

BOARD OF COMMISSIONERS

AGENDA

DECEMBER 10, 2007

CALL TO ORDER – Sheriff Norman Lewis

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

APPROVAL OF NOVEMBER 13, 2007 MINUTES

VOTE ON ZONING RESOLUTIONS

CZ-17-2007: Application of Russell, Russell, & Waddle, Inc. from AG to E-1.

VOTE ON OTHER RESOLUTIONS:

07-12-1: Resolution of the Montgomery County Board of Commissioners to Provide Security Cameras and Panic Buttons at Veterans Plaza.

07-12-2: Resolution to Adopt the 2008 Legislative Agenda as Presented by the Legislative Liaison Committee.

UNFINISHED BUSINESS

REPORTS

1. County Clerk's Report – Requires vote from County Commission

REPORTS FILED

1. Trustee's Investment Report
2. Amended Highway Department's Quarterly Report (July, August and September, 2007)
3. November 2007 Permit Revenue and Adequate Facilities Tax Report
4. Trustee's Monthly Reports

NOMINATING COMMITTEE NOMINATIONS – Ruth Milliken, Chairman

COUNTY MAYOR NOMINATIONS - Mayor Bowers (Needs approval from Commission)

ANNOUNCEMENTS

1. All commissioners and spouses are invited to the Mayor's Christmas breakfast on Thursday, December 13 beginning at 8:00 a.m. Please RSVP to Debbie Gentry.
2. 2008 Legislative Reception: Tuesday, December 18 at 5:00 p.m. in the large conference room. Refreshments will be served.

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
RUSSELL, RUSSELL & WADDLE, INC.**

WHEREAS, an application for a zone change from AG Agricultural District to E-1 Single Family Estate District has been submitted by Russell, Russell & Waddle, Inc. and

WHEREAS, said property is identified as County Tax Map 110, parcel 010.00, containing 43 acres, situated in Civil District 13, located 1703 feet +/- northwest of the intersection of Hickory Point Road & Johnson Road on the west side of Hickory Point Road.; and

WHEREAS, said property is described as follows:

In a northwest direction 1835 feet +/- from the intersection of Hickory Point Road and Johnson Road in the west margin of Hickory Point Road and being the northeast corner of the James Johnson property,
Thence in a west direction for 336 feet +/- to a point also being the northwest corner of the James Johnson property,
Thence in a south direction for 190 feet +/- to a point also being the southwest corner of the James Johnson property, Thence in a east direction for 300 feet +/- to a point also being the southeast corner of the James Johnson property,
Thence in a south direction for 600 feet +/- to a point, also being the southwest corner of the Robert E. Winn property,
Thence in a west direction for 1290 feet +/- to a point also being the northwest corner of the Timmy Mann property,
Thence in a north direction for 336 feet +/- to a point,
Thence in a east direction for 449 feet +/- to a point,
Thence in a north direction for 2170 +/- to a point, also being the northeast corner of the James P. Holt property,
Thence in a east direction for 404 feet +/- to a point, also being the northwest corner of the Lee Brown property,
Thence in a south direction for 814 feet +/- to a point also being the southwest corner of the Lee Brown property,
Thence in a east direction for 577 feet +/- to a point, also being the northwest corner of the Minor Johnson property,
Thence in a south direction for 315 feet +/- to a point,
Thence in a east direction for 50 feet +/- to a point,
Thence in a south direction for 262 feet +/- to a point,
Thence in a east direction for 215 feet +/- to a point,
Thence in a south direction for 500 feet +/- to the point of beginning containing 42.13 acres Map 110 parcel 010.00.

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends _____ of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 10th day of December, 2007, that the zone classification of the property of Russell, Russell & Waddle, Inc. from AG to E-1 / is hereby approved.

Duly passed and approved this 10th day of December, 2007.

Sponsor David A. Roggio
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS TO PROVIDE SECURITY CAMERAS AND PANIC
BUTTONS AT VETERANS PLAZA**

WHEREAS, the Montgomery County Board of Commissioners recognize the need for implementing security at Veterans Plaza; and

WHEREAS, the Courthouse and Veterans Plaza Security Ad Hoc Committee met on November 19, 2007 and assessed that for the safety of the employees, security cameras and panic buttons would need to be installed at the Veterans Plaza; and

WHEREAS, Montgomery County Government will provide the training necessary for employees to utilize said panic buttons.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Session on this 10th day of December, 2007, that \$20,000.00 be appropriated from the general fund balance for the installation of security cameras and panic buttons in offices in the Veterans Plaza office complex as deemed by the Courthouse and Veterans Plaza Security Ad Hoc Committee.

