

SUMNER COUNTY COMMISSION

355 N. Belvedere Drive – Room 111
Gallatin, Tennessee 37066-5410

The following minutes are included in this packet:

Commissioners

Terry Moss – 1st

Terry Wright – 2nd

Mark Harrison – 3rd

Dillon Lamberth – 4th

Darrell Rogers – 5th

David Klein – 6th

Danny Sullivan – 7th

Baker Ring – 8th

Dr. Mary Genung – 9th

Benjamin Harris – 10th

Kevin Pomeroy – 11th

Deborah Holmes – 12th

Terri Boyt – 13th

Dr. Jamie Teachenor – 14th

J. Wes Wynne – 15th

Jeremy Mansfield – 16th

Robert Brown III – 17th

Don Schmit – 18th

Shannon Burgdorf – 19th

Merrol Hyde – 20th

Jerry Becker – 21st

Matthew Shoaf – 22nd

Tim Jones – 23rd

Chrissi Miller – 24th

Committee on Committees.....	September 9
Education Committee.....	September 3
General Operations.....	September 3
Highway Commission.....	September 9
Legislative Committee.....	September 9

**COMMITTEE ON COMMITTEES
MINUTES
CHRISSI MILLER, CHAIRMAN
SEPTEMBER 9, 2024**

Present:

Chrissi Miller, Chairman
Dr. Mary Genung, Vice-Chairman
Merrol Hyde, Commission Chairman
Deborah Holmes
Dillon Lamberth

Also Present:

Eric Sitler, Law Director
Jennifer Mitchell, minute taker

Chairman Miller brought the regular scheduled meeting of Committee on Committees to order with an invocation by Comm. Lamberth on Monday, September 9, 2024, at 8:26 p.m. Chairman Miller declared a quorum to conduct business.

Agenda.

Upon motion of Chairman Holmes, seconded by Comm. Genung, the Committee voted to approve to move the agenda to the October meeting. Comm. Lamberth voted against the motion.

Approval of Minutes of August 19, 2024.

Upon motion of Comm. Holmes, seconded by Comm. Lamberth, the Committee voted unanimously to approve the minutes of August 19, 2024.

Public Recognition.

Eric Janecke of 1189 Plantation Pass, Gallatin expressed his interest in serving on the Tourism Board.

Report of the Chairman. No report

Report of the County Mayor. Not present

8.Old Business.

a. Appointments.

Sumner County Library Board of Trustees – 3-year term.

- Eric Stockton to replace Debbie Martin
- Mike Ray to replace Beth Key
- Replacement for Bruce Carter

Sumner County Solid Waste Board 6-year term.

- Larry Hinton, present member
- Bob Bristol, present member
- Elaine Gore, present member

Sumner County Airport Authority Regional 5-year term.

- Samuel Solorzano to replace Steve Shepard
- Paul Williams to replace Dennis Cavin

Tourism Board 3-year term.

- Angela Govan, present member

Civil Service Board 2-year term.

- William Moudy, present member

9. New Business.

Ethics and Conduct Committee 1-year term.

- Robert Brown, present member
- Jeremy Mansfield, present member
- Chrissi Miller, present member
- Todd Alexander, present member
- Gina carpenter, present member

General Operations Committee.

- Mark Harrison, resigned

10. Adjournment. Upon motion of Comm. Genung, seconded by Comm. Holmes, the Committee adjourned at 8:30 p.m.

COC - Public Rec.

ERIC JANECKE 1189 PLANTATION PASS ^{9AUNTON}

~~Robert Fodens 141 W. Roberts Ave~~

Eric T. Janecke

1189 Plantation Pass
Gallatin, TN 37075
(504) 416-3827
Ejanecke2@gmail.com

Professional Profile

An accomplished marketing and sales professional with a proven track record for exceeding goals for sales and operational effectiveness. A loyal, passionate, self-motivated, multi-tasker with strong research and analytical skills. Strength in processes and revenue optimization, tactical deployment, market research analysis, yield management, crisis management, and advertising as it relates to overall operational efficiencies and revenue creation.

Experience

40+ years' experience in operations, sales, and marketing in multiple destinations forging strong industry relationships and partnerships in varied territories and market segments. Key success was with the optimum deployment of a 30+ person sales/events team in exceeding annual sales goals, uncovering new opportunities to capture greater market share thereby increasing revenue succeeding Katrina in New Orleans.

Education

Wagner College, Staten Island, NY
B.S. Business Administration 1981

Employment

**Sales Operations Consultant
(Previously) Acting VP of Sales
Explore St. Louis & America's Center**
July 2019 – Present

Responsible for redefining the tactics & strategies of the sales department including re-deployment, introduction of new sales resources, CRM transition, business development, and market segment analysis. Impacting Sales, Contracting/Licensing, Revenue Optimization, and Event Services.

**Task Force - Director of Sales & Marketing
Omni Hotels & Resorts/Omni Shoreham Hotel Washington DC**
June 2018 thru September 2018

Worked with the Omni corporate executive team to develop a redeployment plan, reexamine policies & procedures, review vendor agreements, and develop a repositioning business plan to address upcoming property renovation

Realtor – HALO Realty/Crye-Leike Realty
December 2017 – December 2019

Area Director of Marketing & Sales – New Orleans

2005 to July 2017 – Overseeing 30+ Sales/Events Managers; 8 support staff

- Hilton New Orleans Riverside - 2016 Results
 - 2016 Group Room Nights – 309K +3k over budget
 - Developed Space/Rooms Optimization “Best Practice” for Hilton
 - Four Hilton “Circle of Excellence” sales winners
 - Developed like hotel “P2P Network” (vertical market peer to peer collaboration)
- Hilton New Orleans Riverside - 2015 Results
 - Year End Star Results of 112.9%; 0.9% YOY increase; Group Index of 142.2%
 - 2015 Group Room Nights – 309K +6.8% YOY; \$57 million +7.4%
 - Restructured Events/Catering Dept.
 - Six Hilton “Circle of Excellence” sales winners
- 2013 -2014
 - Transitioned Complex Sales Team of Embassy and Doubletree hotels due to ownership changes to self-managed Teams
 - Maintained hybrid complex sales through IBT, City-wides, & T&T

Director of Marketing, Hilton New Orleans Riverside (1622 guest rooms);

November 1997 to 2005

Cluster marketing liaison for the New Orleans Area for the Hilton Family (15 hotels across brands)

- Increased and maintained market share of 115% – 118% based on Smith Travel Star Report
- Responsible for 19 managers, generating \$51 million in group room revenue
- Developed multi-brand deployment/marketing through New Orleans Strategic Selling Alliance(HSSA) promoting the Hilton Family of Brands
- Formulated hotel, cluster, and market specific internet presence through site development and optimization
- Re-positioned the hotel post Katrina to effectively impact booking pace through a multi-faceted communication plan, shift in market segmentation, and deployment

Director of Sales, Renaissance Washington D.C. Hotel

October 1992 to November 1997

Sheraton Hotels – October 1988 -October 1992

- Property Direct positions
- National Sales Director

Hilton Hotel Corporation

1982 – 1984 & 1986 - 1988

Assistant Director Convention Service, New York Marriott Marquis

Grand Opening

May 1985 to January 1986

Awards and Distinctions

2008 Hilton "Circle of Excellence" Award
Director of the Year – Sales & Marketing

2005 Hilton "Circle of Excellence" Award
Special Recognition Award for Community Relations

1999/2000 Marketing & Communications Manager of the Year
Advertising Club of New Orleans

1999 Hilton "Circle of Excellence" Award
Director of Sales of the Year

1998 Hilton "Circle of Excellence" Award
Sales Team of the Year – Convention Hotels

Organizations

PCMA - Founding NY Chapter Board Member

- Housing Committee Sub-Chair
- Speaker – Housing/Sales Contracting

Hendersonville Chamber of Commerce – 2018

Gallatin Chamber of Commerce – 2018

Sumner County Habitat for Humanity – participant 2018-19

References

Upon request

**MINUTES
EDUCATION COMMITTEE
CHAIRMAN, JERRY BECKER
SEPTEMBER 3, 2024**

Present:

Jerry Becker, Vice-Chairman
Dillon Lamberth
Baker Ring
Don Schmit
Danny Sullivan

Absent:

Shannon Burgdorf
Terry Wright

Also Present:

Eric Sitler, Law Director
Merrol Hyde, Commission Chairman
Jennifer Mitchell, minute taker

Commission Chairman Hyde brought the regular meeting of the Education Committee to order with an invocation by Commissioner Ring on Monday, September 3, 2024, at 6:00 p.m. in the Sumner County Administration building in Gallatin.

3. Adoption of the Agenda.

Upon motion of Comm. Sullivan, seconded by Comm. Becker, the Committee voted unanimously to approve the agenda.

4. Approval of Minutes July 1, 2024.

Comm. Schmit moved, seconded by Comm. Becker, to approve the minutes from July 1, 2024. The Committee voted to approve the July 1, 2024, minutes.

5. Election of Chairman and Vice-Chairman.

Commission Chairman Hyde called for nominations for Chairman. Comm. Ring nominated Comm. Becker for Chairman. Hearing no other nominations, the Committee elected Comm. Becker as Chairman.

Commission Chairman Hyde turned the meeting over to Chairman Becker who called for nominations for Vice-Chairman. Chairman Becker nominated Comm. Sullivan to serve as Vice-Chairman. Hearing no other nominations, the Committee elected Comm. Sullivan to serve as Vice-Chairman.

6. Recognition of the Public. None

7. Report of the Chairman.

Chairman Becker stated he is looking forward to a good year and stated Dr. Langford is at the study session for the School Board.

8. Report of County Mayor. Not present

9. Report of Director of Schools. Not present

10. Old Business.

11. New Business.

a. Sumner County Board of Education Amendments (for information only).

1. Budget Amendment 60 (pages 6-13)
2. Budget Amendment 66 (pages 14-19)
3. Budget Amendment 111 (pages 20-26)
4. Budget Amendment 120 (pages 27-33)
5. Budget Amendment 122 (pages 34-39)
6. Budget Amendment 125 (pages 40-51)
7. Budget Amendment 132 (pages 52-58)
8. Budget Amendment 198 (pages 59-64)
9. Budget Amendment TBD (pages 65-68)

No action needed.

b. Sumner County Board of Education Budget Amendments (for approval)

1. Budget Amendment 2 (pages 69-74)
2. Budget Amendment 3 (pages 75-86)
3. Budget Amendment 4 & 5 (pages 87-96)

Comm. Sullivan moved, seconded by Comm. Schmit, to group and approve items 11b1 through 11b3. The Committee voted unanimously to group and approve.

12. Adjournment.

The Committee adjourned at 6:05 p.m. upon motion of Comm. Sullivan and seconded by Comm. Ring.

**MINUTES
GENERAL OPERATIONS COMMITTEE
JEREMY MANSFIELD, CHAIRMAN
SEPTEMBER 3, 2024**

Present:

Jeremy Mansfield, Chairman
David Klein, Vice-Chairman
Deborah Holmes
Tim Jones
Chrissi Miller
Terry Moss
Vacant

Also Present:

Eric Sitler, Law Director
Merrol Hyde, Commission Chairman
Jennifer Mitchell, minute taker

Chairman Klein brought the regular scheduled meeting of the General Operations Committee to order with an invocation by Commission Chairman Hyde on Monday, September 3, 2024, at 7:00 p.m. in the Sumner County Administration Building. Chairman Klein declared a quorum present to conduct business.

3. Approval of Agenda.

Without objection, Chairman Klein added item 10e: Discussion of new county water system and item 10f: tour of old courthouse and jail.

Comm. Mansfield moved, seconded by Comm. Miller, to approve the agenda as amended. The motion carried unanimously.

