
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
FEBRUARY 27, 2023**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, February 27, 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

Kevin Pomeroy
Baker Ring
Darrell Rogers
Don Schmit
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-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 Shoaf was not present.

The Invocation was led by Commissioner Tim Jones.

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

APPROVAL OF AGENDA

Without objection, Chairman Hyde moved Certificates of Recognition honoring Coach Ed Martin, Liberty Creek Middle School Cheerleading Team, Liberty Creek High School Junior Varsity Cheerleading Team, Liberty Creek High School Varsity Cheerleading Team and Hendersonville High School Cheerleading Team to March. Chairman Hyde added Resolution 2302-18 to the agenda and placed under Health and Emergency Services report. Chairman Hyde also moved Certificates of Recognition before Recognition of Public.

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

2302-14 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 27th day of February 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.

2302-15 A RESOLUTION DECLARING VARIOUS ITEMS FROM THE SUMNER COUNTY HIGHWAY DEPARTMENT AS SURPLUS PROPERTY AND AUTHORIZING DISPOSAL OR SALE OF SAME PURSUANT TO EXISTING POLICIES AND PROCEDURES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body hereby declares various items from the Sumner County Highway Department as surplus, as shown on the attachment; and

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

2302-16 A RESOLUTION REMOVING THE ARPA APPROPRIATION FOR ELECTION MACHINES DUE TO OTHER FUNDING FOR THE ELECTION OFFICE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby remove the ARPA appropriation for election machines due to other funding for the election office, as shown on the attachment herewith.

**2302-17 A RESOLUTION APPROPRIATING \$1,000.00 FOR NAMI
SCHOLARSHIP REIMBURSEMENT FOR CIT INTERNATIONAL
CONFERENCE 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 27th day of February 2023, that this body hereby appropriates \$1,000.00 for NAMI scholarship reimbursement for CIT International Conference for the Sumner County Sheriff's Office, as shown on the attachment herewith.

Tax Refunds

Gallatin Day Care Centers	\$ 604.00
John A. Shaw	\$. 365.00
Wilmoth Vanatta	\$ 35.20

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

APPROVAL OF MINUTES

The minutes for the meeting of this body held on January 23, 2023 and recorded in the office of the Clerk, Carolyn Templeton. Commissioner Miller noted a correction to remove Interim County Attorney Ben Allen and replace with Law Director Eric Sitler. The January 23, 2023 were approved unanimously, as corrected, by voice vote after Commissioner Ring made the motion, seconded by Commissioner Harris.

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

Commissioner Mansfield introduced the following Proclamation:

A PROCLAMATION HONORING

Beverly Richards Surles

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

*meeting in regular session on this the
27th day of February 2023,
does hereby honor*

Ms. Beverly Richards Surles

on her 99th Birthday!

Upon motion of Commissioner Mansfield, seconded by Commissioner Schmit, the Commission voted unanimously by voice vote to approve the proclamation honoring Beverly Richards Surles.

County Mayor Isbell introduced the following Proclamation:

A PROCLAMATION HONORING

Kelley M. Bennett

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

*meeting in regular session on this the
27th day of February 2023,
does hereby honor and commend*

Ms. Kelley M. Bennett

on her retirement from the Sumner County Juvenile Court.

Upon motion of Commissioner Ring, seconded by Commissioner Becker, the Commission voted unanimously by voice vote to approve the proclamation honoring Kelley M. Bennett.

Commissioner Miller introduced the following Proclamation:

A PROCLAMATION HONORING

Beech High School Football Team

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

*meeting in regular session on this the
27th day of February 2023,
does hereby honor and commend*

***Beech High School
Football Team***

for advancing to the State Championship.

Upon motion of Commissioner Miller, seconded by Commissioner Mansfield, the Commission voted unanimously by voice vote to approve the proclamation honoring the Beech High School Football Team.

RECOGNITION OF THE PUBLIC

Jack Smith of 210 Starting Gate Drive, Gallatin spoke in favor of school board candidate Roxie Kelsey.

Wes Duenkel of 321 Buffalo Run, Goodlettsville spoke in favor of school board candidate Roxie Kelsey.

