

**CALL TO ORDER**

**PUBLIC HEARING REGARDING ZONING**

**CZ-10-2007:** Application of Linette Arthur from R-1 to C-1.

**CZ-12-2007:** Application of Hickory Wilds, L L C, from R-1, C-2 and C-1 to C-2/R-1.

**CZO-1-2007:** Application of Montgomery County, Tennessee, Text Amendment – Relative to Taverns

**CLOSE PUBLIC HEARING**

**RESOLUTIONS**

- 07-9-1:** Resolution Amending the Budget of the Montgomery County Agricultural Extension Service.
- 07-9-2:** Resolution Approving an Amended Interlocal Agreement Among Montgomery County, Tennessee, the City of Clarksville, Tennessee, and the Montgomery County Industrial Development Board.
- 07-9-3:** Resolution Raising the Dollar Amount above Which Sealed Bids Must be Solicited for an Expenditure or Sale by Montgomery County Government.
- 07-9-4:** Resolution Establishing a “Victim’s Assistance Assessment” to Fund Programs Which Assist Victims of Crime.
- 07-9-5:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds through the Bidding Phase for the Construction of Rossvie Elementary School.
- 07-9-6:** Resolution Establishing a Committee on Investment.
- 07-9-7:** Resolution to Amend the Budgets of Various Funds, Departments and Accounts for First Quarter Fiscal Year 2007-2008.
- 07-9-8:** Resolution Amending the Budget of the Montgomery County Sheriff’s Office to Provide Funding for a Full Time Referee for the County Courts.

**07-9-9:** Resolution to Establish a Property Tax Freeze Implementation Ad Hoc Committee.

**07-9-10:** Resolution to Amend Animal Control Regulations Pursuant to T.C.A. § 6-2-201(22) and (23) and 5-1-118 and 120.

### **REPORTS**

1. Nominating Committee – Ruth Milliken, Chairman
2. County Mayor Nominations – Mayor Bowers

### **REPORTS FILED**

1. Minutes from August 13, 2007 meeting
2. Trustees Sales Tax Comparison Report
3. Circuit Court Clerk - FY 2006-07 Financial Report
4. Highway Department Inventory

### **CITIZENS TO ADDRESS THE COMMISSION**

Hubert G. Smith – Salvation Army Homeless Shelter Status/Update

### **ANNOUNCEMENTS**

1. TCSA Fall Conference, October 10 – 12, Nashville

### **ADJOURN**

**RESOLUTION AMENDING THE ZONING RESOLUTION OF  
MONTGOMERY COUNTY, TENNESSEE**

WHEREAS, an application for an amendment to text of the Montgomery County Zoning Resolution has been filed and

WHEREAS, said text amendment is described as follows:

Under Article II Definitions, add the following new definition:

TAVERN: An establishment used primarily for the serving of alcoholic beverages by the drink on the premises to the general public and where food or packaged alcoholic beverages may be sold only as accessory to the primary use.

Add the following as a Use Permitted On Review in the C-5 Highway And Arterial Commercial District: 3. Taverns.

**WHEREAS**, the Planning Commission staff recommends approval and the Regional Planning Commission recommends approval of said application.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10th day of September, 2007, that the zone text amendment is hereby approved.

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

**Sponsor** \_\_\_\_\_  
**Commissioner** \_\_\_\_\_  
**Approved** \_\_\_\_\_  
**County Mayor**

**Attested:** \_\_\_\_\_  
**County Clerk**

**RESOLUTION AMENDING THE ZONING RESOLUTION OF  
MONTGOMERY COUNTY, TENNESSEE**

WHEREAS, an application for an amendment to text of the Montgomery County Zoning Resolution has been filed and

WHEREAS, said text amendment is described as follows:

Beginning at a point being the northeast corner of the Cumberland Heights Road and Palmyra Road intersection; thence with the east right-of-way of Cumberland Heights Road in a north and northeasterly direction, 600+/- feet to a point in the south right-of-way of Highway 149; thence with the south right-of-way of Highway 149 in an easterly direction, 175+/- feet to a point, said point being the western most corner of the Charles Underwood property; thence with the south line of Underwood in an easterly direction, 255+/- feet to a point, said point being the northern most corner of the James Evan, Sr., property; thence with the west line of Evan in a southerly direction, 375+/- feet to a point in the north right-of-way of Palmyra Road; thence with the north right-of-way of Palmyra Road in a westerly direction, 670+/- feet to the point of beginning; containing 5.5+/- acres.