4. Approval of the Minutes of August 5, 2024.

Upon motion of Comm. Jones, seconded by Comm. Miller, the Committee voted to approve the minutes of August 5, 2024. Comm. Mansfield abstained from the vote.

5. Election of Chairman and Vice-Chairman.

Chairman Klein called for nominations for Chairman and nominated Comm. Mansfield to serve as Chairman. Comm. Mansfield encouraged Comm. Klein to serve as Vice-Chairman, if Comm. Mansfield is elected as Chairman. Hearing no other nominations, the Committee voted unanimously to elect Comm. Mansfield as Chairman.

Comm. Klein turned the meeting over to Chairman Mansfield who called for nominations for Vice-Chairman. Comm. Miller nominated Comm. Klein to serve as Vice-Chairman. Hearing no other nominations, the Committee voted unanimously to elect Comm. Klein as Vice-Chairman.

6. Recognition of the Public.

Jim Latimer of 1578 Latimer Lane, Hendersonville spoke to the history of the Brown House through the Latimer heritage and expressed support for preservation of the house.

Tommy Latimer of 264 Hester Road, Portland spoke to deeper history of the Latimer's connection to the Brown House. He also stated Mr. Brown wanted the house preserved.

Mike McClard of 102 Tioga Trail, Hendersonville spoke in favor of using the \$500,000.00 to preserve the Brown House.

Cynthia McClard of 102 Tioga Trail, Hendersonville read a section of Mr. Brown's will and expressed her support to use the \$500,000.00 to preserve the Brown House and spoke against the park plan.

Karen Adkisson of 112 Ridgemar Trail, Hendersonville spoke in favor of using the \$500,000.00 to preserve the Brown House.

Anthony Jones of 429 Upper Station Camp Creek Road, spoke against the park plan, asked existing problems be fixed first and supports using the \$500,000.00 to fix the Brown House.

Elizabeth Michael of 1745A Garrison Branch Road, Cottontown encouraged the Committee to comply with the wishes of the will and stated if the \$500,000.00 is not used for the house, then she will seek legal action for the return of the money.

Diane Stinson of 1011 Lynndale Drive, Castalian Springs spoke to the Latimer heritage to the Brown House and expressed support for the use of the \$500,000.00 to preserve the Brown house.

Kevin Baigert of 424 AB Wade Road, Portland spoke in support of preservation of the Brown House and against the park plan.

7. Report of Chairman. No report

8. Report of County Mayor.

- a. Roof and parapets of Archive Building.
- b. Storm Drain in Franklin Street – Update on Bid Documents.

- c. Lower Station Camp Greenway appropriation of \$44,650.00 for Greenway repairs.

County Mayor John Isbell was not present. Vice-Chairman Klein reported Mayor Isbell sent him an email stating he would not be in attendance.

Chairman Mansfield moved, seconded by Comm. Miller, to discuss. The motion carried unanimously. There was discussion about the mayor's absence from the meetings. Law Director Eric Sitler explained he is an elected official and there is no legal recourse.

Without objection, Chairman Mansfield moved item 8 to the end of new business.

9. Old Business.

- a. State Fire Marshal and Millersville City Codes re: Bethel Road EMS facility.

Vice-Chairman Klein asked at what point he can solicit architects for the work that needs to be done.

Law Director Eric Sitler stated the MOU has been sent to the city administrator for approval and will follow up with the administrator and advised Vice-Chairman Klein he may begin once approved.

Item to move remain on old business.

- b. Hendersonville Health Department status (Awaiting Gantt Chart).

Vice-Chairman Klein reported the project must be bid but the floor plan has not been finalized. He has asked to be part of the meetings but has not received notice of them and will send the mayor a request to be notified of meeting dates.

Item to remain on old business.

- c. Cottontown flooding – TDOT.

Vice-Chairman Klein reported TDOT cleaned the gravel bar on the downstream side of the bridge. Before/after pictures and FAQ worksheet attached. Comm. Jones explained that TDOT did all they could under one permit and asked if they could get another permit to do the other side. There was discussion about what is and is not allowed by TDEC. Law Director Eric Sitler stated citizens need to contact TDEC and not take legal advice from commissioners.

Item to remain on old business.

d. Gallatin Library Parking Ad-hoc Committee.

Vice-Chairman Klein reported Comm. Boyt has taken on and scheduled meeting for September 19, 2024. Members of the ad hoc are Commissioners Boyt, Klein and Sullivan, County Mayor Isbell, Gallatin Mayor Brown and manager of the Gallatin Library and noted he would be out of the country.

e. Brown House, Will, Codicil and Park (pages 11-134).

Vice-Chairman Klein moved, seconded by Comm. Jones, to discuss. The motion carried unanimously.

Vice-Chairman Klein opened discussion and read a statement he prepared which is attached. Chairman Mansfield continued discussion and explained the MOU never came before Commission for approval and recommended no approval until Mr. Jones property is fixed.

Law Director Eric Sitler explained how the probate of Mr. Brown's will was handled. Typical probate was conducted, will was valid, personal representative appointed, waived everything it statutorily could, Director of Schools and County Mayor, at the time, signed they received the money (disbursement is not part of the records), probate was then closed. His interpretation is the \$500,000.00 should have been received by the County first, then the remaining money set aside in the technology trust.

There was further discussion about the requests that have been made to receive the \$500,000.00. Chairman Mansfield read T.C.A. 5-8-101 which is attached and asked if the Commission ever voted to receive the funds. Mr. Sitler stated he did not find where a resolution was created for the acceptance of \$500,000.00, however Resolution 2404-13 meets the requirements of T.C.A. 5-8-101.

Chairman Mansfield gave some history to how the Liberty Creek campus location came to be and opened discussion about the TDEC grant. Comm. Jones reported on his conversation with a TDEC representative about the grant.

After further discussion, Comm. Miller moved, seconded by Comm. Jones, to direct Law Director Eric Sitler to work with TDEC representative to find out about deadline extensions, line-item budget revisions, who are the contacts beyond Grants Administrator Kim Norfleet and County Mayor John Isbell. To also work with Finance Director David Lawing and Grants Administrator Kim Norfleet to locate the Local Parks and Recreation Fund Manual. The motion carried unanimously.

Comm. Jones moved, seconded by Comm. Miller, to amend to add for Mr. Sitler to ask the TDEC representative to add the Chairman of General Operations and the Commission Chairman to the list of contacts. The motion to amend carried unanimously.

Chairman Mansfield called for a recess at 9:33 p.m. The meeting reconvened at 9:41 p.m.

10. New Business.

a. Post Office and Draper House (pages 135-136).

Vice-Chairman opened discussion for items 10a and 10b, pictures attached.

Comm. Miller moved, seconded by Vice-Chairman Klein, to discuss. The motion carried unanimously.

Chairman Mansfield requested to move items 10a and 10b to old business for next month.

b. Groundskeeping for County buildings.

Moved to old business for next month.

c. Using courtroom in Smith Street building on temporary basis.

Comm. Miller moved, seconded by Vice-Chairman Klein, to discuss. The motion carried unanimously.

After brief discussion, Vice-Chairman Klein recommended waiting until after tour is conducted and discussion with IT Director Robert Tuttle. Chairman Mansfield requested to move item to old business.

d. Discuss new meeting time of 6 :30 p.m.

Comm. Miller moved, seconded by Comm. Holmes, to approve. The motion carried unanimously.

e. Discussion of new county water system.

Vice-Chairman Klein moved, seconded by Comm. Jones, to discuss. The motion carried unanimously.

Vice-Chairman Klein reported drastic changes have been made by the City of Gallatin to the size of the waterlines that will be run to the northern part of the county.

After discussion, Chairman Mansfield requested to move to old business.

f. Tour of old courthouse and jail.

Comm. Miller moved, seconded by Vice-Chairman Klein, to discuss. The motion carried unanimously.

Law Director Eric Sitler to coordinate date and time.

Chairman Mansfield requested to move to old business.

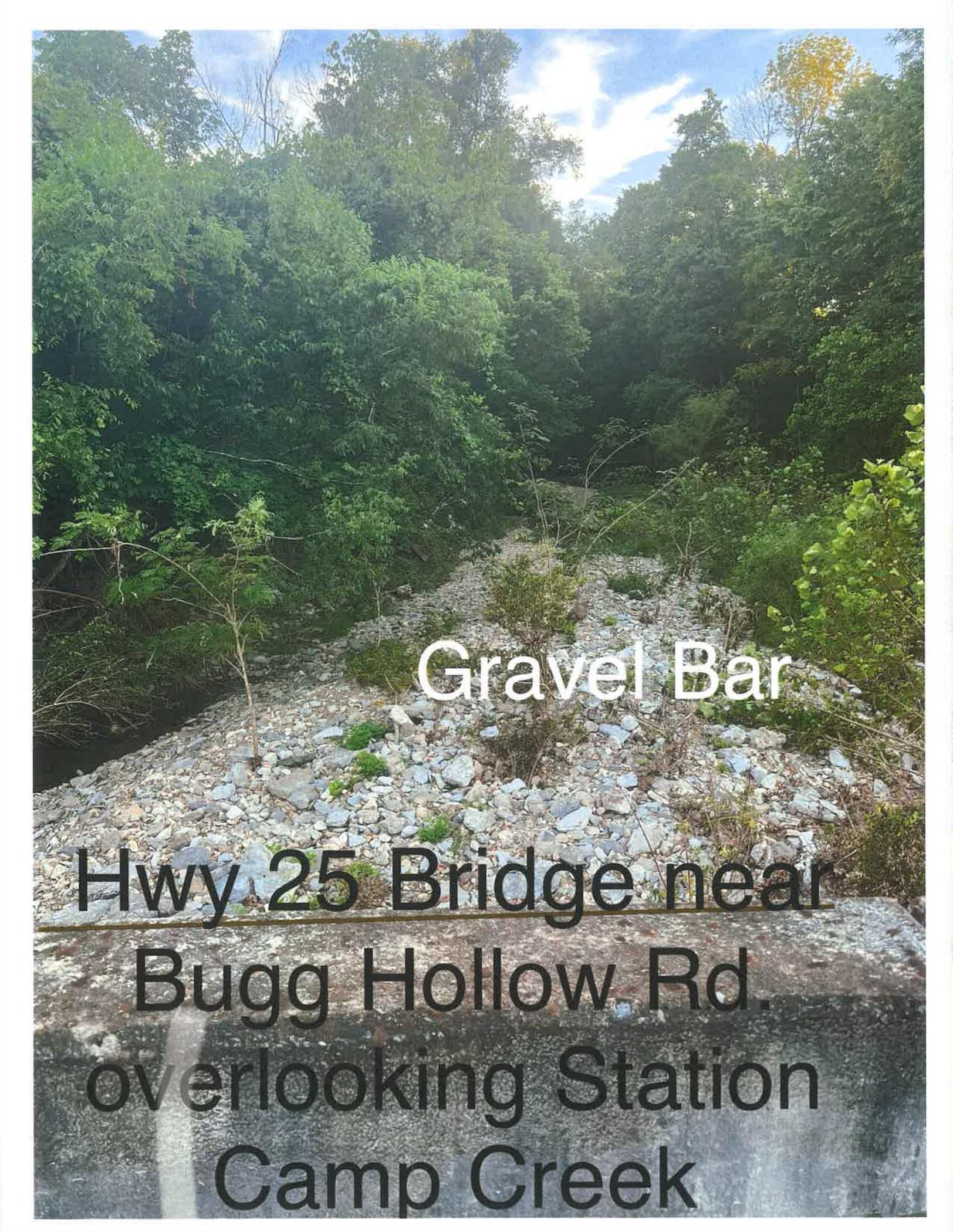
8. Report of County Mayor.