Matt Stiles of 620 Rock Springs Road, Castalian Springs asked for consideration for the 9th District School Board seat and spoke to his qualifications.

Pat Collins of 139 Chiroc Road, Hendersonville spoke in favor of Roxie Kelsey to fill the vacant school board seat to help bring needed diversity to the school board.

Steven Oldham of 1817 Shagbark Way, Gallatin spoke to his qualifications for the school board vacancy and asked for the Commissioners vote.

Roxie Kelsey of 900 Laura Street, Gallatin asked for consideration for the vacant school board seat and spoke to her qualifications.

Andy Lacy of 184 Bushs Lane, Gallatin spoke in favor of Josh Graham to fill the school board vacancy.

Kevin Baigert of 424 AB Wade Road, Portland recommended approving the Consent Agenda items after public comment. Spoke against moving school money around (ESSER funds). Spoke in favor of Josh Graham to fill the vacant school board seat and Resolutions 2302-03, 2302-04, 2302-05, 2302-06 and 2302-09.

Sarah Squires of 134 Chesapeake Harbor, Hendersonville expressed concerns about the future of the schools. Spoke in favor of Roxie Kelsey for 9th District School Board seat.

Holly Cruz of 3275 Hartsville Pike, Castalian Springs spoke in favor of Roxie Kelsey for vacant school board seat.

Charlena Aumiller of 143 Ruland Circle, Hendersonville spoke against Josh Graham for consideration for school board vacancy. Spoke in favor of Roxie Kelsey and Matthew Stiles to fill vacant school board seat.

Rebecca Goddard of 2339A New Hope Road, Hendersonville would like families with IEP and 504 plans represented on the school board. Spoke in favor of Josh Graham for school board vacancy.

Thomas Staten of 1458 Mt. Olivet Road, Hendersonville spoke in favor of Roxie Kelsey for school board seat.

Meghan Breinig of 171 Wynnbrooke Trace, Hendersonville spoke in favor of Steven Oldham and against Josh Graham for the school board seat.

Pascal Jouvence of 1335 Long Hollow Pike, Gallatin spoke in favor of Josh Graham for school board seat.

Lynn Baker of 754 Greenfield Lane, Castalian Springs expressed her support for Roxie Kelsey for school board.

Josh Graham of 306 Wildcat Run, Gallatin asked for consideration for the vacant school board seat.

Joanna Daniels of 152 N. Shadowhaven Way, Hendersonville spoke in favor of Josh Graham for school board and support of Resolutions 2302-03 through 2302-05.

Sarah Hilton of 2317 Cages Bend Road, Gallatin spoke in support of Roxie Kelsey for school board and expressed concerns about Josh Graham.

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

REPORT OF THE CHAIR

Chairman Hyde introduced the following resolutions:

2302-01 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.

2302-02 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 27th day of February 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 Resolutions 2302-01 and 2302-02 approved unanimously by voice vote of the body upon motion by Commissioner Burgdorf, seconded by Commissioner Wright to group and approve.

ELECTION OF 9TH DISTRICT BOARD OF EDUCATION

Chairman Hyde directed Clerk Templeton to read the following notice:

NOTICE OF SPECIAL ELECTION

Pursuant to the Tennessee constitution as well as the Tennessee Code Annotated Section 5-5-11, notice is hereby given that on Monday, February 27, 2023, at approximately 7:00 p.m. (local time), the Sumner County Board of County Commissioners shall assemble in the commission Chambers of the Sumner County Administration Building, 355 North Belvedere Drive, Gallatin, Sumner County, Tennessee, with respect to filing the vacancy in the Sumner County School Board for the Ninth District created by the death of Patricia H. Brown.

The purpose of the special meeting is to consider, deliberate, and possible vote on a person to serve as the interim School Board member for the Ninth District until the remaining term is filled as required by state statutory and constitutional requirements.

This special election will be held during a regular called meeting of the Body on the aforesaid date.

Voters of Sumner County are invited to submit names for consideration of appointment to this office. Persons interested in the position are asked to submit a resume or qualifications to the Office of the County Clerk, Sumner County Administration Building, 355 North Belvedere Drive, Room 111, Gallatin, Tennessee, 37066 by Monday, February 27, 2023, 12:00 noon (local time) or attend the aforesaid 7:00 p.m. meeting and express interest to a member of the Sumner County Legislative Body.

