



SUMNER COUNTY COMMISSION

355 N. Belvedere Drive
Gallatin, Tennessee 37066-5410

Legislative Committee

Jeremy Mansfield, Chairman
David Klein, Vice-Chairman
Robert B. Brown III
Darrell Rogers
Matthew Shoaf
Jamie Teachenor
Merrol Hyde, Commission Chairman

Commissioners

Terry Moss- 1

Terry Wright- 2

Mark Harrison- 3

Dillon Lamberth- 4

Darrell Rogers- 5

David Klein- 6

Danny Sullivan- 7

Baker Ring- 8

Mary Genung- 9

Benjamin A. Harris- 10

Kevin Pomeroy- 11

Deborah Holmes- 12

Terri Boyt- 13

Jamie Teachenor- 14

J. Wes Wynne- 15

Jeremy Mansfield- 16

Robert B Brown III- 17

Don Schmit- 18

Shannon Burgdorf- 19

Merrol Hyde- 20

Jerry F. Becker- 21

Matthew Shoaf- 22

Tim Jones- 23

Chrissi S. Miller- 24

AMENDED

AGENDA

LEGISLATIVE COMMITTEE

5:30 p.m.

February 13, 2023

Jeremy Mansfield, Chairman

1. **Call to Order**
2. **Invocation**
3. **Approval of Agenda**
4. **Approval of minutes of January 9, 2023**
5. **Recognition of the Public**
6. **Report of the Chairman**
7. **Report of the County Mayor**
8. **Old Business**
 - a. FEMA Hazard Mitigation Grant Properties located at 2265 TN-25 and 2268 TN-25 Cottontown, TN 37048
 - b. 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 (attached)
9. **New Business**
 - a. Veterans' service report (attached for info only)
 - b. 2023 Property Taxpayers Protection Act (attached)
 - c. *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 (attached)*
 - d. Potential time change for monthly meeting
 - e. Process for improving Commission meeting minutes



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10. Commission Recognition

- a. Beverly Richards Surlis- 99th Birthday
- b. Liberty Creek High School Varsity Cheerleading Team
- c. Liberty Creek High School Junior Varsity Cheerleading Team
- d. Liberty Creek Middle School Cheerleading Team
- e. Hendersonville High School Cheerleaders – TSSAA 5-PEAT State Champions
- f. Beech High School Football Team
- g. Kelley M. Bennett- juvenile court retirement
- h. Coach Ed Martin

11. Zoning

12. Adjournment

MINUTES
LEGISLATIVE COMMITTEE
JEREMY MANSFIELD, CHAIRMAN
JANUARY 9, 2023

Present:

Jeremy Mansfield, Chairman
David Klein, Vice-Chairman
Robert B. Brown III
Darrell Rogers
Matthew Shoaf
Jamie Teachenor

Also Present:

Eric Sitler, Law Director
John C. Isbell, County Mayor
Jennifer Mitchell, minute taker

Absent:

Merrol N. Hyde, Commission Chairman

Chairman Jeremy Mansfield brought the regular scheduled Legislative Committee meeting to order with an invocation by Comm. Klein on Monday, January 9, 2023, at 5:30 p.m. Chairman Mansfield declared a quorum present to conduct business. Chairman Mansfield noted that Commission Chairman Hyde is running late.

3. Approval of Agenda. Chairman Mansfield moved, seconded by Comm. Rogers, to add a resolution prepared by Comm. Shoaf to the agenda under Old Business as item d. Upon motion of Comm. Rogers, seconded by Comm. Brown, the Committee voted unanimously to approve the agenda, as amended.

4. Approval of minutes of December 12, 2022. Upon motion of Comm. Rogers, seconded by Comm. Shoaf, the Committee voted unanimously to approve the minutes of December 12, 2022.

5. Recognition of the Public.

Charlotte Gribbons of 2339 Hwy 25, Cottontown spoke against giving the Cottontown Community Center property, Bridal House and hazard mitigation grant properties to a community non-profit. She requested to finish FEMA projects then sell the property and offered to buy the Community Center property. Mrs. Gribbons spoke against a Leiper's Fork type development.

Wayne Padgett of 279 Bursby Branch Road, Cottontown recognized that the sports complex at Station Camp High School was built with donated money by the Gribbons family. He also offered to buy the Cottontown Community Center and spoke against giving the four parcels of Cottontown property to the community non-profit.

6. Report of the Chairman. No report

7. Report of County Mayor. No report

8. Old Business.

a. Comer Barn update. No action taken

Law Director Eric Sitler stated there is no update on the deed at this time giving the Comer barn back to Rogers Group.

b. 2021 Code Resolution (Codes department). No action taken

c. Old School House/Cottontown Community Center Property, Bridal House Property, and FEMA Hazard Mitigation Grant properties located at 2265 TN-25 and 2268 TN-25 Cottontown, TN 37048.

Chairman Mansfield moved, seconded by Comm. Klein to table the Old School House/Cottontown Community Center Property and Bridal House Property. The motion carried unanimously.

Chairman Mansfield clarified he would like to keep the FEMA Hazard Mitigation Grant properties since they are time sensitive and would like to bring them back in February after more information is obtained.

d. *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 (attached).*

After explanation and without objection, Comm. Shoaf asked to defer to February 2023.

9. New Business.

a. Veterans' service report (attached). No action taken

b. Discussion and actions taken on amending Standing Rules and Procedures to include the prohibition of cell phone usage during meetings of the Full Commission.

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

During discussion, Comm. Rogers called for question, seconded by Comm. Shoaf. The motion to call for the question carried unanimously.

Comm. Shoaf moved, seconded by Comm. Brown, to approve with amended language to add to allow for emergency use as provided by Chairman Mansfield. The Committee voted to approve (4-2-0). Comm. Rogers and Teachenor voted against.

10. Commission Recognition.

- a. Beech High School Football Team
- b. Nancy Amanda Wright – retirement juvenile court
- c. Hadley Brown
- d. Kenny Minchey
- e. Liberty Creek High School Cheerleading Team – deferred to February 2023
- f. *Liberty Creek Middle School Cheerleading Team – deferred to February 2023*

Comm. Rogers moved, seconded by Comm. Shoaf, to group and approve items 10a through 10d. The motion carried unanimously.

Chairman Mansfield moved, seconded by Comm. Brown, to add Liberty Creek Middle School Cheerleading Team to the agenda for February 2023 and defer Liberty Creek High School Cheerleading Team to February 2023. The motion carried unanimously.

11. Zoning.

- a. 456 Thompson Lane PUD – Rezoning – Applicant is seeking to rezone 5.02 acres from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of operating a steel fabricating company. Subject property is located at 456 Thompson Lane, Portland, Tennessee, 37148, is on Tax Map 073, Parcel 013.2 acres and is zoned Rural Residential (RR). Second Reading (attached).
No action taken

10. Adjournment. Chairman Mansfield declared the meeting adjourned at 6:03 p.m. upon motion of Comm. Shoaf, and seconded by Comm. Teachenor.

**SUMNER COUNTY, TENNESSEE
BOARD OF COMMISSIONERS**

**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**

RESOLUTION 2023-XX

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 Llyod 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.

NOW, THEREFORE, BE IT RESOLVED by the Sumner County, Tennessee Board of Commissioners meeting this ____ Day of _____ 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 Llyod Austin on August 24th, 2021.

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.

THEREFORE, BE IT RESOLVED by the Sumner County Board of Commissioners 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.

RESOLVED the 27th day of February 2023.

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.

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

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.

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.