Report emailed by County Mayor John Isbell attached.

Commission Chairman Hyde requested an agenda item be added for next month about reserved spaces in county parking lots.

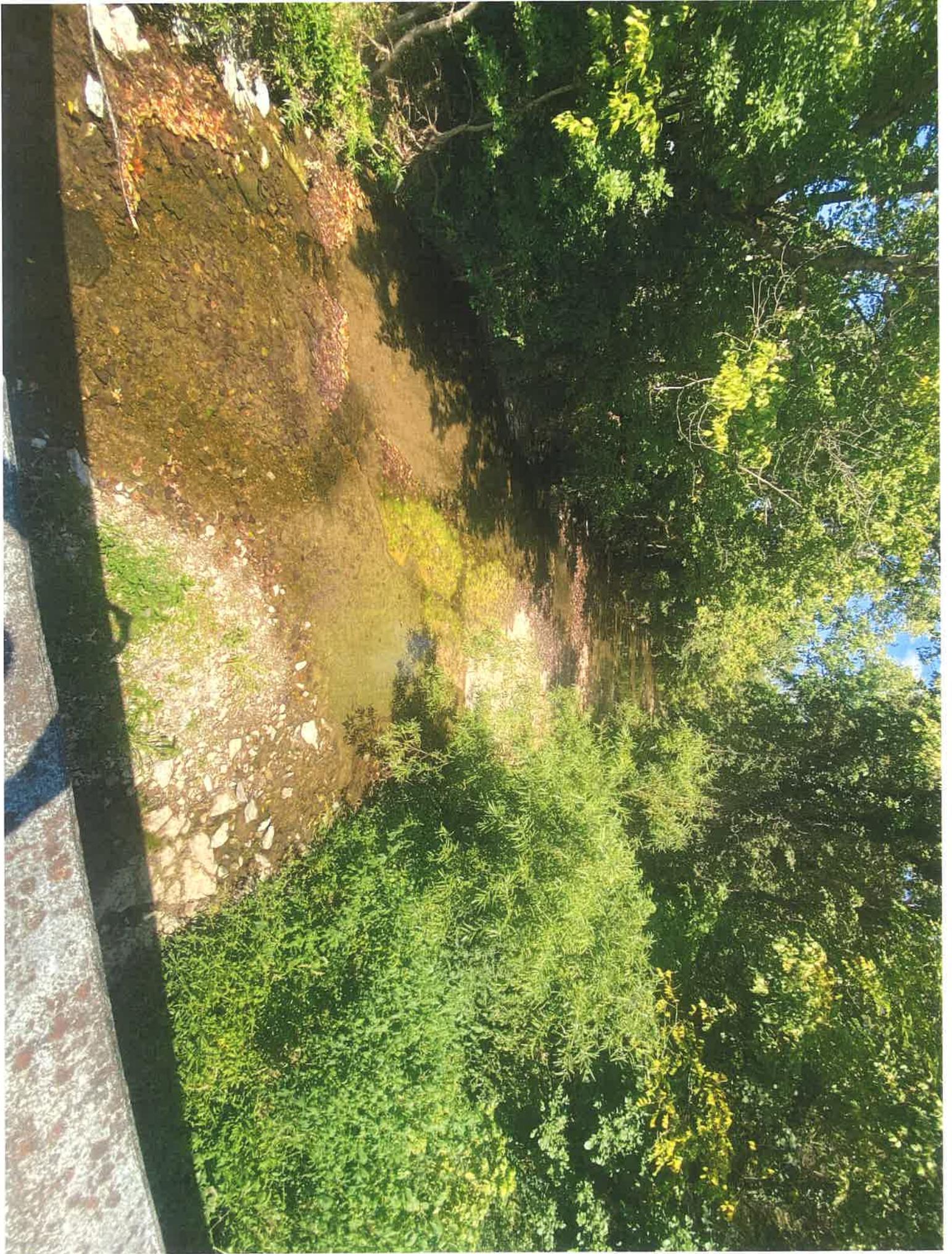
11. Adjournment. Upon motion of Comm. Miller and seconded by Comm. Holmes, the Committee adjourned at 10:06 p.m.

Prepared by Jennifer Mitchell



Gravel Bar

Hwy 25 Bridge near
Bugg Hollow Rd.
overlooking Station
Camp Creek







FAQ ? ? ? ?

1 *Do I need a permit to clean out a culvert or a bridge on my property?*

In general, these kinds of activities are allowed by the State of Tennessee. [TDEC's ARAP Permit for Maintenance Activities](#) allows removal of accumulated sediments and debris impeding the function of an existing bridge or culvert. Property owners should feel free to [contact TDEC](#) prior to commencing work.

2 *Does the County ever clean out bridges and culverts?*

Yes. The [Sumner County Highway Department](#) routinely performs this kind of maintenance work along County owned Right-of-Way. Please note that the Tennessee Department of Transportation (TDOT) is solely responsible for work along their [Right-of-Way on State Highways](#). The County cannot do maintenance along state roads or on private property.

3 *What about cleaning out creeks further up or downstream from a bridge or culvert?*

Property owners often may wish to remove fallen trees and other items from a creek that runs along their property. That kind of work is allowable, but it is required to be limited in scope per [TDEC guidance](#). Such work typically must involve 1) no heavy equipment in the creek, 2) removal of debris by hand and with chainsaws and winches, and 3) limited disturbance to the required buffer along the creek bank. Work that is greater in scope would typically require an individual Aquatic Resources Alteration Permit (ARAP) application with the Tennessee Department of Environment and Conservation (TDEC), which may or may not be approved. Property owners should [contact TDEC](#) prior to commencing work.

4 *Can I remove gravel from a creek along my property for my own personal use?*

Yes, [TDEC's General Aquatic Resources Alteration Permit for Gravel Removal](#) authorizes landowners to remove limited quantities of gravel from dry gravel bars for noncommercial use on their family farm or private residence. All requirements of the permit must be met. Gravel removal for the purpose of flood control, channelization, or commercial purposes is specifically not covered by this permit. Property owners should [contact TDEC](#) prior to commencing work.

5 *Can property owners remove trash and other man-made debris from creeks?*

Yes. Removal of manmade debris (trash) from the creek does not require a permit.

6 *What about larger scale dredging and debris removal from within the creek bed?*

The General ARAP Maintenance Permit does not allow dredging or sediment removal at a distance of greater than 100 linear feet from a bridge or culvert. Large scale activities that will seek to remove material from the creek bed further up or down stream would need to apply for an individual Aquatic Resources Alteration Permit from TDEC, especially if any kind of equipment beyond hand tools is to be used. Dredging is typically not encouraged or allowed by TDEC. Property owners should [contact TDEC](#) prior to commencing work.

7 *Can the County tell a property owner that it is OK to alter a creek, or issue them a permit to do so?*

No. Streams, creeks, and rivers are "Waters of the State" and are under the state's immediate jurisdiction and not the County's per State and Federal requirements. The County is not permitted to authorize or issue permits for any stream alterations of any kind. Stream alterations, whether large or small, must be approved by TDEC as part of their [ARAP process](#). Property owners wishing to do work in a creek along their property should check with TDEC first in order to determine what permits may be required, if any.

8 *Do I need a permit to install a culvert or bridge across a creek?*

Yes. The Staff at the [Sumner County Planning and Engineering Department](#) review each stream crossing application for compliance with federally mandated floodplain development regulations. Property owners must also apply for and obtain [TDEC's General Aquatic Resources Alteration Permit for Construction of Minor Road Crossings](#) prior to commencing work.

9 *This seems like a lot of red tape. Isn't it easier just to do the work and ask for forgiveness later?*

No. These requirements have their basis in Federal and State law. The State of Tennessee and the Federal government take them very seriously indeed. Monetary damages can be assessed by the State and/or Corps of Engineers for improper activities. To be safe, check with TDEC to see if your work will need a permit prior to staging any equipment or starting work. The Staff at the [Sumner County Planning and Engineering Department](#) stand ready to provide advice and to facilitate contact with state agencies. Please call 615-451-6097 with any questions.

Creek and Stream Maintenance Fact Sheet



SUMNER COUNTY PLANNING & ENGINEERING
Sumner County Administration Building
355 N. Belvedere Drive, Room 202
Gallatin, TN 37066
Phone (615) 451-6097

Sumner County receives many requests from citizens concerning creek and stream care and maintenance. This document is intended to provide helpful information and to answer questions the County commonly receives about this complex topic.

Historical Perspective

The establishment of the National Flood Insurance Program, Clean Water Act, and Endangered Species Act by Congress in the 1960's and 1970's resulted in a number of regulatory layers which must be enforced by Federal, State, and Local Agencies. These regulations strongly curtail new construction in and around creeks, and limit maintenance activities that can be taken within them.

Creek and Stream Ownership

In general, most of the property bordering creeks across Sumner County is privately owned. Typically, property lines extend to the centerline of the creek, or the entire creek may be under a single ownership. That means the primary responsibility for creek bank repair and maintenance falls to each individual property owner. Sumner County has no Public Works Department or Plan of Services that provides for maintenance of creek channels on private property. In Sumner County, the Highway Department only maintains drainage infrastructure located in County Road Rights of Way.

Permits for Creek Bank Repair and Maintenance Work

Although the property containing the creek may be privately owned, several government agencies may have jurisdiction over a particular creek, and may require permits in order for any work to be conducted. The water flowing through the individual properties and the unique habitat represented by the creek are protected by State and Federal laws.

- » **Federal Jurisdiction:** For creeks considered "waters of the United States," the U.S. Army Corps of Engineers has the authority under the Clean Water Act (Section 404) for activities that involve the placement of fill (including rip rap) within the stream channel. The National Fish and Wildlife Service also regulates habitat in the creek and adjacent vegetation. Properties owned by the Corps of Engineers along Old Hickory Lake are property of the Federal government and may not be utilized without Corps approval.
- » **State of Tennessee:** The Tennessee Department of Environment and Conservation (TDEC) has the authority over work in stream channels for both water quality and habitat issues. All requests for work within or adjacent to a creek must be coordinated with TDEC, and often require an Aquatic Resources Alteration Permit, or ARAP.
- » **Local Requirements:** Work adjacent to creek banks is also subject to local regulations depending on the type of work proposed. Construction of any structure in proximity to the creek is subject to local zoning and floodplain development regulations and will almost always require a building permit. In addition, the County is required to enforce required stream buffers along creeks that are anywhere from 30 to 60 feet from the top of bank, depending on the specific stream. Prior to beginning any project located in close proximity to a creek, the property owner should begin by contacting the Sumner County Planning & Engineering Department.

Routine Creek Maintenance by Property Owners

Property owners are encouraged to seek advice before they attempt creek bank maintenance activities. Some activities can be more harmful than helpful. For example, many property owners believe the creek should be devoid of any debris, including woody materials, and that vegetation along the bank should be removed to prevent flooding. However, vegetation is vital to prevent erosion, and both vegetation and woody materials are essential to a healthy creek environment. One of the easiest things property owners can do is to keep the creek bank as open and free of structures or stored materials as possible, as those items can end up in the creek causing obstruction and downstream flooding. Property owners may also remove fallen trees and other debris from creeks along their property provided work is done per TDEC guidance. Please consult FAQ on following page for more info.

The Will

With the Brown House, it must all start with “the Will” and the intent of Mr. Brown. Codicil No 1 (dated 3/16/2016) reads:

I, WILLIAM I. BROWN, a resident of Sumner County, Tennessee, having heretofore made and published my Last Will and Testament, which bears date of October 1, 2015, make and declare this as a codicil thereto, to wit:

FIRST,

MODIFY ITEM II.B. of my Last Will and Testament by replacing it in its entirety with the following:

B. 1. I specifically bequeath to Sumner County, Tennessee (the “County”) the cash sum of Five Hundred Thousand Dollars (\$500,000.00) to establish and maintain a public park located at 212 Hunters Lane, Hendersonville, Tennessee, with the historic home currently situated thereon being permanently maintained by the County as the park’s centerpiece. The park shall be known as the William and Martha Brown Park. This bequest shall be a restricted fund held by the County in a separate account and used solely for the purposes of the establishment, promotion, ongoing support and maintenance of the William and Martha Brown Park.