The position must be filled according to all applicable state statues, rules, and regulation.

Anyone having an interest, desiring to comment or ask questions concerning the above referenced issue is invited to attend this meeting.

Chairman Hyde announced the following candidates for the 9th District School Board vacancy:

- Roxie Kelsey
- Steven Oldham
- Josh Graham
- Matthew Stiles

Commissioner Pomeroy moved, seconded by Commissioner Sullivan, to accept the candidates. The motion was approved unanimously by voice vote of the body.

Chairman Hyde stated it will be a roll call vote. Person receiving lowest number of votes will be dropped from ballot until someone receives thirteen votes.

Chairman Hyde asked Clerk Templeton to start the roll call vote.

Commissioner Becker called for a point of information and asked if allowed to make comments before the vote. Chairman Hyde stated he would allow comments.

After discussion, Clerk Templeton proceeded with the roll call vote. The votes were recorded in the following manner:

Sumner County Board of Commissioners								
Subject:		School Board Dist. 9						
Dist. Commissioner		Graham	Kelsey	Oldham	Stiles			
1	Moss	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Harrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Lamberth	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Rogers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Klein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Ring	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Genung	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Harris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Pomeroy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Holmes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Boyt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Teachenor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Wynne	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Mansfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Schmit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Burgdorf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Hyde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Becker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Shoaf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	TOTALS	14	0	7	2	0	0	0

Graham Kelsey Oldham Stiles

Chairman Hyde declared Josh Graham elected to the Board of Education Ninth District. Chairman Hyde congratulated Mr. Graham on his election.

RECESS

Chairman Hyde called for a recess at 8:40 p.m. for Clerk Templeton to swear in Josh Graham. The meeting reconvened at 8:50 p.m.

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:

2302-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.**

JENNIFER P ALLEN
RAQUEL M ALLEN
TIFFANY L ARMSTRONG
NICHOLE C ARNETT
DOMINIC N AUSTIN
BRENDA BAKER
ANGELA P BANDY
TABATHA A BEASLEY
AUTUMN J BELL
CHARLIE N BELOTE JR
SASHA BENNETT
KRISTEN BIGGERSTAFF
DEBORAH BISSELL
STARLA BLACK
CASHEENA BRANHAM
JASON M BROWN
MICHELLE BROWN

MARY ANN INMAN
AMANDA JACKSON
ALEJANDRA KITCHEN
MARY M LAZARUS
BRANDON LIPPMAN
DOLORES MARTIN
LYNDORA MCCAFFERTY
SUE MILLIKEN
KRISTY L. MORA
DEBRA L MURILLO
DENISE NUNEZ
AMANDA OLDHAM
CANNON PACE
WILLIAM PERKINS
TEMPLE P PRYOR
MICHELE LYNNE RANDALL
BARBARA RAY

ROBERT M BRZOZOWSKI	ANGELA KAY RAY
ASHLEY CALLIS	MATTHEW RICKETT
TAMMY M CANTRELL	RACHEL EMILY RIFE
DONNA H CAVIN	TARITA M ROBERTS
TAMMIE R CLARK	REX SCOT ROBINSON
T CLINTON	OMAYRA RODRIGUEZ
NICHOLAS D COLLINS	KALYN SANDEL
JO L COLLINS	NITZA M SCARBRO
BEVVA D DARDEN	JOY SHARP
GERI DENHERTOG	KAYLA SHEHANE
KATRINA DENSON	GUY SNIDER
DEREK D DOBBS	CAROL S SPURLOCK
ERIC FITZGERALD	RACHEL L SUDDARTH
BEVERLY S FLETCHER	KEITHA SUMMERS
CLEMON GILLIAM	CHRISTIE R TAYLOR
EMILY GONZALEZ	JONTHANY D. TAYLOR
DANIEL W GORNICKI	L SARAH TEACHEY
EMILY K GRISARD	MICHAELA THOMPSON
DIA FAITH HALL	JENNY LEE TRAVIS
LORENA M HAYNES	BRANDI TURNER
JUSTIN HAYS	VELVET VAUGHN
MICHAEL S HENDERSON	CHRISTOPHER L VIGIL
HANNAH J HERMAN	SHAWN WEBSTER
SONIA W. HIGH	RONALD E WEISSINGER
KARA HIGNEY	NAHTALY WILLIAMS
DAVID M HOHLFELD	JUDITH WILLIAMS
ASHLEY HUMBERT	JUDITH E WOODARD
KIMBERLY HUNTER	

