Hyde declared the motion to add to the agenda approved by the body.

Commissioner Shoaf moved, seconded by Commissioner Harrison, to rescind previous Resolution 2211-24.

The electronic vote to rescind Resolution 2211-24 was recorded in the following manner:

Rescind 2211-24			1/23/2023 10:29:03 PM		
YES - 22	NO - 1	ABS - 0			
Individual Voting Results					
Becker 21	- Y	Boyt 13	- Y	Brown 17	- Y
Burgdorf 19	- Y	Genung 9	- Y	Harris 10	- Y
Harrison 3	- Y	Holmes 12	- Y	Hyde 20	- Y
Jones 23	- Y	Klein 6	- Y	Lamberth 4	- Y
Mansfield 16	- Y	Miller 24	- Y	Moss 1	- Y
Pomeroy 11	- NP	Ring 8	- Y	Rogers 5	- Y
Schmit 18	- N	Shoaf 22	- Y	Sullivan 7	- Y
Teachenor 14	- Y	Wright 2	- Y	Wynne 15	- Y

Chairman Hyde declared the motion to rescind Resolution 2211-24 approved by the body.

Commissioner Mansfield called for question. Chairman Hyde recognized Commissioner Wynne who was the only person remaining in the que.

The electronic vote on Resolution 2301-03 was recorded in the following manner:

2301-03			1/23/2023 10:31:43 PM		
YES - 15	NO - 1	ABS - 7			
Individual Voting Results					
Becker 21	- A	Boyt 13	- Y	Brown 17	- Y
Burgdorf 19	- Y	Genung 9	- Y	Harris 10	- A
Harrison 3	- A	Holmes 12	- Y	Hyde 20	- Y
Jones 23	- Y	Klein 6	- Y	Lamberth 4	- A
Mansfield 16	- Y	Miller 24	- Y	Moss 1	- Y
Pomeroy 11	- NP	Ring 8	- N	Rogers 5	- Y
Schmit 18	- Y	Shoaf 22	- Y	Sullivan 7	- A
Teachenor 14	- A	Wright 2	- Y	Wynne 15	- A

Chairman Hyde declared Resolution 2301-03 approved by the body.

HEALTH AND EMERGENCY SERVICES COMMITTEE

There was no report from the Health and Emergency Services Committee.

GENERAL OPERATIONS COMMITTEE

There was no report from the General Operations Committee.

HIGHWAY COMMITTEE

There was no report from the Highway Committee.

LEGISLATIVE COMMITTEE

Commissioner Mansfield introduced the following resolution and moved for approval; seconded by Commissioner Schmit.

2301-04 A RESOLUTION AMENDING THE STANDING RULES AND PROCEDURES TO INCLUDE: "ALL COMMISSIONERS ARE TO KEEP SMARTPHONES IN SILENT MODE AND ARE NOT TO USE THEM DURING MEETINGS OF THE FULL COMMISSION FOR ACTIVITIES INCLUDING, BUT NOT LIMITED TO, TEXTING, WATCHING VIDEOS, PLAYING GAMES, OR SURFING THE INTERNET. SHOULD A COMMISSIONER RECEIVE AN EMERGENCY CALL OR TEXT DURING A MEETING, HE/SHE WILL NEED TO STEP OUTSIDE TO ADDRESS THE CALL OR TEXT SO AS NOT TO DISTURB THE CURRENT PROCEEDINGS"

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023 that this body does hereby amends the standing rules and procedures to include: "All commissioners are to keep smartphones in silent mode and are not to use them during meetings of the full commission for activities including, but not limited to, texting, watching videos, playing games, or surfing the internet. Should a commissioner receive an emergency call or text during a meeting, he/she will need to step outside to address the call or text so as not to disturb the current proceedings."

After discussion, the electronic vote was recorded in the following manner:

2301-04 1/23/2023 10:44:27 PM
YES - 13 **NO - 9** **ABS - 1**
Individual Voting Results

Becker 21 - Y	Boyt 13 - N	Brown 17 - Y
Burgdorf 19 - Y	Genung 9 - A	Harris 10 - N
Harrison 3 - N	Holmes 12 - Y	Hyde 20 - Y
Jones 23 - Y	Klein 6 - Y	Lamberth 4 - N
Mansfield 16 - Y	Miller 24 - Y	Moss 1 - Y
Pomeroy 11 - NP	Ring 8 - N	Rogers 5 - N
Schmit 18 - Y	Shoaf 22 - Y	Sullivan 7 - N
Teachenor 14 - N	Wright 2 - Y	Wynne 15 - N

Chairman Hyde declared Resolution 2301-04 failed to carry by two thirds vote.