There are several questions just from this one section of the codicil:

- 1.) The money was bequeathed to “The County”. It was not bequeathed to the “County” and the “Board” as was “all the rest and residuary of my property” as was stated in B.2. directly below.
- 2.) The “Park” is established as a “Public Park” and not a “School Park”.
- 3.) The “historic home” shall be “permanently maintained by the “County” (not the “Board”) as the park’s centerpiece; meaning it takes top priority!
- 4.) The codicil further reads “This bequest shall be a restricted fund held by the County in a separate account”. It was never intended to be controlled by the “Trustees” and/or the “Board”.
- 5.) There was no “property size” established for this “public park”.
- 6.) There are no other amenities established for this “public park”.

The MEMORANDUM OF UNDERSTANDING

On 12/1/2020 there was an MOU signed by Anthony Holt and Del Phillips that stated many aspects of the "Will". Some were true, some were stretched, some were fabricated, and some are false.

The second "**WHEREAS**" reads as follows:

"**WHEREAS**, on February 16, 2017, Mr. William Brown passed away, (ending his life estate in the **BROWN PROPERTY PARCEL**) and as part of his estate left to the COUNTY and the BOARD funds which contained certain conditions regarding the creation of a park on the **BROWN PROPERTY PARCEL** and future funds for school technology; and"

The MOU is mixing two separate statements in Codicil 1 that were never intended to be combined, thereby comingling funds that were to be established separate from each other. As stated above, the "park" is public. It is established and maintained by the "County". The "Technology Trust" was bequeathed to the "Board". There is no combining ever stated in the "Will".

The third, "Whereas" reads as follow:

"**WHEREAS**, one of the primary conditions in the **DEED** was that the land be used both for schools and a park and this **PARK** shall be part of the overall **LIBERTY CREEK SCHOOL CAMPUS**; and"

The only thing the WARRANTY DEED says is that the property was conveyed to "**SUMNER COUNTY, TENNESSEE and SUMNER COUNTY BOARD OF EDUCATION**". There is no reference to a park or a house. The only property referred to is "Land" and "Easements".

The information suggested in the fourth and fifth "**WHEREASes**" in the MOU are also absent in the Deed.

Continuing with the MOU, in the "NOW, THEREFORE" section:

- 1.) is the delineation of the park. This must be arbitrary as there is nothing in the Will or Deed as to size or location of the park. Who determined this. It should have been (ultimately) the County Commission.
- 3.) “The **BOARD** shall be responsible for the day to day operation of the **PARK...**” This is contrary to the Will and absent in the Deed.
- 5.) “All state and federal laws, rules and regulations relating to the access and use of school property shall apply to entire **PARK** area as the acreage shall be part of the **LIBERTY CREEK SCHOOL CAMPUS.**” Once again, this is contrary to the Will and absent in the Deed.
- 6.) “The **BOARD** shall provide routine maintenance and any other necessary services to the **PARK** in conjunction its upkeep of **THE LIBERTY CREEK SCHOOL CAMPUS** and the preservation of the **PARK**; and” Again, this is contrary to the Will and absent in the Deed.
- 8.) “The **PARTIES** shall work together to create a plan for security and safe keeping for the **PARK**; and”. This is outside the scope of the **BOARD**.
- 9.) “The **BOARD** shall work closely with the **COUNTY** Parks Committee to plan and coordinate the overall creation of **THE WILLIAM AND MARTHA BROWN MEMORIAL PARK AT LIBERTY CREEK**, grant applications, historic building preservation and any other matters related to the **PARK** and acreage. This is not consistent with the Will and absent from the Deed. Furthermore, as we determined in the last Legislative session, the “Parks Committee” never existed as it was not sanctioned by the County Commission, was not created to the requirements of State Law and was not necessary for the Grant process.
- 10.) The **COUNTY** shall annually contribute up to \$25,769.50 to the **BOARD** to be used for the maintenance and upkeep of the **PARK**; and” As this MOU was never voted on nor adopted by the County Commission, this clause is null and void.
- 11.) “This **MOU** shall be governed by and construed in accordance with the laws of the State of Tennessee.” Had this document been brought before the County Commission, voted on and adopted this might have been true. As it never was there is nothing in this entire document that is binding.

T. C. A. § 5-8-101

§ 5-8-101. Sources of revenue

Effective: July 10, 2015

Currentness

(a) County revenue is derived from taxes on property, privileges, litigation, merchants, peddlers; from fines and forfeitures; and from money remaining unclaimed more than two (2) years in clerks' offices.

(b) Notwithstanding any law to the contrary, a county is authorized to accept and receive gifts and donations of money, intangible personal property, tangible personal property and real property. If any such gift or donation is offered subject to conditional or restrictive terms, then the gift must be accepted by majority vote of the county legislative body and must be used by the county subject to the terms of such conditions or restrictions. If an unrestricted gift or donation of money is accepted and received, then such money must be deposited in the county general fund and must be appropriated and expended in accordance with county budgetary procedures. If an unrestricted gift or donation of personal or real property is accepted and received, and if the property is subsequently leased or sold, then the proceeds from such lease or sale must be deposited in the county general fund and must be appropriated in accordance with county budgetary procedures.

Credits

1979 Pub.Acts, c. 23, § 5; 1999 Pub.Acts, c. 109, § 1, eff. May 4, 1999.

Formerly § 5-801.

Relevant Notes of Decisions (1)

[View all 1](#)

Notes of Decisions listed below contain your search terms.

Construction with other laws

Since § 5-19-109(b) does not permit the use of revenues derived from a county wheel tax to finance waste disposal within a county service district Hamblen County may not impose a \$27.00 wheel tax under § 5-8-101 et seq., and in the adopting resolution allocate \$19.00 toward the county general fund and \$8.00 for the county garbage fund revenues derived from a county wheel tax to finance waste disposal within a county service district. Op.Atty.Gen. No. 99-137, July 22, 1999, 1999 WL 728551.

T. C. A. § 5-8-101, TN ST § 5-8-101

Current with legislation effective through June 30, 2024, from the 2024 Regular Session of the 113th Tennessee General Assembly. Some sections may be more current; see credits for details. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial











SUNNER COUNTY COURT HOUSE









Capital Projects and ARPA Projects Update 8.29.2024

- ❖ Courthouse and Parking Garage Project
 - Working through final punch list items, magnetometers and bollards scheduling. Working to order additional signage and benches. May have change order necessary for AV scoping costs in Jury Assembly room.
 - Radio coverage completed by Beacon Technologies in August.
 - Security: Change Order approved for the additional security needs for door access control. That work will be scheduled from 3:30pm to midnight shift to avoid interruptions with court schedule in September.
 - Building Commissioning final functional testing will be completed in September. Working on final punch list and warranty items with subcontractors.
 - Bollards shipped in July and delivered in August. Expected installation first week of September.
 - New Courtroom: 5th Floor Shell Courtroom Build out Costs –Budget approved through FY2025 budget August 12th, 2024. Working to schedule meeting with ESA to determine costs for services for design process, then will move forward with amendment to services/Purchase Order.
 - Parking Garage Koorsen Security Cameras \$100,000 - Parking Garage Cameras – Met with Koorsen August 26th to finalize quote and scope of work for parking garage cameras, working to obtain Purchase Order in the next week. Equipment will be ordered in September. Once notice to proceed is issued, expected to take about ten weeks for completion.
 - Parking Garage: Crosswalk: City of Gallatin plans to monitor the traffic flow. The crosswalk item is under review by City of Gallatin.
 - Alleyway work underway with GDE for interlocal agreement.
 - Parking Garage change order for Franklin St. Stormwater – Special called meeting occurred April 29th for approval of \$300,000 budget for engineering and construction costs.
 - Kimley Horn provided draft bid specs in August, those specs are currently under review. Anticipate tentatively bidding project for competitive bids in September/October.

- ❖ SWIG Grant Noncompetitive
 - City of Portland projects (construction only): Contracts have been awarded and under construction. Masons and Oak Hill Water Transmission Lines are almost complete, waiting on a few final services to be completed in September. Oak Hill

Elevated Tank started foundation work in July, foundation is complete. Expect to start erection work in October, crew has been delayed in starting due to work schedule, tentative completion for January 2025.

- Masons 12 inch connector (DW-Const-5), Cumberland Pipeline LLC
- Oak Hill Water Transmission Lines (DW-Const-6), Cumberland Pipeline LLC
- Oak Hill Elevated Tank (DW-Const-7), Phoenix Fabricators and Erectors LLC
- City of Westmoreland projects: In Design phase, Hethcoat & Davis – engineering firm, engineering design in process
 - Bill Henson WL (DW-PDC-1)
 - Lake Westmoreland WL (DW-PDC-2)
 - Bishop Trout WL (DW-PDC-3)
 - Dewey Carr WL (DW-PDC-4)

❖ ARPA/Regional Competitive SWIG Water Project

- Grant approved by TDEC in November 2023.
- Subrecipient agreement approved in April 2024, payment has been made to the City of Gallatin in April. Quarterly reporting started in July 2024.
- Progress meetings every two weeks.
- Project is in right of way acquisition and design phases. Design plans are being submitted to TDEC for review.

❖ Hendersonville Health Department – Capital Investment Grant/ARPA

- Grant contract has been executed with State of TN for Capital Investment Grant
- Request for Qualifications (RFQ) was advertised Dec. 2023 for architectural/engineering firms – due Jan. 3, 2024
- AEI selected for architect/engineer
 - Contract language approved by legal in March after revisions with architect. Purchase order for architectural design for demolition/new build at existing location. \$152,700 architectural fees Purchase Order, Contract signed in April.
- In May, the State provided communication that they will provide additional construction funds to increase the funding, the County provided a request letter. State Funding \$2,513,200. Amended Grant Contract was submitted to the state. County Match \$661,400, The County will not have to increase our match percentage.
- Architect is working on design plans for Shackle Island location. Goal to submit to the City of Hendersonville Planning for review in September.

- ❖ Hollows Drainage Improvement Project ARPA
 - Design completed through OHM Advisors
 - Community meeting held in November 2023, presented project update to Budget Dec. 2023
 - Easements – meetings have occurred with property owners –easements secured.
 - Due to recent flooding in May, Sumner County Highway will not be able to completed construction work. Sumner County will work to advertise/complete bid process. Sumner County Highway may complete paving work. Planning and Engineering completed specifications for bidding process. The plans were reviewed by Iparametrics in August.
 - Working to finalize plans for the bidding process in the next month. Working to finalize scope with WHUD for existing utilities. Once bid specs are finalized, anticipate will advertise for bids in September/October.

- ❖ Oak Grove Volunteer Fire Department ARPA
 - PO obtained for Richard Graves Surveying
 - Change Order completed for the soils survey in March. Survey and Soils investigation had to be completed first to determine area of land necessary for project.
 - Determining the lot size necessary for the proposed building, so a final plat can be prepared. Final plat is not required. Richard Graves is working on legal description, will have Resource Authority deed the area, the lease provided option for the property.
 - Request for Qualifications (RFQ) released August 29th for engineering/architectural services, responses are due by September 17, 2024

- ❖ EMS Building – Westmoreland ARPA
 - Land has been identified in Westmoreland – appraisal completed in February 2024, PO obtained 2/5/2024
 - Met with property owner in April to make offer for purchase of property.
 - Closing on property occurred in July.
 - Request for Qualifications (RFQ) released in July 18, 2024 for architectural/engineering services for the Westmoreland station. Responses were due August 8, 2024. TMP has been selected for the project, should receive contract first week of September and work to obtain PO for design services.
 - Architect design team scoping meeting held August 28th – after review of EMS needs for Westmoreland facility- suggestion from design team the County will need additional funding for construction. County will request additional funding in September through ARPA.