PERSONAL SURETY
BRUCE N. OLDHAM
SUE H. DUNNING

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

2302-NOT				2/27/2023 8:52:03 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	- Y	Lamberth 4	- Y
Mansfield 16	- Y	Miller 24	- Y	Moss 1	- Y
Pomeroy 11	- Y	Ring 8	- Y	Rogers 5	- Y
Schmit 18	- Y	Shoaf 22	- NP	Sullivan 7	- Y
Teachenor 14	- NV	Wright 2	- Y	Wynne 15	- Y

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

COMMITTEE ON COMMITTEES

Commissioner Mansfield announced the following appointment and moved for approval; seconded by Commissioner Schmit.

Local Emergency Planning Commission:

- Darrell Rogers to replace Michael Guthrie, ex-commissioner

Chairman Hyde declared the appointment of Darrell Rogers to the Local Emergency Planning Commission approved unanimously by voice vote of the body.

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

Industrial Development Board:

- Mike Conner to replace Danny Hale, 6-year term expired November 2022
- Barry Smith to replace Kevin McCutcheon, 6-year term expired November 2022

Chairman Hyde declared the appointments of Mike Conner and Barry Smith to the Industrial Development Board approved unanimously by voice vote of the body.

Commissioner Mansfield announced the following appointments and noted Fred Welland removed from the list, moved to group and approve, seconded by Commissioner Schmit.

Board of Construction Appeals:

- Bruce Quinn to replace Larry Brown, alternate, 1-year term
- John Genung to replace Rick Halcomb, alternate, 1-year term
- Barry Briley to replace Shawn Utley, 3-year term
- ~~Fred Welland to replace James Hodges, 2-year term~~
- Brian Lynch to replace Bob Goodall, Jr., 2-year term
- Roger Smith to replace Henry Brown, 3-year term
- Jim Moynihan to replace Robert Hill, 2-year term
- Donald Carroll to replace Kenny Louallen, 3-year term

Commissioner Genung stated John Genung is her husband and she would abstain from the vote.

After discussion, the electronic vote for the slate of candidates for the Construction Appeals was recorded in the following manner:

Board of Construction
Appeals

2/27/2023 8:59:44 PM

YES - 12

NO - 10

ABS - 1

Individual Voting Results

Becker 21 - N	Boyt 13 - Y	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 - N
Pomeroy 11 - N	Ring 8 - N	Rogers 5 - Y
Schmit 18 - Y	Shoaf 22 - NP	Sullivan 7 - N
Teachenor 14 - Y	Wright 2 - N	Wynne 15 - N

Chairman Hyde declared the appointments to the Board of Construction Appeals failed to carry.

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

Civil Service Board:

- Bill Johnson, Sheriff's Representative

Chairman Hyde declared the appointment of Bill Johnson to the Civil Service Board approved unanimously by voice vote of the body.

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

Public Records Commission (Archives Board):

- Terri Boyt to replace Baker Ring, Commissioner

After discussion, Chairman Hyde called for a roll call vote after the voice vote was indeterminate.

The electronic vote was recorded in the following manner:

Public Records/Archives
Board - Terri Boyt

2/27/2023 9:01:57 PM

YES - 16

NO - 6

ABS - 1

Individual Voting Results

Becker 21 - Y	Boyt 13 - A	Brown 17 - Y
Burgdorf 19 - Y	Genung 9 - Y	Harris 10 - N
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 - N
Pomeroy 11 - N	Ring 8 - N	Rogers 5 - Y
Schmit 18 - Y	Shoaf 22 - NP	Sullivan 7 - N
Teachenor 14 - Y	Wright 2 - Y	Wynne 15 - N

Chairman Hyde declared the appointment of Terri Boyt to the Public Records Commission approved by the body.