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

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10th day of September, 2007, that the zone text amendment is hereby approved.

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

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested:** \_\_\_\_\_  
**County Clerk**

**RESOLUTION AMENDING THE ZONING RESOLUTION OF  
MONTGOMERY COUNTY, TENNESSEE**

WHEREAS, an application for an amendment to text of the Montgomery County Zoning Resolution has been filed and

WHEREAS, said text amendment is described as follows:

SEE ATTACHED

EXHIBIT "A"

**WHEREAS**, the Planning Commission staff recommends approval and the Regional Planning Commission recommends approval of said application.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10th day of September, 2007, that the zone text amendment is hereby approved.

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

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested:** \_\_\_\_\_  
**County Clerk**

**RESOLUTION AMENDING THE BUDGET OF THE MONTGOMERY  
COUNTY AGRICULTURAL EXTENSION SERVICE**

**WHEREAS**, Montgomery County is in the worse drought since 1952; and

**WHEREAS**, the drought has caused a shortage of hay for Montgomery County farmers;  
and

**WHEREAS**, John Barteo of the Montgomery County Agricultural Office and State Representative Curtis Johnson have worked tirelessly to find quality hay for the farmers of Montgomery County; and

**WHEREAS**, it is the desire of the Montgomery County Commission to support the valued agricultural community of Montgomery County; and

**WHEREAS**, in the 2006-07 budget \$75,000.00 was appropriated to purchase land for a park; and

**WHEREAS**, after study of the land it was found not to be suitable for the purpose of a county park; and

**WHEREAS**, it is the desire of the Montgomery County Commission to use the \$75,000.00 to support the transportation of the hay from Oklahoma to Tennessee for the purpose of selling the hay to Montgomery County farmers; and

**WHEREAS**, the remainder of the balance for the transportation of hay in the amount of \$23,460.00 be taken from the fund balance.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in regular session on this 10<sup>th</sup> day of September 2007, that the

Agricultural Extension Office Fiscal Year 2007-08 operating budget is hereby amended as follows:

101-57100-00000-57-53990 Other Contracted Services \$98,460.00

**Duly approved this 10<sup>th</sup> day of September, 2007.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION APPROVING AN AMENDED INTERLOCAL AGREEMENT  
AMONG MONTGOMERY COUNTY, TENNESSEE, THE CITY OF  
CLARKSVILLE, TENNESSEE, AND THE MONTGOMERY  
COUNTY INDUSTRIAL DEVELOPMENT BOARD**

**WHEREAS**, on August 13, 2001, the Montgomery County Board of Commissioners approved a resolution of intent to support funding for the Clarksville-Montgomery County Corporate Business Park expansion; and

**WHEREAS**, on November 19, 2001 the Montgomery County Board of Commissioners adopted a resolution approving an interlocal agreement among Montgomery County, Tennessee, the City of Clarksville, Tennessee, and the Montgomery County Industrial Development Board; and

**WHEREAS**, on November 29, 2001 Montgomery County, the City of Clarksville and the Industrial Development Board entered into an interlocal agreement a portion of which provided for the City to maintain first responder fire and emergency services to the Clarksville-Montgomery County Business Park; and

**WHEREAS**, the said interlocal agreement is now amended to include the provision of first responder fire and emergency services provided by the City of Clarksville to *both* the Clarksville-Montgomery County Business Park *and Commerce Park*.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10th day of September, 2007 that the execution of the attached amended interlocal agreement among Montgomery County, the City of Clarksville and the Montgomery County Industrial Development Board is hereby approved.

**BE IT FURTHER RESOLVED** that a copy of said amended interlocal agreement referred to hereinabove shall be attached and made a part of this resolution as though it were fully copied herein.