- ❖ American Legion Post 17 Flood Relief Project – City of Gallatin - ARPA - \$500,000
 - Scoping meeting tentative for first week of September. Waiting for update on the City’s meeting with the Church.

- In September, will be working on subrecipient agreement with Iparametrics
- ❖ William and Martha Brown Memorial Park TDEC Grant/Brown Trust
 - CSDG, design consultant - project in design phase
 - Consultant provided presentation at December 2023 General Operations committee meeting and Parks & Recreation Board meeting for design/project update on schedule
 - TDEC permitting process in March with submittal of drawings, ARAP permit application signed in March for submittal.
 - April 2024 submitted for administrative staff review and TDEC review of the plans for plan approval from TDEC. Received input from TDEC in May. Construction Design Documentation finalized June 2024 and resubmitted to TDEC. TDEC provided approval of plans June 24th, 2024. Next step is to advertise for bids.
 - Need budget carryover for continuing project. Need Budget approval in order to advertise for bids. Project is stalled - on hold until have budget approval.
- ❖ New Shackle SR258 Intersection Improvements Project (Hendersonville contributed to local match) – TDOT PIN 132698
 - Design Consultant Benesch – PO#23000465 -project design in process, NEPA environmental review TDOT grant process
 - Carry Over request on March budget agenda for FY2024 carryover of funding
 - PO change order has been approved for Benesch, design in process.
- ❖ Broadband Ready Communities Grant \$100,000
 - Compliance webinar in April 2024. Grant contract received August 22nd and submitted back to the state for signatures August 23rd.
 - State ECD announced awards on April 30th press release.
 - Joint project with City of Portland, Gallatin Public Library and Westmoreland Public Library
 - Project activities - public Wi-Fi in Portland and digital literacy classes/equipment in the qualified census tract areas within Portland, Westmoreland, and Gallatin
 - Waiting on final executed grant contract – project should begin activities in September once receive fully executed contract
 - Met with Tech Goes Home August 28th to review services offered. Tech Goes Home to submit a cost proposal for digital literacy and partner packet with further information, then the County can work to determine final scope for digital literacy classes offered.
 - Will be meeting with GNRC in September about DSEW grant for senior centers to ensure we don't have duplication of benefits. May have more classes offered at library, if deemed necessary.
 - Will be working on preparing bid spec for public wi-fi in Portland.

- ❖ LATCF Tribal Funds \$100,000
 - \$78,000 left to be obligated.

- ❖ Jail Roof Improvements
 - WOLD, architectural firm, design complete
 - Advertise for bids, bid opening held in March 26, 2024
 - Bids received 3/26/2024, recommendation for award to Eskola LLC for \$1,269,000 from WOLD on 3/27/2024. Architect will proceed with notice of award letter to Eskola LLC.
 - Contract received from Eskola 4/25, legal review completed, Purchase order approved in May. Construction meetings started in June, work mobilization in July. Contractor worked on roofing scope in August, close to completion. Project should wrap up in September with closeout.

- ❖ Archives Roof Improvements & Railings Removal
 - WOLD, architectural firm,
 - Purchase Order for the architectural design approved by Finance on 5/31.
 - Contract signed by Mayor Isbell 6/3/2024 for WOLD.
 - WOLD is working to finalize design plans by end of August.
 - Next step will be advertise for bids.

- ❖ Admin Roof Capital Projects \$100,000
- ❖ ADA Transition Plan Improvements
- ❖ HVAC program
- ❖ Parking lot program
- ❖ Jail Kitchen Equipment
- ❖ Health Department Chiller Gallatin– quotes received for replacement of chiller. Working on bid specs and confirming scope of work.

- ❖ ARPA Millersville Wastewater/Stormwater Project, White House Wastewater Project, Hendersonville Utility District Sewer Project
 - Funding approved by FY2025 budget in August- county has sent email with information needed to draft subrecipient agreements. In September, county will be working to draft subrecipient agreements with Iparametrics review.

**MINUTES
HIGHWAY COMMISSION
CHAIRMAN, TIM JONES
SEPTEMBER 9, 2024**

Present:

Tim Jones, Chairman
Terry Wright, Vice-Chairman
John Isbell, County Mayor
Toby Ellis, Road Superintendent
Mark Harrison
Deborah Holmes
Tim O'Brien
Dr. Jamie Teachenor

Also Present:

Eric Sitler, Law Director
Jennifer Mitchell, minute taker

Chairman Teachenor brought the regular meeting of the Highway Commission to order with an invocation by Commissioner Wright on Monday, September 9, 2024, at 4:35 p.m. in the Sumner County Administration building in Gallatin.

4. Approval of the Agenda.

Upon motion of Comm. Harrison, seconded by Comm. Jones, the Committee voted unanimously to approve the agenda.

Law Director Eric Sitler recommended moving item 7B before approval of the agenda. Comm. Harrison moved, seconded by Comm. Holmes, to reconsider approval of the agenda. The motion carried unanimously.

7. Report of Chairman.

B. New Business.

1. Vote for Chairman.

Comm. Holmes nominated Comm. Teachenor for Chairman, seconded by Comm. Wright.

Road Superintendent Toby Ellis nominated Comm. Harrison for Chairman, seconded by County Mayor John Isbell.

Mr. Sitler recommended a roll call vote. The results were recorded as follows:

Comm. Teachenor, Mr. O'Brien, Comm. Jones and Comm. Holmes voted for Comm. Teachenor to serve as Chairman. County Mayor John Isbell, Comm. Wright, Road Superintendent Toby Ellis, and Comm. Harrison voted for Comm. Harrison to serve as Chairman. No election was declared.

Comm. Jones nominated himself and another roll call vote was recorded as follows:

Comm. Jones, Comm. Wright, Comm. Teachenor, Mr. O'Brien and Comm. Holmes voted for Comm. Jones to serve as Chairman. Mayor Isbell, Superintendent Ellis, Comm. Harrison voted for Comm. Harrison to serve as Chairman. Comm. Jones was elected as Chairman and lead the rest of the meeting.

2. Vote for Vice-Chairman.

Chairman Jones called for nominations for Vice-Chairman. Comm. Teachenor nominated Tim O'Brien. Superintendent Ellis nominated Comm. Harrison. Comm. Holmes nominated Comm. Teachenor. Comm. Teachenor withdrew his nomination of Tim O'Brien. Hearing no other nominations, nominations ceased, and a roll call vote was recorded as follows:

Chairman Jones, Comm. Teachenor, Mr. O'Brien, and Comm. Holmes voted for Comm. Teachenor to as Vice-Chairman. Mayor Isbell, Comm. Wright, Superintendent Ellis, and Comm. Harrison voted for Comm. Harrison to serve as Vice-Chairman. No election was declared.

Chairman Jones called for any other nominations for Vice-Chairman. Comm. Teachenor nominated Mr. O'Brien and withdrew his own name from consideration. The roll call vote was recorded in the following manner:

Chairman Jones, Comm. Teachenor, Mr. O'Brien and Comm. Holmes voted for Mr. O'Brien to serve as Vice-Chairman. Mayor Isbell, Comm. Wright, Superintendent Ellis, and Comm. Harrison voted for Comm. Harrison to serve as Vice-Chairman. No election was declared.

Chairman Jones called for any other nominations. Comm. Teachenor nominated Comm. Holmes and withdrew his nomination for Mr. O'Brien. The roll call vote was recorded as follows:

Chairman Jones, Comm. Teachenor, Mr. O'Brien and Comm. Holmes voted to elect Comm. Holmes as Vice-Chairman. Mayor Isbell, Comm. Wright, Superintendent Ellis, and Comm. Harrison voted to elect Comm. Harrison as Vice Chairman. No election was declared.

Chairman Jones called for any other nominations. Comm. Teachenor nominated Comm. Wright and withdrew his nomination of Comm. Holmes. The vote was recorded as follows:

Chairman Jones, Comm. Wright, Comm. Harrison, Comm. Teachenor, Mr. O'Brien and Comm. Holmes voted to elect Comm. Wright as Vice-Chairman. Mayor Isbell, Superintendent Ellis voted to elect Comm. Harrison as Vice-Chairman. Comm. Wright was elected as Vice-Chairman.

4. Approval of Agenda.

Comm. Teachenor requested to add discussion of meeting day/time change as item 10c.

Comm. Wright moved, seconded by Comm. Holmes, to approve the agenda as amended. The motion carried unanimously.

5. Approval of Minutes for Last Meeting (See attached).

Comm. Wright moved, seconded by Comm. Teachenor, to approve the minutes from the last meeting. The Committee voted to approve (6-0-2). Commissioners Harrison and Holmes abstained from the vote.

6. Recognition of the Public.

Chairman Jones announced each speaker would be allowed three minutes to speak.

Charles Kimbrough, Jr. of 1004 Anderson Road, Hendersonville asked the Committee to wait to make sure the proposal is the best solution to the problem. Spoke against the roundabout and the use of eminent domain for what he feels is not the answer.

Kara Kimbrough of 1004 Anderson Road, Hendersonville feels there are too many cars for the use of a roundabout and doesn't feel it is a viable or safe solution.

Phil Olea of 101 Countryside Drive Hendersonville spoke against the roundabout and stands to lose part of his property. He handed out a written statement which is attached.

Edward Branham of 1582 Drakes Creek Road, Hendersonville asked everyone to make sure this is the right thing to do, feels roundabouts do help traffic move more freely and decrease road rage.

Grant Ringel of 1015 Raspberry Valley Ct, Hendersonville spoke in favor of the roundabout.

Mike McClard of 102 Tioga Trails, Hendersonville spoke to the Liberty Creek School traffic backup on the hill on Hunters Lane. He handed out an example of a traffic control device that might help traffic flow which is attached.

Eileen Jones of 301 Hunters Lane, Hendersonville spoke to the Liberty Creek School traffic and the lack of traffic control and signage for Wolf Pack Way and Hunters Lane.

Denise Hiam of 265 Hunters Lane, Hendersonville spoke to the Liberty Creek School traffic on Hunters Lane, would like to see someone to direct traffic or a light.

Ryan Bradford of 206 S. Malayna Drive, Hendersonville spoke in favor of a roundabout at Drakes Creek Road.

Joni Prince of 110 Sophie Ct, Hendersonville expressed support for the roundabout.

Thom Golden of 1019 Whispering Wind Way, Hendersonville spoke in favor of the roundabout.

Laura Gallaher of 1022 Crimson Way, Hendersonville spoke in favor of the roundabout.

Kealy Akin of 1031 Smokerise Lane, Hendersonville spoke in favor of the roundabout.

Matt Gilday of 215 S. Malayna Drive, Hendersonville expressed his support for the roundabout.

Mark Evans of 1567 Drakes Creek Road, Hendersonville spoke in favor of the roundabout.

Gary Vandermolen of 1012 Raspberry Valley Ct, Hendersonville spoke in favor of the roundabout.

Eddie Roberson of 1049 Smokerise Lane, Hendersonville expressed his support for the roundabout and feels it is the best solution.

7. Report of the Chairman.

A. Old Business

There was no report.

8. Report of Road Superintendent.

A. Old Business

1. City of Hendersonville Roadway Project – Att. #1 & #2

County Mayor John Isbell moved, seconded by Comm. Harrison, to suspend the rules to allow for presentation by representatives from Gresham Smith. The motion carried unanimously.