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

Highway Committee:

- Tim O'Brien , citizen to replace Tom Neal, citizen

Chairman Hyde declared the appointment of Tim O'Brien to the Highway Committee approved unanimously by voice vote of the body.

EDUCATION COMMITTEE

Commissioner Brown reported another book, Perks of Being a Wallflower, was brought to the floor during the Sumner County Board of Education meeting last month for review.

HEALTH AND EMERGENCY SERVICES COMMITTEE

Commissioner Rogers announced the following resolution and moved for approval, seconded by Commissioner Schmit.

2302-18 A RESOLUTION ADOPTING CHANGES TO THE SICK LEAVE POLICY FOR THE SUMNER COUNTY EMERGENCY COMMUNICATIONS CENTER

BE IT FUTHER RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby adopt changes to the sick leave policy for the Sumner County Emergency Communications Center, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2302-18 approved unanimously by voice vote of the body.

GENERAL OPERATIONS COMMITTEE

Commissioner Klein reported a meeting with Dr. Del Phillips has been arranged to discuss the sewer system for Liberty Creek Schools.

HIGHWAY COMMITTEE

There was no report from the Highway Committee.

LEGISLATIVE COMMITTEE

Commissioner Mansfield explained language removed from resolution passed in January to remove municipalities and moved for approval; seconded by Commissioner Schmit.

2302-03 A RESOLUTION PROHIBITING EMINENT DOMAIN FROM BEING USED TO ACQUIRE PRIVATELY OWNED REAL PROPERTY FOR PARKS, TRAILS, PATHS, OR GREENWAYS FOR WALKING, RUNNING, HIKING, BICYCLING,

OR EQUESTRIAN USE UNLESS THE PRIVATELY OWNED REAL PROPERTY IS PARALLEL TO, RUNS DIRECTLY ALONG THE LENGTH OF, AND EXTENDS IN THE SAME DIRECTION AS A HIGHWAY, ROAD, OR STREET

WHEREAS Eminent domain must not be used to acquire privately owned real property for parks, trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use unless the privately owned real property is parallel to, runs directly along the length of, and extends in the same direction as a highway, road, or street, and applies to the following entities with the power to condemn in Tennessee:

1. Airport authorities under T.C.A. §§ 42-3-108-42-3-109; 42-3-204;
2. County airports under T.C.A. § 42-5-103;
3. County electric plants under T.C.A. § 7-52-105;
4. County controlled access highways under T.C.A. § 54-16-104;
5. County industrial parks under T.C.A. § 13-16-203;
6. County levees under T.C.A. § 69-4-105;
7. County public transportation systems under T.C.A. § 7-56-106;
8. County public works projects under T.C.A. § 9-21-107;
9. County railroad systems under T.C.A. § 7-56-207;
10. County recreational land under T.C.A. § 11-24-102;
11. County roads under T.C.A. §§ 29-17-801 *et seq.*; 54-10-205;
12. County schools under T.C.A. §§ 49-6-2001 *et seq.*;
13. County solid waste sites under T.C.A. § 68-211-919;
14. Drainage and levee districts under T.C.A. §§ 29-17-901 *et seq.*; 69-5-201 *et seq.*;
15. Electric power districts under T.C.A. §§ 7-83-303; 7-83-305;
16. Hospitals under T.C.A. § 29-16-126;
17. Housing authorities under T.C.A. §§ 13-20-104; 13-20-108-13-20-109; 13-20-212;
18. Light, power, and heat companies under T.C.A. § 65-22-101;
19. Pipeline companies under T.C.A. § 65-28-101; 20. Road improvement districts under T.C.A. § 54-12-152;
21. Solid waste authorities under § 68-211-908.
22. Utility Districts under T.C.A. § 7-82-305;
23. Water Companies under T.C.A. § 65-27-201;
24. Water and Wastewater Authorities T.C.A. § 68-221-610;

WHEREAS prohibiting the use of eminent domain to acquire privately owned real property for parks, trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use does not apply upon written agreement between the owner of the real property and a:

1. Planned unit development;
2. Homeowner's association; or
3. Business or related entity.

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023; and

THEREFORE, BE IT RESOLVED that this resolution shall be forwarded to our state delegates for passage by the General Assembly; and

BE IT FURTHER RESOLVED, the provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any

circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act; and

BE IT FURTHER RESOLVED this act takes effect upon becoming law, the public welfare requiring it, and applies to the exercise of eminent domain on or after the effective date of this act.