Duly passed and approved this 10th day of December, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION TO ADOPT THE 2008 LEGISLATIVE AGENDA
AS PRESENTED BY THE LEGISLATIVE LIAISON COMMITTEE**

WHEREAS, the Legislative Liaison Committee acts as a liaison between the Montgomery County Board of Commissioners and the Tennessee State Legislature; and

WHEREAS, the Legislative Liaison Committee reviews bills that may affect budget plans and/or bills that would have an adverse effect on counties, and makes recommendations to the county commission prior to presenting to the state legislature; and

WHEREAS, the Legislative Liaison Committee has prepared a Legislative Agenda to the 105th General Assembly for consideration by our state delegation.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular business session on this 10th day of December 2007, that the attached 2008 Legislative Agenda prepared by the Legislative Liaison Committee is hereby approved.

Duly passed and approved this 10th day of December 2007.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

**THE
MONTGOMERY COUNTY COMMISSION**

PRESENTS ITS

2008 LEGISLATIVE AGENDA

TO THE

105TH GENERAL ASSEMBLY

STATE DELEGATION

SENATOR ROSALIND KURITA

REPRESENTATIVE CURTIS JOHNSON

REPRESENTATIVE PHILLIP JOHNSON

REPRESENTATIVE JOE PITTS

COUNTY MAYOR CAROLYN BOWERS

DECEMBER 2007

I. TAXES

LEGISLATIVE ITEM: Support legislation that facilitates the collection of fees for Voice-Over Internet Protocol emergency calls to local 911 emergency districts.

PURPOSE: Voice-over Internet Protocol communications is a growing problem facing E-911 communities across the country; projected growth and use of these communication systems will deplete funding and restrict service due to the systems inability to show exact locations from which the 911 call is generated.

II. EDUCATION

LEGISLATIVE ITEM: Support HB0117/SB0183 amending TCA Title 49, Chapter 7, Part 1, which permits children under the age of 24 (twenty-four) years of age and whose parent(s) is employed for a minimum of 25 (twenty-five) hours per week by any local education agency to receive a 25 (twenty-five) percent discount on tuition in any state-operated/supported institution of higher learning.

PURPOSE: This legislation, if enacted, would create equity for classified staff members and coincide with legislation that already exists for certified staff. This legislation is supported by the Clarksville-Montgomery County School System's Employee Anchor Team, representing approximately 3,400 classified and certified staff members.

LEGISLATIVE ITEM: Support, through legislation if necessary, the Basic Education Program (BEP) Review Committee recommendations to improve the BEP Formula.

PURPOSE: The Basic Education Program (BEP) Review Committee recommends studying and moving forward with comprehensive, simultaneous, and timely improvements to the BEP that include the implementation of a system-level fiscal capacity index (including consideration of the Tennessee Association of Counties Inter-Governmental Relations [TACIR] prototype, another prototype developed by the Peabody Center of Education Policy at Vanderbilt University, and a third type of funding formula suggested by State Comptroller John Morgan); an increase in the funding for at-risk and English language learners; the elimination of the Cost Differential Factor (CDF); and the increase of the BEP instructional salary state share of 75 percent. The BEP Review Committee recommends that these changes take place in a

gradual, but timely manner, indemnifying districts that would otherwise be harmed by such revisions.

LEGISLATIVE ITEM: Support, through legislation if necessary, BEP funding for teaching positions.

PURPOSE: The Clarksville-Montgomery County Board of Education supports appropriate state level funding for the number of teachers needed to be employed by a school district to meet state and federal mandates and improve student achievement. In 2006-07, the State of Tennessee employed nearly 4,000 teachers more than the BEP formula funded. In Clarksville/Montgomery County, this translates to 267 teachers that are paid 100 percent through local funds. Since the General Assembly has made great strides in improving BEP in the 2007 session, improving the funding of needed teaching positions is a logical next step.

LEGISLATIVE ITEM: Capital projects for local schools.

PURPOSE: The Clarksville/Montgomery County Board of Education urges the 2008 General Assembly to reconsider the passage of HB0009/SB0227 or approve legislation that would establish a grant program for capital projects for K-12 facilities. These funds would supplement, not take the place of, local efforts in support of much-needed capital equipment provided by the state.

LEGISLATIVE ITEM: Automated External Defibrillators.

PURPOSE: The Clarksville/Montgomery County Board of Education supports the requirement for each high school to have automated external defibrillators available with funding for such equipment provided by the state.

LEGISLATIVE ITEM: Pooled efforts among agencies to increase graduation rates.