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

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_  
**County Clerk**



**RESOLUTION RAISING THE DOLLAR AMOUNT ABOVE WHICH  
SEALED BIDS MUST BE SOLICITED FOR AN EXPENDITURE  
OR SALE BY MONTGOMERY COUNTY GOVERNMENT**

**WHEREAS**, the County Purchasing Law of 1957, T.C.A. § 5-14-101 et seq., is applicable in Montgomery County; and

**WHEREAS**, pursuant to T.C.A. § 5-14-108(c)(1), if the amount of an expenditure or sale is estimated to exceed Five Hundred Dollars (\$500.00), sealed bids shall be solicited, unless the county legislative body by resolution establishes a higher amount not to exceed Ten Thousand Dollars (\$10,000.00); and

**WHEREAS**, the county legislative body of Montgomery County finds that the amount above which sealed bids shall be required should be raised to Ten Thousand Dollars (\$10,000.00); and

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10th day of September, 2007 that the amount above which sealed bids are required is hereby raised to Ten Thousand Dollars (\$10,000.00) for all county expenditures or purchases, except as otherwise provided in the County Purchasing Law of 1957, T.C.A. § 5-14-101 et seq.

**BE IT FURTHER RESOLVED** that this resolution shall take effect on September 30, 2007, and that immediately after its passage and approval a copy of this resolution shall be mailed or otherwise delivered to each official within Montgomery County having responsibility for purchasing.

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

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION ESTABLISHING A  
“VICTIM’S ASSISTANCE ASSESSMENT”  
TO FUND PROGRAMS WHICH ASSIST VICTIMS OF CRIME**

**WHEREAS**, on May 12, 2006, Governor Phil Bredesen signed into law, Senate Bill No. 1764, which allows the county legislative body of any county the election to establish a program(s) to assist victims of crime, their families and survivors, or to provide funding or additional funding for an existing program(s) established to assist victims, and other similar programs designed to assist victims of crime, their families or survivors.

**WHEREAS**, Tennessee Code Annotated §40-24-109 provides that if a county legislative body elects to establish or fund such programs, it shall, at the time of such election, designate the program(s) for which the assessment will be used.

**WHEREAS**, the Montgomery County legislative body elects to establish and provide funding from the collection of the “Victim’s Assistance Assessment” pursuant to Tennessee Code Annotated §40-24-109(c) for the following designated programs:

- The Montgomery County Child Advocacy Center to help defray the costs of providing services to child victims of sexual assault and sever physical abuse, as designated by its program mission statement, guidelines and Board of Directors. The Center offers services such as forensic interviews, court preparation, victim’s advocacy and mental health treatment.
- The Clarksville Montgomery County Legal Aid Society to help defray the costs of existing programs such as, but not limited to, an attorney position who aids victims in need of obtaining Orders of Protection, or such other programs designated by its mission statement and guidelines which aid crime victims of domestic violence.
- To establish funding for an Assistant Victim Witness Coordinator position, which would aid the District Attorney’s Office in providing services to victims of crime whose cases are pending in the General Sessions and Juvenile Courts of Montgomery County. Funding for this position would be distributed through the District Attorney’s General Conference and the position would be an employee of the District Attorney General for Montgomery County.

**WHEREAS, IT IS DIRECTED**, pursuant to Tennessee Code Annotated §40-24-109(c), that the Clerks of all Montgomery County General Sessions, Circuit and Criminal Courts, Municipal Courts exercising General Sessions Court jurisdiction, and any other court exercising similar criminal jurisdiction, shall collect a “victims assistance assessment” in the sum of forty-five (\$45.00) dollars from any person who:

- (A) Enters a plea of guilty;
- (B) Is found guilty by a judge or jury;
- (C) Enters a plea of nolo contendere;
- (D) Enters a plea pursuant to any of the diversionary sentencing statutes to any criminal offense described in subsection (d);
- (E) Is found guilty, or enters a plea of guilty or nolo contendere to the offense of attempting or conspiring to commit any such offense; or
- (F) Is found to be criminally responsible as principal for the commission of any such offense.

(d) Except as provided in subsection (e), the provisions of subsection (c) shall apply to any conduct made criminal by the laws of this state.

(e) This section shall not apply to:

- (1) Crimes for which the law imposes as a maximum possible punishment a fine of less than five hundred dollars (\$500) and no imprisonment; and
- (2) Violations of the motor vehicle laws except driving under the influence of an intoxicant as prohibited by §55-10-401, or reckless driving as prohibited by §55-10-205, where the reckless driving was proximately caused by the use of an intoxicant.

(f) Whether a person convicted of a crime is exempted from payment of the assessment imposed by this section shall be determined by the offense for which such person was convicted and the maximum possible sentence authorized by law for such offense rather than the sentence such person actually receives.

(g)(1) The victims assistance assessment shall be subject to the provisions of §8-21-401 and shall be in addition to all other taxes, costs and fines. The first three dollars (\$3.00) of each such assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars (\$42.00) shall be transmitted to the county in which the offense occurred for the exclusive use of the victim’s assistance program previously designated by the county legislative body.