Chairman Hyde declared Resolution 2302-03 approved unanimously by voice vote of the body.

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

2302-04 A RESOLUTION APPROVING THE 2023 PROPERTY TAXPAYERS' PROTECTION ACT

WHEREAS, Sumner County has experienced accelerated residential growth that has negatively impacted the County's ability to sustain existing essential services; and

WHEREAS, the citizens of Sumner County, for far too long, have been given the burden of paying for new development by ever-increasing property taxes; and

WHEREAS, in 2006, the Tennessee General Assembly enacted the County Powers Relief Act T.C.A. 67-4-2901, et seq, which provided the authority for Counties to enact adequate facility taxes; and

WHEREAS, the growth in Sumner County has led to the need for the expansion of county services, including, but not limited to, new schools, law enforcement, emergency management services, new roads, etc. The adequate facilities tax on development, allowed in T.C.A. 67-4-2913, alone has proven to be woefully inadequate in meeting the demands for additional services the County has experienced; and

WHEREAS, pursuant to T.C.A. 67-4-2913, the County Powers Relief Act explicitly forbids a county from enacting an impact fee; however, it excludes municipalities from the prohibition of enacting impact fees; and

WHEREAS, in Tennessee Attorney General Opinion No. 07-161 (December 11, 2007), the Tennessee Attorney General also opined that the County Powers Relief Act "does not prohibit cities from enacting impact fees;" and

WHEREAS, municipalities are specifically granted the authority to enact impact fees pursuant to T.C.A. 6-2-201 (15) and T.C.A. 6-33-101(a) to fund the expansion of their services caused by growth; and

WHEREAS, Sumner County desires to be given the same opportunity afforded to municipalities in determining how best to fund the expansion of services necessitated by accelerated growth; and

WHEREAS, the Sumner County Commission deems it to be in the best interest of Sumner County and its citizens to request that the State legislature repeal the County Powers Relief Act or support an amendment of the County Powers Relief Act to allow counties of the State of Tennessee the same options granted municipalities when it comes to funding the expansion of services necessitated by accelerated growth; and

WHEREAS, it is fundamentally unfair to require the citizens of Sumner County to continue to fund the expansion of services caused by growth with ever-increasing property taxes.

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, to respectfully request that the Sumner County legislative delegation support any bills presented to repeal or amend the County Powers Relief Act to merely allow the counties of Tennessee to be placed on a level playing field with the municipalities in our great state, to determine the most conservative way to establish a means for funding the accelerated growth Sumner County is experiencing without burdening the current tax base with increased property taxes.

BE IT FURTHER RESOLVED that this resolution be forwarded by appropriate County officials to the Sumner County legislative delegation and/or others, as deemed proper.

Chairman Hyde declared Resolution 2302-04 approved unanimously by voice vote of the body.

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

2302-05 A RESOLUTION REQUESTING THE GOVERNOR OF TENNESSEE AND STATE ATTORNEY GENERAL TAKE APPROPRIATE ACTION TO PROTECT THE MEDICAL FREEDOM OF THOSE SERVING IN THE TENNESSEE ARMY AND AIR NATIONAL GUARD AND TENNESSEE STATE GUARD

WHEREAS, the Tennessee Army and Air National Guard provide a vital service to the citizens of Tennessee in times of emergency, and to the United States for national security; and

WHEREAS, the Biden Administration and the U.S. Secretary of Defense Lloyd Austin issued an arbitrary order that Tennessee Army and Air National Guard service members be vaccinated against the COVID-19 virus as a condition of their service to the state and nation; and

WHEREAS, the above cited vaccination mandate has had extremely negative impacts on recruiting and retention efforts, compromising the readiness of the Tennessee Army and Air National Guard, and violate the medical freedom of our guardsmen; and

WHEREAS, the Biden Administration has, because of the successful petition of military and civilian leaders concerned with the readiness of our Nation's armed forces, relented on its ill-advised vaccine mandate programs.

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023.