PURPOSE: The Clarksville/Montgomery County Board of Education supports legislation that would require other agencies such as the Department of Human Services and others, to work with the school district to encourage students to finish high school rather than pursuing a GED, which cannot count towards the district graduation rate. This should be a mechanism set into motion to coordinate the efforts of DHS, juvenile courts, and schools to work towards improving the graduation rate.

LEGISLATIVE ITEM: Required civics courses and other high school requirements.

PURPOSE: The Clarksville/Montgomery County Board of Education believes that the current standards and curriculum framework allows for civics instruction in the schools and that the decision to add this as a required course should be the decision of the local school boards rather than the state. This would also apply to the increase in mathematics courses to four years and other additional course requirements. This determination should be left to local school systems to decide based on their student needs and available resources and support.

LEGISLATIVE ITEM: Support enhancement and expansion of the Tennessee Technology Center in Clarksville.

PURPOSE: The Clarksville/Montgomery County Board of Education strongly supports a major expansion of the Tennessee Technology Center to better serve the community and the school district. Considering Clarksville's size and growth, it is critical that a major investment in this center be a priority. Our schools would benefit from partnerships that could be created to allow high school students to benefit from courses at an expanded Technology Center. The Clarksville-Montgomery County School System is very interested in creating strong partnerships with post-secondary institutions so students can have access to programs of interest.

LEGISLATIVE ITEM: Relax experience requirements for certain technical certifications and licensing.

PURPOSE: The difficulty in filling and keeping highly qualified career technical teachers with the five-year experience requirement limits our ability to hire the best candidates. The Clarksville/Montgomery County Board of Education requests that measures be taken to allow for licensing of certain career technical teachers (such as medical careers teachers) with less than the five-year work requirement.

LEGISLATIVE ITEM: Support, through legislation if necessary, driver education training as an elective course in high school curriculums.

PURPOSE: Public Safety records indicate a significant number of under-age drivers are involved in traffic fatalities. While County road blocks and the use of additional law enforcement personnel during peak travel periods may have some effect on the prevention of teen-aged automobile fatalities, we believe the Clarksville-Montgomery County School System's ability to offer drivers' education in the high schools would greatly enhance efforts to stem the tide of teen-aged deaths on our highways.

LEGISLATIVE ITEM: Interest in re-visiting existing legislation.

PURPOSE: The Clarksville/Montgomery County Board of Education believes that, while well-intended, some recent legislative actions should be revisited as to unintended consequences that have resulted from their passage. These include:

Public Chapter 587- Finger-printing of all entities contracted in schools.

The Clarksville/Montgomery County Board of Education believes there are noble purposes and good intentions behind this legislation. However, it creates a level of bureaucracy that is time-consuming and complex, especially when dealing with many individuals who contract for programs or consultant services in the schools. Some problems with this new legislation include:

- 1) There is no enforcement mechanism
- 2) We are concerned about contracts addressing emergency situations
- 3) The TBI is not ready to handle the volume of requests
- 4) This delay will ultimately disrupt the timeline on construction projects, increase costs, and negatively impact student achievement
- 5) Vendors need time to comply with these requirements
- 6) The TBI requires a vendor to have a signed contract before they will provide an ORI number. The vendor cannot secure a contract without bidding, and the vendor can not compile a bid if he or she does not know his or her projected labor cost. He or she cannot compile a projected labor cost if he or she does not know who can or cannot work on school property
- 7) This may make it difficult or impossible to use temporary labor

Public Chapter 376 – Local Education Support Group Financial Accountability Act of 2007

The Clarksville/Montgomery County Board of Education supports improved oversight of the use of education support group funds. However, the unintended consequence of this act is that it has added greatly to the duties of school-level bookkeepers, requiring our district to add additional personnel to manage and monitor the requirements of this law. Funding earmarked to cover the cost of additional personnel require to properly implement this law should be considered.

90-minute Physical Activity Requirement

The Clarksville/Montgomery County Board of Education supports the health and well-being of students. However, anytime the Legislature adds a time requirement for any particular area, it impacts an already full school day schedule. The act takes time away from academic efforts and likely

will have little effect on decreasing obesity of students. The factors that lead to problems of student obesity cannot be properly addressed by simply enacting such a time requirement. This legislation is not “problem-solving” in nature. This requirement also has the potential of decreasing instructional time needed to meet the requirements of the No Child Left Behind and State mandates for academic growth.

III. LAW ENFORCEMENT

LEGISLATIVE ITEM: Adequately fund local governments, in accordance with Tennessee state law, for expenses relating to the custody and care of Tennessee state prisoners.

PURPOSE: The actual cost of care of felons convicted of a state offense exceeds the per diem rate allocated by Tennessee state law.