(2) Upon transmittal to the victims program in such county, all funds collected pursuant to this section shall be used to defray the costs of providing the services to victims of crime designated by the program’s mission statement and guidelines.

**WHEREAS**, this resolution will take effect immediately upon its passage, pursuant to TCA §40-24-109.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissions, meeting in regular session this 10<sup>th</sup> day of September, 2007, that the Court Clerk of Montgomery County be authorized and shall collect a “Victims Assistance Assessment” in the sum of forty-five dollars (\$45.00), and that the first three dollars (\$3.00) of each such assessment shall be paid to the clerk of the court imposing the assessment of processing and handling, and the remaining forty-two dollars \$42.00 dollars shall be divided equally and distributed by the clerk, in the amount of fourteen dollars (\$14.00) for the exclusive use of the three (3) victim assistance programs previously designated and set forth by this legislative body.

**Duly passed and approved this 10<sup>th</sup> day of September, 2007.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION OF THE MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS APPROPRIATING FUNDS  
THROUGH THE BIDDING PHASE FOR  
THE CONSTRUCTION OF ROSSVIEW ELEMENTARY SCHOOL**

**WHEREAS**, the Board of Commissioners has expressed its intent to build a new elementary school and appropriated architect fees through the schematic design phase in Resolution 06-11-2, and;

**WHEREAS**, the current construction timetable has the new Rossvie Elementary School available for occupancy sometime in July or August of 2009 with little room for error and time necessary for school personnel to furnish, equip, and prepare the facility for opening, and;

**WHEREAS**, the new West Creek High School, scheduled also to open for the fall of 2009 contributes to the need for additional time for the same school personnel to furnish, equip, and prepare both schools for a smooth opening, and;

**WHEREAS**, critical architectural design, codes review, and construction time (two to four weeks) can be obtained by suspending Rule IV for this project and combining steps 4 and 5. A formal report regarding the Design Development Phase (step 4) would be provided to the full Commission in lieu of a resolution, as well as monthly updates on the project, and;

**WHEREAS**, funding is now required for architectural fees through the bidding phase.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of County Commissioners assembled in Regular Session on this 10th day of September, 2007 that this Commission expresses its intent to construct the Rossvie Elementary School and that the sum of \$463,968 be and the same is hereby appropriated to the School Capital Project Fund for the employment of an architect through the bidding phase.

**BE IT FURTHER RESOLVED** that this appropriation be funded from the Montgomery County, Tennessee General Obligation School and Public Improvement Bonds, Series 2007;

**BE IT FURTHER RESOLVED** that the Director of Schools shall file quarterly reports and monthly updates to the Board of Commissioners to include detailed expenditures by object code and a report indicating the progress of work. The progress report shall include the percent of work completed by major component and the amount paid to the contractor including retainage. Upon project completion or the expiration of the warranty, whichever comes first, a detailed closeout report by object code shall be provided within thirty (30) days to the Board of Commissioners.

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

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Court Clerk

## Rossview Elementary School

	<u>Initial Funding</u>	<u>Total Funding Estimate</u>
Architect Fees	100,000	633,495
Engineering Fees		35,000
Building Construction		12,952,677
Furniture/Equip/Technology		<u>1,605,000</u>
Total		15,226,172

**RESOLUTION ESTABLISHING A COMMITTEE ON INVESTMENT**

**WHEREAS**, Tennessee Code Annotated § 5-8-302 provides for the establishment of a Committee on Investment; and

**WHEREAS**, the Rules Committee is charged with the responsibility of analyzing the structure, organization and functions of various boards, committees and commissions of Montgomery County Government; and

**WHEREAS**, the Rules Committee recommends that the composition of the Committee on Investment shall consist of six (6) members: the County Mayor; the Director of Schools or a designee appointed by such director; the County Finance Director; the County Trustee; a County Commissioner (the Budget Committee Chairperson); and a County Commissioner.

**WHEREAS**, it is the recommendation of the Rules Committee that a Committee on Investment be established and classified as a standing committee.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10<sup>th</sup> day of September, 2007 that the Committee on Investment is hereby established as a standing committee.