SECTION 1: That the Governor of Tennessee is hereby urged to take the following steps, consistent with his powers as the chief executive of the State of Tennessee, to restore readiness to Tennessee National Guard units and to mitigate against the negative impacts of such readiness as caused by the arbitrary and unjustified actions of the Biden administration which required COVID-19 vaccinations of Tennessee Guardsmen as a condition of service to our great state and our nation.

- a. Publicly condemn the firings and non-pay status of Tennessee Army and Air National Guard members because of service members refusal to take a hastily developed vaccine; and

- b. direct the Adjutant General, Tennessee National Guard, to immediately reinstate the Tennessee Army and Air National Guard members full benefits who have refused the COVID-19 vaccine; and
- c. issue a letter of apology to Tennessee Army and Air National Guard members who were separated from service due to the above-stated refusal; and
- d. request the Tennessee Adjutant General, Major General Jeffery Holmes, to halt any further firings of Tennessee Army and Air National Guard members who have refused the COVID-19 vaccine, including those with medical or religious exemptions; and
- e. file a Request for Information and/or subpoena the Tennessee Army and Air National Guard for any documentation related to vaccination results within the state regarding vaccine injuries, guard member retention, and readiness of the force over the past 6 years and make public any findings thereof; and
- f. terminate the COVID-19 vaccine mandate for the Tennessee State Guard, a volunteer state force that is not federally funded and cannot be federalized for any deployments; and
- g. request that the Tennessee General Assembly draft legislation, consistent with Title 32 United States Code, which forbids the President of the United States, via the United States Department of Defense, from requiring any medical treatment of any kind for Tennessee National Guard service members without the express consent of the Governor and General Assembly of the State of Tennessee.

SECTION 2: That a copy of this resolution be transmitted to each of the Representatives and State Senators that represent Sumner County, Tennessee with the recommendation that appropriate action be taken by the Tennessee General Assembly in regular or special called session to facilitate the recommendations made in Section 1 of this resolution.

SECTION 3: That a copy of this resolution be transmitted by the Sumner County Clerk to each of the other county clerks in the state of Tennessee through the Tennessee State Association of County Clerks with the recommendation that this resolution be considered for action by other county legislative bodies in the state of Tennessee to mitigate the harm caused by arbitrary and unjustified vaccine mandates made by the Biden Administration and the United States Secretary of Defense Lloyd Austin on August 24th, 2021.

Chairman Hyde declared Resolution 2302-05 approved unanimously by voice vote of the body.

BUDGET COMMITTEE

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

**2302-06 A RESOLUTION APPROPRIATING \$100,000.00 FOR THE TENNESSEE
MENTAL HEALTH COURT PROGRAM FOR THE SUMNER COUNTY
DRUG COURT**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body hereby appropriates \$100,000.00 for the Tennessee Mental Health Court Program for the Sumner County Drug Court, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2302-06 approved unanimously by voice vote of the body.

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

2302-07 A RESOLUTION APPROPRIATING UP TO \$5,000.00 FROM GENERAL FUND UNASSIGNED FUND BALANCE FOR SECURITY CAMERAS IN THE SUMNER COUNTY ADMINISTRATION BUILDING BASEMENT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby appropriate up to \$5,000.00 from general fund unassigned fund balance for security cameras in the Sumner County Administration building basement, as shown on the attachment herewith; and

BE IT FURTHER RESOLVED that this resolution waives the second reading due to urgency of need.

Chairman Hyde declared Resolution 2302-07 approved unanimously by voice vote of the body.

Commissioner Mansfield the following resolution and moved for approval, seconded by Commissioner Harrison.

2302-08 A RESOLUTION APPROPRIATING \$16,000.00 FROM GENERAL FUND UNASSIGNED FUND BALANCE TO EMS BUDGET FOR REFUNDS OF OVERPAYMENTS

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby appropriate \$16,000.00 from general fund unassigned fund balance to EMS budget for refunds of overpayments, as shown on the attachment herewith; and

BE IT FURTHER RESOLVED that this resolution waives the second reading to keep operations flowing smoothly.

Chairman Hyde declared Resolution 2302-08 approved unanimously by voice vote of the body.

Commissioner Mansfield the following resolution and moved for approval, seconded by Commissioner Harrison.