Sarah Locke with Gresham Smith distributed maps, which are attached, to show the area impacted by the project. Cody Cruise, project manager with Gresham Smith, opened by handing out and explaining exhibits of alternate options that were considered for the intersection, exhibits attached. There was lengthy discussion about all options and the impact they would have on the property owners.

Comm. Teachenor moved, seconded by Comm. Holmes, to recess. The motion carried unanimously.

The meeting recessed at 6:39 p.m. and reconvened at 6:58 p.m.

Discussion continued after the meeting reconvened, and it was asked if the roundabout could be shifted to the northwest quadrant to avoid the use of eminent domain. Mr. Cruise explained that the location would not be a feasible option. Ms. Locke also explained the appraisal process and stated the City of Hendersonville agreed to honor the higher appraised value for the property owners.

Chairman Jones brought the meeting back in session and discussion continued among committee members.

Comm. Wright moved, seconded by Comm. Teachenor, to suspend the rules to allow the attorney for the City of Hendersonville to speak. The motion carried unanimously. After discussion, Chairman Jones brought the meeting back in session.

After further discussion, Comm. Teachenor moved, seconded by Comm. Holmes, to suspend the rules to allow the City of Hendersonville attorney to speak. Chairman Jones brought the meeting back in session.

Comm. Teachenor moved, seconded by Chairman Jones, to forward to full Commission with a negative recommendation. The motion failed to carry. Mayor Isbell, Superintendent Ellis, Comm. Harrison, and Comm. Wright voted against the motion.

Superintendent Ellis moved, seconded by Comm. Harrison, to forward to full Commission for further evaluation and consideration.

Comm. Teachenor moved, seconded by Comm. Holmes, to amend to only approve if the roundabout is shifted over and no property is taken from the citizens.

After discussion, Mayor Isbell called for the question, seconded by Comm. Harrison. The motion to call for question was approved (7-1-0), with Comm. Teachenor voting no.

The motion to amend to forward to full Commission with the shift of the roundabout and no property taken failed to carry with Mayor Isbell, Superintendent Ellis, Comm. Harrison, and Comm. Wright voting against.

The motion to forward to full Commission for further evaluation and consideration failed to carry with Mr. O'Brien, Comm. Holmes, Comm. Teachenor and Chairman Jones voting against.

Chairman Jones requested to keep the item on old business.

Comm. Harrison moved, seconded by Superintendent Ellis, to forward to full Commission with no recommendation.

After further discussion, Chairman Jones moved, seconded by Comm. Wright, to suspend the rules. The motion carried unanimously. It was stated a rough order of magnitude for costs of shifting the roundabout so no eminent domain would be needed could be presented at the next Commission meeting. Chairman Jones brought the meeting back in session.

Chairman Jones requested to remove from old business on the agenda.

2. Liberty Creek Elem. Flashing lights and traffic flow.

Superintendent Ellis reported that the BOE maintenance department installed the flashing lights on each end of Wolf Pack Way.

Superintendent Ellis stated the citizens made some good suggestions and he will keep working on and wants the safety of the road to be as good as possible. He will bring back suggestions and recommendations but is not solely the Highway Departments responsibility.

After discussion, Comm. Teachenor moved, to request Superintendent Ellis to look at the hill on Hunters Lane to see if additional signage would help and report back to the committee. Motion failed for lack of second.

Chairman Jones requested to leave under old business.

B. New Business

9. Report of County Mayor. No report

A. Old Business.

B. New Business

10. Commission Business.

A. Old Business

B. New Business

C. Meeting day and time

Chairman Jones asked to receive time preferences by email.

11. Adjournment.

The Committee adjourned at 8:22 p.m. upon motion of Superintendent Ellis and seconded by Comm. Harrison.

- CHARLES KIMBROUGH JR 1004 Anderson Rd.
 KARA KIMBROUGH " " "
 PHIL OLGA 101 Countryside
 Edward Branham 1582 Drakes Creek Rd.
 Grant Ringel 1015 Raspberry Valley Ct.
 MIKE MCKARR 102 Tioga Trails Hendersonville
 EILEEN JONES 301 Hunters Lane Hendersonville
 DENISE HAM 265 " " "
 Ryan Bradford 206 S Malaya Dr.
 Joni Prince 110 Sophie Ct 37075 Hendersonville
 PAUL Towne 208 CATALINA WAY HENDERSONVILLE
 Thom Golden 1019 Whispering Wind Way Hendersonville
 LARA CALLENDER 1022 CRIMSON WAY HENDERSONVILLE
 Kealy Akin 1031 Smokehouse Lane HVILLE
 Matt Gilday 215 S. Malaya Drive Hville.
 Mark Evans 1567 Drakes Creek Rd. 37075
 Gary VanderMden 1012 Raspberry Valley Ct, Hville
 Paul Vanderkamp 211 Catalina Way
 Rosie Roberson 1039 Smokehouse Ln 37075

Subject: Concerns Regarding Approval of the Drakes Creek Roundabout Project

Dear Sumner County Commissioners,

I am writing to you with a sense of urgency and concern regarding the proposed roundabout project at the intersection of Drakes Creek Road, Avant Lane, Countryside Drive, and Anderson Road. I understand that this matter is being revisited by the Sumner County Highway Commission following the previous approval that was based on potentially misleading information. I believe it is crucial to reconsider any support for this project for several reasons:

1. Premature Approval Based on Incomplete Information

The City's request for approval appears to be based on narrowly defined criteria that do not encompass the full scope and impact of the project. While the City has stated that they are only seeking approval for the maintenance of the County portion of the road, any form of approval could be construed as implicit support for the entire project, thereby moving it one step closer to being imposed on our community. We urge you to consider the broader implications of granting any form of approval at this stage.

2. Low Accident Rate and Existing Safety Measures

The City claims the roundabout is necessary for safety improvements, yet their own data shows only three minor accidents at this intersection over the past three years—two of which were simply due to drivers using turn signals prematurely, not due to any inherent design flaws. With a 30 MPH speed limit on all roads, the risk of severe accidents is already low, with a safety rate of approximately 99.99997%. Moreover, the project includes no bike lanes or sidewalks, contradicting the city's claims of prioritizing pedestrian and cyclist safety. This weakens the justification for a roundabout, especially when more straightforward, less disruptive alternatives—like clearer signage, better sightlines, or traffic calming measures—could effectively achieve the same safety goals without disrupting the community.

3. Minimal Traffic Congestion Does Not Support the Roundabout

While the City claims that the roundabout will improve traffic flow, the reported daily traffic count of approximately 9,000 vehicles does not, on its own, justify such a significant intervention. There is no evidence to suggest that traffic congestion at this intersection is severe enough to necessitate a roundabout, particularly when other solutions, like optimized traffic signal timing or minor intersection adjustments, could effectively manage traffic.

4. Potential Property and Community Impact

The project, as proposed, will affect several properties, including those in unincorporated county areas. It is vital to consider the impact on residents' properties, daily routines, and overall quality of life. The construction process alone will disrupt the community significantly, and the long-term impact on property values and local character could be considerable.

5. Lack of Comprehensive Evaluation of Alternatives

While the City mentions that alternatives such as stop signs and traffic signals were considered, they were dismissed without providing detailed explanations or studies. Before proceeding with such an extensive project, I request that the County require a more thorough analysis and presentation of these alternatives, including public release of the evaluation data for transparency. The County should ensure that all evaluations of alternatives, including traffic studies, cost analyses, and community feedback, are made public to guarantee a transparent decision-making process.

6. Grant Funding Should Not Rush the Decision

The City has emphasized the urgency of proceeding with the project to utilize grant funding before the September 2026 deadline. However, rushing a project based on funding deadlines

does not necessarily align with the community's best interests or prudent planning practices. I urge the Commission to resist pressure to approve any aspect of the project without a thorough review and full consideration of all impacts and alternatives.

7. **Call for Greater Community Involvement and Transparency**

Given the significant impact of this project on both City and County residents, it is necessary to conduct more public consultations. I urge the Commission to advocate for additional public meetings, forums, and surveys to gather genuine community input before granting any approval.

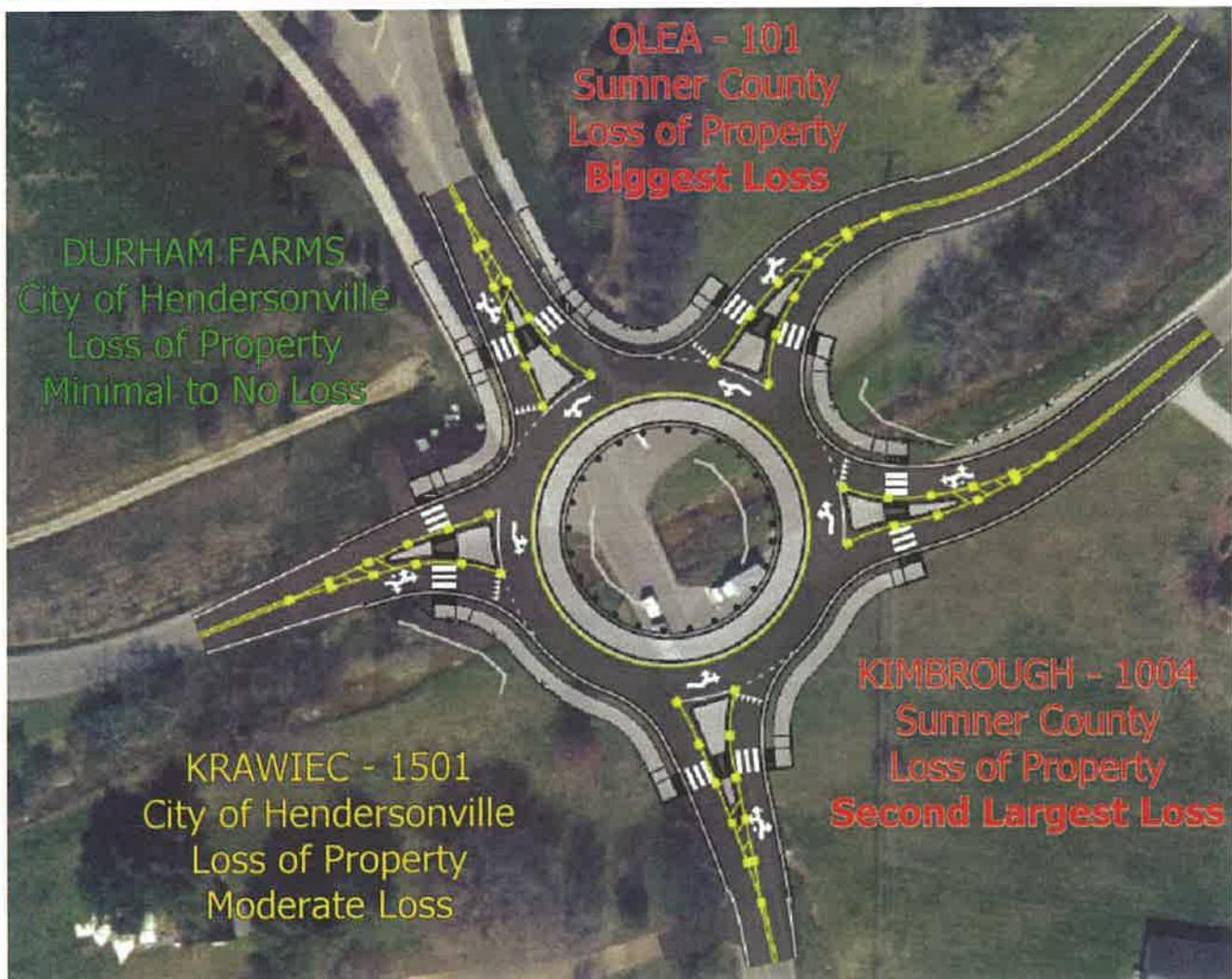
In conclusion, I respectfully ask that the Sumner County Highway Commission refrain from granting any form of approval for the Drakes Creek Roundabout Project until a more comprehensive analysis and public consultation process is completed. The residents of Sumner County deserve a solution that reflects their needs and concerns, not a rushed project driven by funding deadlines or external interests. I urge you to prioritize our community's welfare and demand transparency from all parties involved.