BUDGET COMMITTEE

Commissioner Shoaf introduced the following resolution moved for approval; Commissioner Mansfield seconded the motion.

2301-05 A RESOLUTION APPROPRIATING \$1,250,000.00 OF ARPA FUNDS FOR ASPHALT FOR HIGHWAYS FOR THE SUMNER COUNTY HIGHWAY DEPARTMENT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body hereby appropriates \$1,250,000.00 of ARPA funds for asphalt for highways for the Sumner County Highway Department, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2301-05 approved unanimously by voice vote of the body.

Commissioner Shoaf introduced the following resolution and moved for discussion, seconded by Commissioner Mansfield.

2301-06 A RESOLUTION APPROPRIATING \$125,145.00 FOR ADDITIONAL PAYROLL FUNDING FOR THE SUMNER COUNTY ELECTION COMMISSION DUE TO FISCAL YEAR 2023 ELECTIONS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body does hereby appropriate \$125,145.00 for additional payroll funding for the Sumner County Election Commission due to Fiscal Year 2023 elections, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2301-06 approved unanimously by voice vote of the body.

Commissioner Shoaf introduced the following resolution and moved for approval, seconded by Commissioner Harris.

2301-07 A RESOLUTION APPROPRIATING UP TO \$10,000.00 FOR LAPTOPS TO BE REIMBURSED THROUGH TCI/STATE OF TENNESSEE GRANT FOR THE SUMNER COUNTY SHERIFF'S OFFICE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 23rd day of January 2023, that this body hereby appropriates up to \$10,000.00 for laptops to be reimbursed through TCI/State of Tennessee Grant for the Sumner County Sheriff's Office, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2301-07 approved unanimously by voice vote of the body.

Commissioner Shoaf opened discussion about the request to purchase three tractors in the amount of \$380,036.00 for the Highway Department, added to the agenda from the floor by Commissioner Rogers. Commissioner Shoaf clarified that according to the approved rules and procedures that it should be sent back to Committee.

Commissioner Shoaf moved, seconded by Commissioner Harrison, to approve purchase of three tractors in the amount of \$380,036.00 for the Highway Department.

Commissioner Genung moved, seconded by Commissioner Mansfield, to amend to send back to Budget Committee for further evaluation.

Finance Director David Lawing stated this request will come from \$10,000,000.00, less restrictive, ARPA funds but does need to be evaluated.

Commissioner Tim Jones requested to suspend the rules to allow Highway Superintendent Toby Ellis to speak. Chairman Hyde stated there is a motion on the floor to be voted on first.

After further discussion, without objection, Chairman Hyde allowed Highway Superintendent Toby Ellis to address the Commission. Mr. Ellis explained that he used the state bid amount, which is usually cheaper than the bid process, to arrive at the requested figure. Mr. Lawing stated that it will have to have at least two bidders unless the state bid is allowed, which will need to be evaluated.

After further discussion, the electronic vote to amend to send back to Budget Committee was recorded in the following manner:

3 tractors - Hwy Dept			1/23/2023 10:58:41 PM
YES - 14	NO - 9	ABS - 0	
Individual Voting Results			
Becker 21 - N	Boyt 13 - Y	Brown 17 - Y	
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - N	
Harrison 3 - N	Holmes 12 - Y	Hyde 20 - Y	
Jones 23 - N	Klein 6 - Y	Lamberth 4 - N	
Mansfield 16 - Y	Miller 24 - Y	Moss 1 - Y	
Pomeroy 11 - NP	Ring 8 - N	Rogers 5 - Y	
Schmit 18 - Y	Shoaf 22 - N	Sullivan 7 - Y	
Teachenor 14 - Y	Wright 2 - N	Wynne 15 - N	

Chairman Hyde declared the amendment to send back to Budget Committee approved by the body.

FINANCIAL MANAGEMENT

There was no report from the Financial Management Committee.

ADJOURNMENT

Chairman Hyde declared the Commission meeting adjourned at 11:00 p.m. upon motion of Commissioner Becker, seconded by Commissioner Rogers.

CAROLYN TEMPLETON, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Jennifer Mitchell

Approved on _____