2302-09 A RESOLUTION APPROPRIATING \$1,600.00 FROM GENERAL FUND UNASSIGNED FUND BALANCE FOR MENTAL HEALTH EVALUATIONS TO THE COUNTY COMMISSION BUDGET

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby appropriate \$1,600.00 from general fund unassigned fund balance for mental health evaluations to the county commission budget, as shown on the attachment herewith; and

BE IT FURTHER RESOLVED that this resolution waives the second reading due to court ordered evaluations.

Chairman Hyde declared Resolution 2302-09 approved unanimously by voice vote of the body.

Commissioner Mansfield the following resolution and moved for approval, seconded by Commissioner Harrison.

2302-10 A RESOLUTION APPROPRIATING \$48,000.00 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO THE SUMNER COUNTY SHERIFF'S OFFICE FOR UPCOMING TRIAL

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby appropriate \$48,000.00 from the general fund unassigned fund balance to the Sumner County Sheriff's Office for upcoming trial, as shown on the attachment herewith; and

BE IT FURTHER RESOLVED that this resolution waives the second reading due to urgency.

Chairman Hyde declared Resolution 2302-10 approved (22-0-1) by voice vote of the body. Commissioner Wright abstained from the vote.

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

1302-11 A RESOLUTION APPROPRIATING \$135,000.00 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE FOR THE SUMNER COUNTY CIRCUIT COURT CLERK FOR UPCOMING TRIAL

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 27th day of February 2023, that this body does hereby appropriate \$135,000.00 from the general fund unassigned fund balance for the Sumner County Circuit Court Clerk for upcoming trial, as shown on the attachment herewith; and

BE IT FURTHER RESOLVED that this resolution waives the second reading due to urgency.

Chairman Hyde declared Resolution 2302-11 approved unanimously by voice vote of the body.

Commissioner Mansfield the following resolution and moved for approval, seconded by Commissioner Harrison.

2302-12 A RESOLUTION AUTHORIZING A TRANSFER 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 27th day of February 2023, that this body does hereby authorize a transfer between major categories for various items for the Sumner County Highway Department, as shown on the attachment herewith.

Chairman Hyde declared Resolution 2302-12 approved unanimously by voice vote of the body.

Commissioner Mansfield the following resolution and moved for approval, seconded by Commissioner Pomeroy.

**2302-13 A RESOLUTION TO REQUEST UNCLAIMED BALANCE OF ACCOUNTS
REMITTED TO STATE TREASURER UNDER UNCLAIMED
PROPERTY ACT**

WHEREAS, Tennessee Code Annotated Section 66-29-146(c) provides that a municipality or county in Tennessee may request payment for the unclaimed balance of funds reported and remitted by or on behalf of the local government and its agencies if it exceeds \$100.00, less a proportionate share of the cost of administering the program; and

WHEREAS, Sumner County and/or its agencies have remitted unclaimed accounts to the State Treasurer in accordance with the Uniform Unclaimed Property Act; and

WHEREAS, Sumner County agrees to meet all of the requirements of Tennessee Code Annotated Section 66-29-101 et seq. and to accept liability for future claims against accounts represented in funds paid to it; and

WHEREAS, it is agreed that this local government will retain a sufficient amount to insure prompt payment of allowed claims and that the balance of funds will be deposited in this local government's general fund.

THEREFORE, BE IT RESOLVED that the Sumner County Board of Commissioners requests the State Treasurer to pay the unclaimed balance of funds to it in accordance with the provisions of Tennessee Code Annotated Section 66-29-146(c); and

BE IT FURTHER RESOLVED that as this body composed of 24 members, meeting in regular session on the 27th day of February 2023, does hereby adopt and certify this resolution for submission to the State of Tennessee.

Chairman Hyde declared Resolution 2302-13 approved unanimously by voice vote of the body.

FINANCIAL MANAGEMENT

There was no report from the Financial Management Committee.

ADJOURNMENT

Chairman Hyde declared the Commission meeting adjourned at 9:25 p.m. upon motion of Commissioner Mansfield, seconded by Commissioner Pomeroy.

CAROLYN TEMPLETON, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Jennifer Mitchell

Approved on _____