**Duly passed and approved this 10<sup>th</sup> day of September, 2007.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**



**RESOLUTION TO AMEND THE BUDGETS OF VARIOUS FUNDS, DEPARTMENTS, AND ACCOUNTS FOR FIRST QUARTER FISCAL YEAR 2007-2008**

**WHEREAS**, the Director of Accounts and Budgets has performed continuing reviews of the status of current and planned expenditures, and the receipts of revenues anticipated in support of the various budgets; and

**WHEREAS**, grants for the Emergency Management Agency, the Airport Authority and the Sheriff’s Office were not defined correctly in the 2007-08 Budget; and

**WHEREAS**, the County Commission desires to appropriate funding to these expenditure accounts from various sources including revenues, designated fund balances, and/or other sources within the funds in which those accounts operate.

**NOW, THEREFORE BE IT RESOLVED**, by the Montgomery County Board of County Commissioners, assembled in regular business session of the 10th day of September 2007, that the budgets for the various funds for Fiscal Year 2008 be amended as to revenues, expenditures, and appropriation of fund balances according to the schedule in Attachment A.

Duly passed and approved this 10<sup>th</sup> day of September, 2007.

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**Attachment A to Resolution  
RESOLUTION TO AMEND THE BUDGETS OF VARIOUS  
FUNDS, DEPARTMENTS, AND ACCOUNTS FOR FISCAL  
YEAR 2007-2008 BASED ON APPROPRIATIONS OF  
ADDITIONAL REVENUES AND OTHER SOURCES**

Department Name	Fund/Department Number	Grant, if applicable	Object Code	Effect on Fund Balance*
Millenium Committee	171		53990	\$ (240.00)
Millenium Committee	171		48610	\$ 200.00
Airport Authority	58200		53200	\$ (155,616.50)
Sheriff	54110		57160	\$ (8,000.00)
Sheriff	54110	CITI 00177	46980	\$ 5,750.00
Sheriff	54110	CITI 00177	54130	\$ (5,750.00)
EMA	54490	HS 00100	53080	\$ 26,356.00
EMA	54490	HS 00100	54290	\$ 3,500.00
EMA	54490	HS 00100	54350	\$ 5,000.00
EMA	54490	HS 00100	54990	\$ 3,500.00
EMA	54490	HS 00100	57090	\$ 395.13
EMA	54490	HS 00100	57900	\$ 1,000.00
EMA	54490	HS 00100	46290	\$ (2,458.00)
EMA	54490	HS 00103	53990	\$ 16,243.53
EMA	54490	HS 00103	57900	\$ 56,515.00
Rail Authority	362		53210	\$ (391,982.97)
Rail Authority	362		46490	\$ 391,982.97
Sheriff	54110	CITI 00177	46980	\$ (120,000.00)
Sheriff	54110	CITI 00177	51870	\$ 7,000.00
Sheriff	54110	CITI 00177	53070	\$ 540.00
Sheriff	54110	CITI 00177	53480	\$ 39.00
Sheriff	54110	CITI 00177	53550	\$ 1,000.00
Sheriff	54110	CITI 00177	54220	\$ 75.00
Sheriff	54110	CITI 00177	54290	\$ 325.00
Sheriff	54110	CITI 00177	54310	\$ 936.00
Sheriff	54110	CITI 00177	54350	\$ 50.00
Net Effect on Fund Balance				\$ (163,639.84)
*decreases in fund balance (expenses) are in parentheses.				

**RESOLUTION AMENDING THE BUDGET OF THE  
MONTGOMERY COUNTY SHERIFF'S OFFICE TO PROVIDE FUNDING  
FOR A FULL TIME REFEREE FOR THE COUNTY COURTS**

**WHEREAS**, the Tennessee State Legislature and the Administrative Order of the Courts for the State of Tennessee has awarded the Montgomery County Courts system a full time referee with an administrative assistant for the purpose of hearing child support cases; and

**WHEREAS**, security is needed in the court room for the new referee; and

**WHEREAS**, Tennessee Code Annotated §5-9-407 provides a procedure for amending the budget, specifically providing that, "the budget, including line items and major categories, may be amended by passage of an amendment by a majority of the members of the county legislative body;" and

**WHEREAS**, the Budget Committee along with the Montgomery County Sheriff have identified the following financial needs in order to provide security for the additional judicial staff.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in regular session on this 10<sup>th</sup> day of September 2007, that the Sheriff's Fiscal Year 2007-08 operating budget is hereby amended as follows:

101-54110-00000-54-51060	Deputies	\$29,920.00
101-54110-00000-54-52xx0	Employee Benefits (to be distributed)	\$ 8,076.00
101-54110-00000-54-57160	Law Enforcement Equipment	\$ 2,159.00

**Duly approved this 10<sup>th</sup> day of September, 2007.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**

**RESOLUTION TO ESTABLISH A PROPERTY TAX FREEZE  
IMPLEMENTATION AD HOC COMMITTEE**

**WHEREAS**, the Tennessee General Assembly has enacted 2007 Public Chapter 581, (Senate Bill 0002/House Bill 1033) to authorize counties to adopt a property tax freeze program to assist senior low-income residents with payment of their property taxes, which act will take effect on July 1, 2007; and

**WHEREAS**, the State Board of Equalization, through its Division of Property Assessments, is required to develop and adopt rules and regulations for the administration of the program, which may include uniform definitions, application forms and requirements, income verification procedures, and other necessary or desirable rules, regulations, policies and procedures not in conflict with the act; and

**WHEREAS**, the county legislative body of Montgomery County desires to form a Property Tax Freeze Implementation Ad Hoc Committee to begin the preliminary work necessary for adoption of the tax freeze program in Montgomery County and to advise the county legislative body with regard to the implementation and administration of such a program.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on this 10<sup>th</sup> day of September 2007, that:

**SECTION 1.** A Property Tax Freeze Implementation Ad Hoc Committee is hereby established. The Ad Hoc Committee will consist of the County Mayor, the County Trustee, the Assessor of Property, the Finance Director (or Director of Accounts and Budgets, as applicable), and the following members of the county legislative body: Loretta Bryant, Joe Creek and John Genis.

**SECTION 2.** The Ad Hoc Committee will begin work as soon as possible after enactment of this resolution to analyze and determine the following:

- A. The financial impact on county revenues for the ten-year period following adoption of the property tax freeze program in the county;
- B. Recommended methodology for implementation and administration of the program in the county;
- C. Administrative costs for implementation and administration of the program, including but not limited to, the cost of necessary revisions or additions to computer software programs for tax billing systems, tax appraisal systems and tax freeze application systems; the number and cost of new employees that may be required in county offices in order to implement and administer the program; and any new office space that may be required; and
- D. Such other information and data as the Committee deems relevant.

**SECTION 3.** When the State Board of Equalization has issued its rules and regulations governing the administration of the program, the Committee shall develop a final proposal to adopt and implement the property tax freeze program and present the proposal to the full county legislative body for its consideration.

**SECTION 4.** In performing its duties under this resolution, the Committee shall request the assistance of the University of Tennessee’s County Technical Assistance Service.

**SECTION 5.** This resolution shall take effect upon its passage and approval, the public welfare requiring it.

**Duly passed and approved this 10<sup>th</sup> day of September, 2007.**

**Sponsor**

\_\_\_\_\_

**Commissioner**

\_\_\_\_\_

**Approved**

\_\_\_\_\_

**County Mayor**

**Attested**

\_\_\_\_\_

**County Clerk**

07-9-10

**RESOLUTION TO AMEND ANIMAL CONTROL REGULATIONS  
PURSUANT TO (TCA) § 6-2-201 (22) and (23) and 5-1-118 and 120**

**WHEREAS**, Resolution 05-3-6 to adopt Animal Control Regulations pursuant to TCA § 6-2-201 (22) (23) and TCA § 5-1-118 and 120 was passed by the Montgomery County Board of Commissioners on March 14, 2005; and

**WHEREAS**, the Board of County Commissioners of Montgomery County, Tennessee, has determined that it would be beneficial to the inhabitants of Montgomery County, Tennessee to adopt more restrictive animal control regulations; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Montgomery County, Tennessee, meeting in regular session on this 10<sup>th</sup> day of September 2007, that the following additions to the Animal Control Regulations are hereby adopted, the public safety demanding it.

**Amendments to Animal Control Regulations**

1. When used in these Regulations, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

**Definitions:** (Add)

(k) *Enclosures* for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door. The enclosure must contain adequate shelter from the weather.

(i) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. The enclosure must contain adequate shelter from the weather. This type of enclosure is not acceptable for a female in heat. An unrestrained dog(s) that attacks a dog restrained by this method may be charged with being a POTENTIALLY and/or DANGEROUS DOG as defined by this resolution.

(ii) Enclosures for POTENTIALLY AND DANGEROUS DOGS shall be a secure confinement indoors or secure confinement in a locked pen, fenced yard, or

structure measuring at least 6 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. A “**DANGEROUS DOG**” sign prescribed by Montgomery County Animal Control must be posted at the entry to the property.

(r) *Restraint* for all domesticated animals shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.

- (i) Any tethering system employed shall not allow the dog or puppy to leave the owners property.
- (ii) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.
- (iii) Any chain or tether shall be at least twenty (20) feet in length.
- (iv) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.
- (v) Or under an effective, responsive voice command.

**Caring for Animals:** (Add)

(c) No person shall offer any live animal, as a prize or reward in connection with any raffle, protest, demonstration, promotion or as an incentive to participate in any game, promotion or otherwise.

(d) No person shall sell, adopt or otherwise give away animals from any location other than their personal residence or business or any location licensed by Montgomery County for such purpose.

(e) Section (d) shall not apply to licensed non-profit pet adoption organizations.

**Cruelty to Animals:** (Add)

(c) It shall be unlawful to transport or confine an animal in a cruel manner. This shall include transportation of an animal in the bed of a truck that to a reasonable person would be determined a health hazard for the animal.

Delete: **Restraint of Vicious or Dangerous Animals;**

Insert: **Dangerous Dog Determination**

**1. Definitions**

For purposes of this section, the term:

(a) "Dangerous dog" means any dog that:

(i) Causes a serious injury to a person or domestic animal; or

(ii) Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in paragraph (f) of this section.

(b) "Serious injury" means any physical injury that result in medical attention being rendered by licensed/certified medical personnel.

(c) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.

(d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

(e) "Impound" means taken into the custody of the Animal Control Authority or the organization authorized to enforce the dangerous dog law of this jurisdiction.

(f) "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(i) Causing an injury to a person or domestic animal that is less severe than a serious injury;

(ii) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;

(iii) Running at large and impounded or owners cited by the Animal Control Authority one (1) or more times within any 12-month period.

(iv) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

(g) "Responsible person" means a person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

## **2. Determination of a potentially dangerous dog**

(a) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Animal Control Authority, the Animal Control Director or his/her designee is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in § 1(f) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after the completion of the investigation.

(b) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee appointed by the mayor by giving written notice of appeal within five (5) days to the Animal Control Director or his/her designee. If there is probable cause to



believe that the dog is a potentially dangerous dog and may pose a threat to public safety, the Animal Control Director or his/her designee may obtain a search warrant pursuant to this jurisdiction's Rules of Civil/Criminal Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of § 6. The owner of the dog may be liable to this jurisdiction for the costs and expenses of keeping the dog. The dog will be considered potentially dangerous pending the appeal.

### **3. Determination of a dangerous dog**

(a) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Animal Control Authority, the Animal Control Director or his/her designee is authorized to make a determination whether a dog is dangerous based on the factors listed in § 1(a) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after completing the investigation.

(b) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee appointed by the mayor by giving written notice of appeal within five (5) days to the Animal Control Director or his/her designee. If there is probable cause to believe the dog to be a dangerous dog and that the animal poses an imminent threat to public safety, the Animal Control Director or his/her designee may obtain a search warrant pursuant to this jurisdiction's Rules of Civil/Criminal Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of § 6. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog if the dog is determined to be a dangerous dog. The dog will be considered dangerous pending the appeal.

(c) A decision by the committee overturning the Animal Control Director or his/her designee's determination shall not affect the Animal Control Director or his/her designee's right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

### **4. Exceptions**

No dog shall be declared a dangerous or potentially dangerous dog if:

(a) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(b) The threat, injury, or damage was sustained by a person:

(i) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(ii) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(iii) Who was committing or attempting to commit a crime; or

(c) The dog was:

(i) Responding to pain or injury, or was protecting itself, its offspring; or

(ii) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

## **5. Consequences of a dangerous or potentially dangerous dog determination**

(a) If the Animal Control Director or his/her designee determines that a dog is a potentially dangerous dog under § 2, the owner shall comply with the provisions of § 5 and 6(a)(d) and any other special security or care requirements the Animal Control Director or his/her designee may establish.

(b) If the Animal Control Director or his/her designee determines that a dog is a dangerous dog under § 3, the owner shall comply with the provisions of § 5 and 6(b) (c) and any other special security or care requirements the Animal Control Director or his/her designee may establish.