Comments: The Tennessee Department of Corrections is required to accept convicted felons that have been sentenced to prison terms within 60 (sixty) days of their conviction. Currently, it is taking longer for the Tennessee State Department of Corrections to take these prisoners and will only reimburse the County up to to \$35 per day in costs.

It costs the taxpayer approximately \$89.86 per day for normal expenses, including medical expenses. Re-imbursements from the State do not cover all the costs, especially medical treatment. The County absorbs the difference.

Montgomery County is requesting that state prisoners be taken into custody by Tennessee Department of Corrections officials within 15 to 60 days of conviction, as a minimum. Otherwise, re-imburse local governments for the full cost of custody and care of state prisoners if this is not achievable.

IV. HIGHWAY TRANSPORTATION/INFRASTRUCTURE

LEGISLATIVE ITEM: Encourage the Tennessee Department of Transportation to obligate funding for the following projects: utility/construction funding for SR374/Warfield Boulevard from Dunbar Cave Road to Stokes Road/SR13; utility/construction money for SR112/US 41-A from SR76 to McAdoo Creek Road; engineering money for SR374/Warfield Boulevard/Richview Road from

Dunbar Cave Road to SR112/Madison Street; engineering funding for SR13/149/Proposed 374, from Zinc Plant Road to SR76; engineering funding for SR13/149, from Zinc Plant Road to Proposed SR374; right-of-way funding for SR374, from SR149 to Dotsonville Road; right-of-way funding for SR374, from Dotsonville Road to SR76; partnering with the City and County on engineering funding for SR48/Trenton Road from SR13/Wilma Rudolph Boulevard to SR236/Tiny Town Road.

PURPOSE: Support the region's and state's economic viability by enabling competitiveness, productivity and efficiency. Increase the safety and security of the transportation system. Protect and enhance the environment, promote energy conservation, improve air quality and overall quality of life.

LEGISLATIVE ITEM: Encourage the Tennessee Department of Transportation to place cross-walks and/or pedestrian bridges over our six-lane state highways where businesses and hotels/motels are located in Montgomery County.

PURPOSE: Wilma Rudolph Boulevard, State Highway 79 North, has six lanes of traffic and a turning lane, numerous restaurants, hotels and a regional mall located within walking distance of the area. Several deaths have occurred as pedestrians attempted to navigate this major artery. It is necessary, and the responsibility of our state, county, and city government to provide a safe means for our citizens and visitors to cross this thoroughfare.

LEGISLATIVE ITEM: Support the preservation, operation, maintenance, improvement, and expansion of Port Royal State Historic Park.

PURPOSE: Port Royal State and historic park has been recognized as a Trail of Tears site by the National Park Service. A portion of the road-bed was placed on the National Historic Register. Funds are needed to maintain the road bed, provide interpretive signage, and support programs for local schools and community members.

Access to the north side of the park currently is closed to the public due to safety concerns. This access would provide an additional 15+ acres that include the road bed, as well as additional hiking trails. There is no longer a bridge connecting the two parts of the park on opposite sides of Red River. A pedestrian bridge is needed. The north side of the park is not safe due to the nature of the wreckage left by the fall of the covered bridge.

Port Royal is the only state-owned site that played a major role in the founding and settling of Tennessee. Protection and interpretation of this site is of utmost importance to all our citizens and visitors alike.

LEGISLATIVE ITEM: Support capital improvement projects that will benefit Dunbar Cave State Natural Area.

PURPOSE: Dunbar Cave has been well-supported by the Department of Environment and Conservation, the state Legislature, and the Governor's Office. This has been proven by the inclusion of funding in the 2007-08 state budget for a new interpretive center at Dunbar Cave. The following additional capital improvements to Dunbar Cave are being requested:

- 1) Additional parking spaces
- 2) ADA-approved restroom facilities
- 3) ADA-approved accessibility to the cave entrance
- 4) Maintenance of the visitor's center, specifically repairs to the roof and windows

LEGISLATIVE ITEM: Request the State explore ways to more effectively illuminate lane definitions, specifically research more reflective materials to be used in highway striping/lane definition.

V. WATER SUPPLY

LEGISLATIVE ITEM: Support legislation to require disclosure to homebuyers at the time of closing of any 100-year flood plain and any injection wells located on the lot.

PURPOSE: To adequately notify homebuyers of any responsibility of long-term maintenance of drainage structures located on the property. Notification of the existence of flood plains and drainage retention basins will inform the property owner of the potential of standing water on the property during certain storm events and about the prohibition of filling or placement of structures within the flood plain area.

VI. SUPPORT OF THE TENNESSEE COUNTY SERVICES ASSOCIATION'S 2008 LEGISLATIVE PLATFORM (SEE ATTACHED COPY OF THE DRAFT AGENDA).