Thank you for your time and consideration.

Sincerely,

Phil Olea – 101 Countryside (son living/caring for mom Virginia Olea)

<https://www.drakescreekroundabout.com/>



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The City claims the roundabout is necessary for safety improvements, yet their own data shows only three minor accidents at this intersection over the past three years—two of which were simply due to drivers using turn signals prematurely, not due to any inherent design flaws. With a 30 MPH speed limit on all roads, the risk of severe accidents is already low, with a safety rate of approximately 99.99997%. Moreover, the project includes no bike lanes or sidewalks, contradicting the city's claims of prioritizing pedestrian and cyclist safety. This weakens the justification for a roundabout, especially when more straightforward, less disruptive alternatives—like clearer signage, better sightlines, or traffic calming measures—could effectively achieve the same safety goals without disrupting the community.

3. Minimal Traffic Congestion Does Not Support the Roundabout

While the City claims that the roundabout will improve traffic flow, the reported daily traffic count of approximately 9,000 vehicles does not, on its own, justify such a significant intervention. There is no evidence to suggest that traffic congestion at this intersection is severe enough to necessitate a roundabout, particularly when other solutions, like optimized traffic signal timing or minor intersection adjustments, could effectively manage traffic.

4. Potential Property and Community Impact

The project, as proposed, will affect several properties, including those in unincorporated county areas. It is vital to consider the impact on residents' properties, daily routines, and overall quality of life. The construction process alone will disrupt the community significantly, and the long-term impact on property values and local character could be considerable.

5. Lack of Comprehensive Evaluation of Alternatives

While the City mentions that alternatives such as stop signs and traffic signals were considered, they were dismissed without providing detailed explanations or studies. Before proceeding with such an extensive project, I request that the County require a more thorough analysis and presentation of these alternatives, including public release of the evaluation data for transparency. The County should ensure that all evaluations of alternatives, including traffic studies, cost analyses, and community feedback, are made public to guarantee a transparent decision-making process.

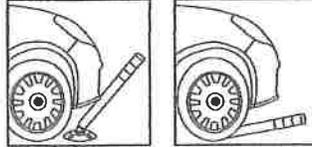
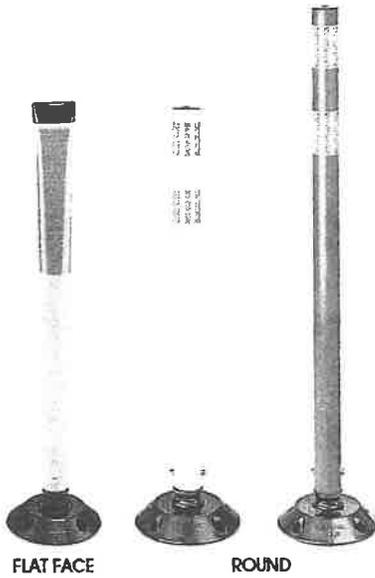
6. Grant Funding Should Not Rush the Decision

The City has emphasized the urgency of proceeding with the project to utilize grant funding before the September 2026 deadline. However, rushing a project based on funding deadlines

FLEXIBLE DELINEATOR POSTS

Rugged plastic post springs back upright after impact.

- Adhere to pavement with 8" butyl pad, sold separately.
- Round - 3" reflective bands. 360° visibility for high-traffic work zones or walkways.
- Flat Face - 12" reflective strips on both sides. Increased visibility for 2-way traffic in parking garages or receiving docks.



FLEXIBLE DELINEATOR POSTS

* Yellow, White or Orange

MODEL NO.	HEIGHT	DESCRIPTION	PRICE EACH		ADD TO CART
			1	3+	
H-4465*	36"	Round Post w/ Base	\$43	\$41	Specify Color
H-4466*	48"		47	45	Specify Color
H-9869*	36"	Flat Face Post w/ Base	47	45	Specify Color
H-9870*	48"		50	48	Specify Color
H-4467	8" Diam. Butyl Adhesive Pad (.25 lb.)		9	8	1 <input type="button" value="ADD"/>

Meets NCHRP-350 and MUTCD Standards

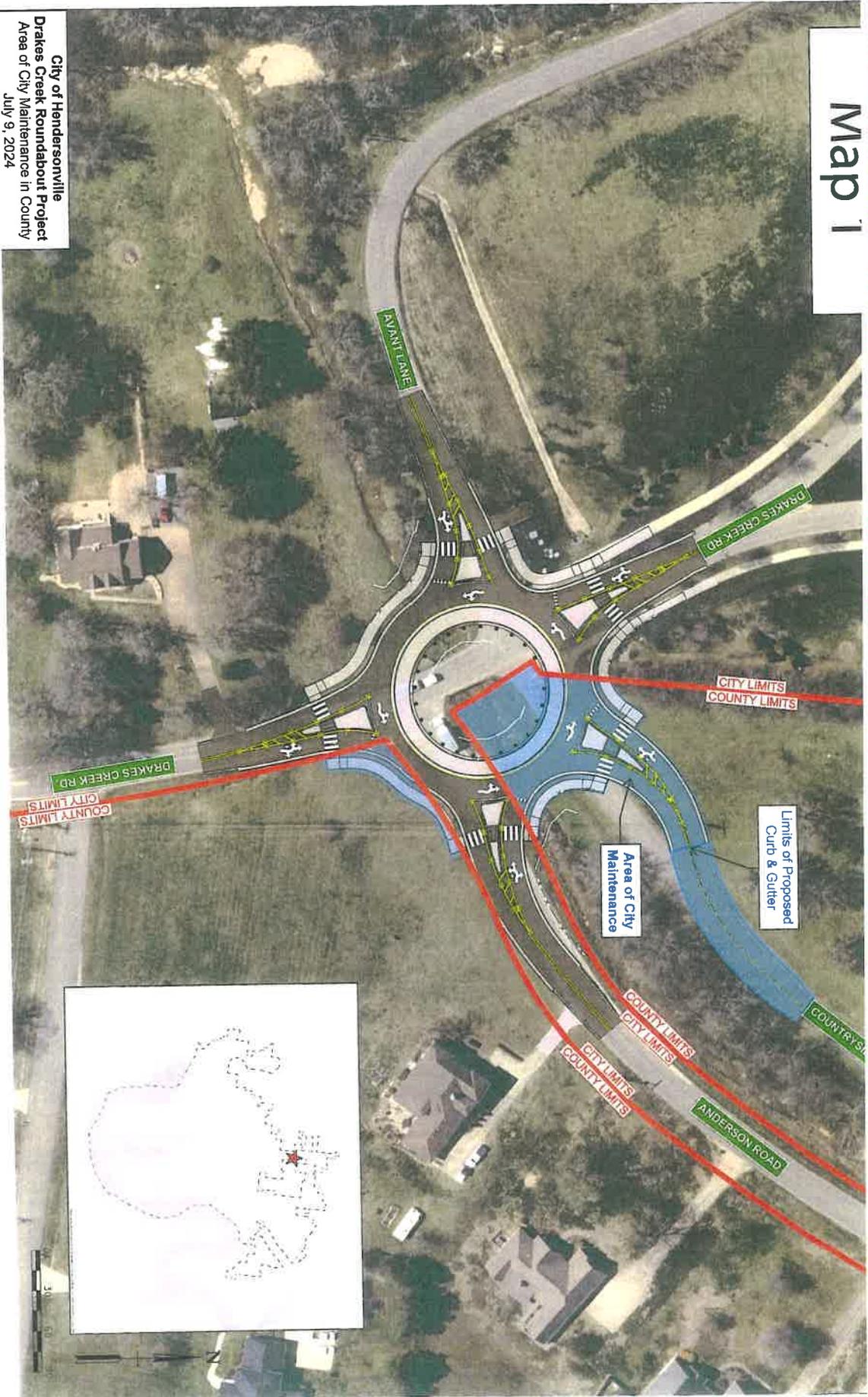
BULK BUY - SAVE UP TO 27%

Yellow, White or Orange

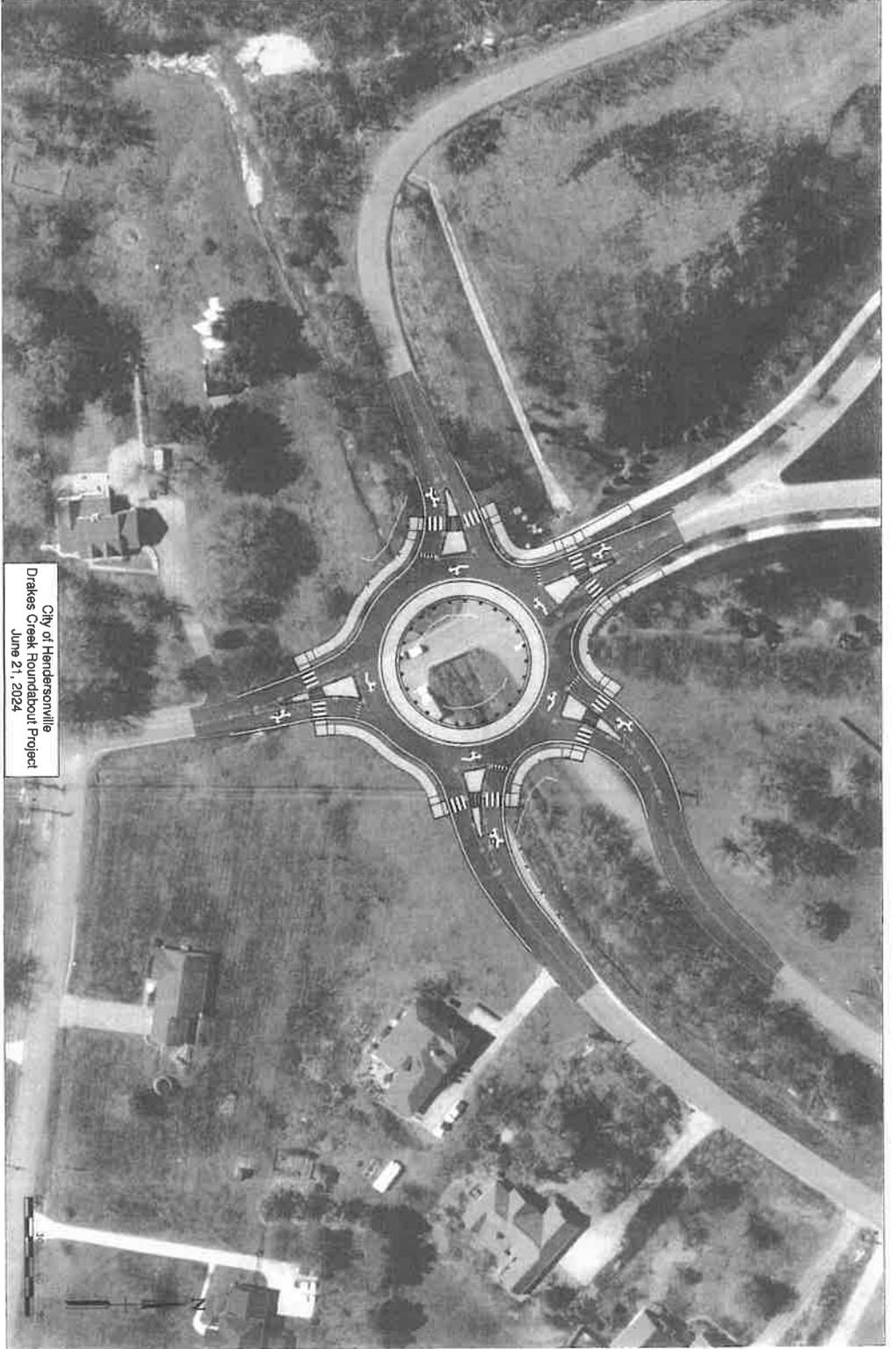
MODEL NO.	HEIGHT	DESCRIPTION	PRICE EACH (MIN. 10)		ADD TO CART
			10	40+	
H-7959	36"	Round Post w/ Base	\$33	\$31	Specify Color
H-7960	48"		36	34	Specify Color
H-9871	36"	Flat Face Post w/ Base	37	35	Specify Color
H-9872	48"		40	38	Specify Color