(c) The Animal Control Director or his/her designee may require impoundment of the dog until the owner of the dog has satisfied all the requirements of section 1(c). The requirements must be met within thirty (30) days. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first (31) day.

## **6. Dangerous dog and potentially dangerous dog confinement and handling requirements**

(a) The Animal Control Director or his/her designee shall determine if the owner of a potentially dangerous dog has established to the satisfaction of the Animal Control Authority that:

(i) The owner of the potentially dangerous dog is 18 years of age or older;

(ii) The potentially dangerous dog has a current rabies vaccination;

(ii) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog as described in § 1;

(iv) The potentially dangerous dog has been spayed or neutered;

(v) The potentially dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered with the animal control authority of the jurisdiction; and

(b) The Animal Control Director or his/her designee shall determine if the owner of a dangerous dog has established to the satisfaction of the Animal Control Authority that:

(i) The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable;

(ii) The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and

(iii) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a

conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or 50 feet, whichever is less.

(c) The Animal Control Director or his/her designee may order the immediate impoundment or humane euthanasia of a dangerous dog if the owner fails to abide by the conditions of confinement or handling of a dangerous dog.

(d) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in § 1(f) within the eighteen (18) months since the date of the potentially dangerous dog determination, then that dog is eligible for a review of the determination by the director and/or his/her designee with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors.

## **7. Dangerous or potentially dangerous dog owner responsibility**

It shall be unlawful to:

(a) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person as defined in § 1, muzzled, and restrained by a lead not exceeding four (4) feet in length; The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(b) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment of examination, the dangerous dog shall be caged or under the control of a responsible person as defined in § 1, muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(c) Fail to notify the Animal Control Authority immediately upon escape if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; within five (5) business days if the dog has died; and within twenty-four (24) hours if the dog has been sold or has been given away. If the dangerous or potentially dangerous dog has been sold or given away, the owner shall also provide the Animal Control Director or his/her designee with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog;

(d) Fail to surrender a dangerous or potentially dangerous dog to the Animal Control Director or his/her designee for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses an imminent threat to public safety; or

(e) Fail to comply with any special security or care requirements for a dangerous or potentially dangerous dog the Animal Control Director or his/her designee may have established pursuant to the finding that the dog was potentially dangerous or dangerous.

**Fee Schedule:** (Add)

(a) Effective dates. The fee schedule set forth in this section is the schedule of fees which shall be effective on the first day of the month following the month in which this resolution is adopted. The Director of Montgomery County Animal Control, or other unit of government to which Animal Control may be regulated may submit proposed amendments to this schedule at any time. Any new or revised fees will become effective on the first day of the month following the month in which the amended fee schedule is adopted.

(b) Exemption. No license or permit shall be required for any veterinary hospital, which does not advertise boarding services, municipal animal control facility, law enforcement certified dogs and university operated medical research facility or governmental operated zoological garden.

*No license or fee is required of any certified physical assistance dog; documentation of the certification shall be supplied upon request.*

(d) Animal control and protection fee schedule.

**Redemption's**

Dogs and cats under six months.....	\$ 25.00 plus board
Altered dogs and cats.....	\$ 25.00 plus board
Unaltered dogs and cats.....	\$ 50.00 plus board
Dangerous Dogs (upon designation).....	\$ 100.00 plus board
Quarantined dogs and cats.....	\$ 40.00 plus board
Vaccination Vouchers Rabies .dogs.....	\$11.00 plus \$ 1.00 county registration
cats....	\$11.00 plus \$ 1.00 county registration
Boarding Fees.....dogs....	\$15.00 per day
cats....	\$10.00 per day
Subsequent offenses increase	\$25.00 per offense

**Adoption Fees**

Puppies, dogs.....	\$ 87.00
Kittens, cats.....	\$ 87.00
As follows:	
Adoption fee.....	\$ 25.00
Spay/Neuter Voucher (included).....	\$ 50.00
Rabies Voucher (registration fee included).....dogs.....	\$ 12.00
cats.....	\$ 12.00

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Montgomery County, Tennessee, meeting in regular session on this 10<sup>th</sup> day of September, 2007 that this amendment to the Animal Control Regulations is hereby adopted pursuant to the aforesaid authority:

Duly passed and approved this 10<sup>th</sup> day of September, 2007 by a two-thirds majority.

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attested** \_\_\_\_\_

**County Clerk**