Meets NCHRP-350 and MUTCD Standards

Map 1



City of Hendersonville
Drakes Creek Roundabout Project
Area of City Maintenance in County
July 9, 2024



City of Hendersonville
Drakes Creek Roundabout Project
June 21, 2024

**MINUTES
LEGISLATIVE COMMITTEE
JEREMY MANSFIELD, CHAIRMAN
SEPTEMBER 9, 2024**

Present:

Jeremy Mansfield, Chairman
Chrissi Miller, Vice-Chairman
Jerry Becker
Merrol N. Hyde, Commission Chairman
Tim Jones
Matthew Shoaf, late

Also Present:

Eric Sitler, Law Director
Steve Weiner, Staff Attorney
Jennifer Mitchell, minute taker

Chairman Mansfield brought the regular scheduled Legislative Committee meeting to order with an invocation by Comm. Jones on Monday, September 9, 2024, at 8:32 p.m. Chairman Mansfield declared a quorum present to conduct business.

3. Approval of Agenda.

Without objection, Chairman Mansfield added approval of bond for Sheriff Eric Craddock.

Chairman Mansfield moved, seconded by Comm. Miller, to approve the agenda as amended. The motion carried unanimously.

4. Approval of minutes of August 19, 2024.

Upon motion of Chairman Mansfield, seconded by Commission Chairman Hyde, the Committee voted unanimously to approve as to form the minutes of August 19, 2024.

5. Election of Chairman and Vice-Chairman.

Comm. Miller nominated Comm. Mansfield to continue to serve as Chairman. Comm. Becker nominated himself to serve as Chairman. The Committee elected Comm. Mansfield to serve as Chairman.

Comm. Miller nominated Comm. Jones to serve as Vice-Chairman. Comm. Becker nominated himself and Comm. Jones nominated Comm. Miller. The Committee elected Comm. Miller to serve as Vice-Chairman.

5. Recognition of the Public.

Robert Eadens of 141 W. Roberts Road, Portland spoke against the Lewis Head rezoning projects.

Comm. Shoaf arrived at the meeting.

Chris Griffin of 3301 New Hope Road, Hendersonville spoke about bringing the constable program back to the county and the required training.

6. Report of the Chairman. No report

7. Report of County Mayor. No present

8. Old Business.

- a. Discussion – Resolution 1504-02 clarifying Ownership, Routine Maintenance, Support Service, and Funding for the Hendersonville Library (Quitclaim Deed – Negative recommendation on the reverter clause from Gen Ops (pages 7-12)).

Law Director Eric Sitler stated he has communicated with the city attorney and has given the following options:

1. City of Hendersonville give to County with no reverter and County takes over full maintenance and upkeep of property and building.
2. County surrender ownership to the City of Hendersonville and they take over full responsibility for maintenance and upkeep of property and building.
3. Keep ownership the way it is with a better-defined MOU to specify how expenses will be allocated in the future.

He is waiting to hear back from the City of Hendersonville.

Comm. Jones moved, seconded by Comm. Becker, to discuss. The motion carried unanimously.

After discussion, Comm. Becker moved to move forward with option three and if the city is not willing to agree then we go with option two. After discussion, Comm. Becker withdrew his motion.

Comm. Jones moved, seconded by Comm. Shoaf, to request the Law Director to offer to payback to the City of Hendersonville for any elevator and A/C repairs not to exceed \$20,000.00, proved by bills. In return they quitclaim the property to the County.

Comm. Becker moved, seconded by Chairman Mansfield, to amend to pay up to \$20,000.00 and quitclaim the property to the City of Hendersonville. The amendment failed with a vote of (3-2-1). Commission Chairman Hyde and Vice-Chairman Miller voted against, and Chairman Mansfield abstained from the vote.

The Committee voted (4-2-0) to approve to pay up to \$20,000.00 and for the City of Hendersonville to quitclaim to the County with no reverter. Commission Chairman Hyde and Vice-Chairman Miller voted against.

Chairman Mansfield requested to keep on old business.

b. Discussion: Constables.

Comm. Shoaf moved, seconded by Comm. Jones, to discuss. The motion carried unanimously.

After discussion, Comm. Jones moved, seconded by Comm. Becker, to suspend the rules to allow Mr. Griffin to speak to the matter. The motion carried unanimously. Mr. Griffin spoke to the fee structure and duties constables are allowed to perform.

Chairman Mansfield brought the meeting back in session.

Chairman Mansfield requested to keep on old business.

9. New Business.

a. Veterans' Service Report and Presentation (pages 26-27).

Report included in packet.

b. Audit Committee Standing Rule Change Re: Members (pages 28-34).

Comm. Shoaf moved, seconded by Chairman Mansfield, to approve and forward to full Commission. After discussion, the motion carried unanimously.

c. Law Director's Report on Brown Park/Codicil.

Law Director Eric Sitler explained no funds have been received and in disagreement with the trustees about how it should be handled. The County does not own the house exclusively but is responsible for the upkeep of the house.

Comm. Shoaf moved, seconded by Comm. Jones, to discuss. The motion carried unanimously.

Comm. Shoaf moved to ratify the acceptance of the \$500,000.00 gift contingent upon outcome of the next Budget meeting. Comm. Shoaf withdrew his motion.

Chairman Mansfield requested to keep on old business.

d. Approve bond for Sheriff Eric Craddock.

Commission Chairman Hyde moved, seconded by Comm. Miller, to approve and forward to full Commission. The motion carried unanimously.

11. Zoning.

- a. CRAIN SCOTTY PARKER PUD-REZONING – Jared Crain, represented by GreenLID Design – 4th Commission Voting District (Dillon Lamberth) – Applicant is seeking to rezone subject property from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of constructing and operating Construction Sales and Services uses upon the subject property. Subject property is located at Scotty Parker Road, Gallatin, TN, 37066, is on Tax Map 092, Parcel 057.00, contains 41.37 acres and is zoned Rural Preservation (RP).
The Sumner County Regional Planning Commission forwarded a POSITIVE recommendation related to this item on May 21, 2024. (Second Reading) (pages 35-36)

- b. LEWIS HEAD Commercial Plaza PUD – MAJOR PLAN AMENDMENT # 1 – Lewis Head, represented by 615 Design Group – 4th Commission Voting District (Dillon Lamberth) – Applicant is seeking a Major Plan Amendment of an existing PUD, for the purpose of modifying proposed building layout. Proposed uses comply with existing entitlements. Subject property is located at 135 W. Roberts Road, Portland, TN 37148, is Tax Map 072, Parcel 035.06, contains 5.05 acres and is zoned Planned Unit Development (PUD).
The Sumner County Regional Planning Commission forwarded a NEGATIVE recommendation related to this item on May 21, 2024. (Second Reading) (pages 37-38)

- c. LEWIS HEAD Commercial Plaza PUD – MAJOR PLAN AMENDMENT #2 – Andrew Finney, represented by GreenLID Design – 4th Commission Voting District (Dillon Lamberth) – Applicant is seeking a Major Plan Amendment of an existing PUD, for the purpose of modifying table of allowable uses and modifying proposed building layout for ministorage warehouses. Subject property is located at 131 W. Roberts Road, Portland, TN, 37148, is Tax Map 072, Parcel 035.07 contains 2.75 acres and is zoned Planned Unit Development (PUD).
The Sumner County Regional Planning Commission forwarded a NEGATIVE recommendation related to this item on July 16, 2024 (Second Reading). (pages 39-40)

- d. 142 SIDEVIEW ROAD – REZZONING – Trinidad Portillo, property owner – 6th Commission Voting District (David Klein) – Applicant is seeking a rezoning from Rural Preservation (RP) to Commercial Neighborhood (CN), Subject property is located at 142 Sideview Road, Gallatin, TN, 37066, is Tax Map 090, Parcels 022.01 and 022.03, contains 1.56 acres and is zoned Rural Preservation (RP). The Sumner County Regional Planning Commission forwarded a NEGATIVE recommendation related to this item on August 20, 2024. (First Reading) (pages 41-42)

Docketing purposes only; no action taken.

12. Adjournment. Chairman Mansfield declared the meeting adjourned at 9:32 p.m. upon motion of Comm. Shoaf and seconded by Comm. Becker.

Prepared by Jennifer Mitchell

STATE OF TENNESSEE

Sumner County



Date: _____

Board of County Commissioners

RESOLUTION

No. _____

**TITLE: A RESOLUTION AMENDING THE STANDING RULES AND PROCEDURES
RELATING TO THE COMPOSITION AND DUTIES OF THE SUMNER COUNTY
AUDIT COMMITTEE**

WHEREAS, Tenn. Code Ann. § 9-3-405 governs the creation of local governmental audit committees; and

WHEREAS, Sumner County adopted Resolution 1203-01 creating the Sumner County Audit Committee with five members, those members being the Chairman of the County Commission, Chairman of the Budget Committee, Chairman of any operating Finance Committee, Chairman of the Education Committee, and Chairman of the Highway Committee; and

WHEREAS, current Sumner County Standing Rules and Procedures provide for an alternate composition of the audit committee with two (2) commissioners, the Commission Chairman, the Budget Committee Chairman, and the Financial Management Committee Chairman; and

WHEREAS, the current Sumner County Standing Rules and Procedures provide a different description of the purpose and duties of the Audit Committee than what is described in Resolution 1203-01; and

WHEREAS, Tenn. Code Ann. § 9-3-405(b) requires ratification by the State Comptroller of any resolution that creates or modifies the Sumner County Audit Committee; and

WHEREAS, Resolution 1203-01 has been accepted by the State Comptroller; and

WHEREAS, the State Comptroller has not approved the alternate composition and duties set forth in the current Sumner County Standing Rules and Procedures.

NOW THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 16th day of September 2024, that this body does hereby amend Section II, Subsection D, Part xi, Subpart 9 of the Sumner County Board of County Commissioners Standing Rules and Procedures by deleting said entire Subpart and re-writing it in its entirety as follows:

II. ORGANIZATION OF THE COMMISSION

D. Committees

xi. Standing Committees and Sub-Committees

9. Audit Committee

- a. Members:** Five (5) members, to include the Chairman of the Sumner County Commission, the Chairman of the Budget Committee, the Chairman of the Financial Management Committee, the Chairman of the Education Committee, and the Chairman of the Highway Committee as set forth in Resolution 1203-01.
- b. Purpose/Duties:** All the duties and responsibilities set out in Section 5 of Resolution 1203-01.

BE IT FURTHER RESOLVED that approval of this Resolution requires a 2/3 vote of the Commission pursuant to Section IV, Subsection B of the Sumner County Board of County Commissioners Standing Rules and Procedures.

CERTIFICATE OF ACTION

COUNTY MAYOR

COUNTY CLERK

DATE

Ayes: ____ Nays: ____ Abs: ____

APPROVED:

REJECTED: