

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

APPROVAL OF JANUARY 11, 2010 MINUTES

VOTE ON ZONING RESOLUTIONS - None

VOTE ON OTHER RESOLUTIONS

10-2-1: Resolution of the Montgomery County Board of Commissioners to Amend Resolution 08-1-2: The Montgomery County, Tennessee Water Quality Buffer and Illicit Discharge Detection and Elimination Program (with Included Community Outreach and Education Section), by Replacing Section 3.5 with the Language Specified in the Included Document Identified as Montgomery County TN. Building and Codes Department, Storm Water Section – Exhibit “A”

10-2-2: Resolution in Support of an Application for Economic Development Agency Program Funds and for the Clarksville-Montgomery County Regional Airport Improvement Project

UNFINISHED BUSINESS

REPORTS

1. County Clerk’s Report – **(requires approval by Commission)**

REPORTS FILED

1. Court Safety Rider Education Program Revenue Report, July – December 2009
2. Highway Department – January 1, 2010 Yearly Road Change Report
3. Highway Department – January 1, 2010 Road List **(needs approval)**
4. Highway Department – Quarterly Report – October, November & December 2009
5. **January 2010 Permit Revenue and Adequate Facilities Tax Reports**
6. **Accounts & Budgets Monthly Report**
7. **Projects & Facilities Report**
8. **Trustee’s Report**

NOMINATING COMMITTEE NOMINATIONS – Ginger Miles, Chairperson

COUNTY MAYOR NOMINATIONS AND APPOINTMENTS – Mayor Bowers

ANNOUNCEMENTS

ADJOURN

RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS TO AMEND RESOLUTION 08-1-2: THE MONTGOMERY COUNTY, TENNESSEE WATER QUALITY BUFFER AND ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM (WITH INCLUDED COMMUNITY OUTREACH AND EDUCATION SECTION), BY REPLACING SECTION 3.5 WITH THE LANGUAGE SPECIFIED IN THE INCLUDED DOCUMENT IDENTIFIED AS MONTGOMERY COUNTY TN. BUILDING AND CODES DEPARTMENT, STORM WATER SECTION - EXHIBIT "A".

WHEREAS, on July 3, 2003, Tennessee Department of Environment & Conservation accepted Montgomery County's Notice of Intent and issued a Notice of Coverage for Montgomery County under the State of Tennessee's National Pollutant Discharge Elimination System General Storm Water Discharge Permit for Small Municipal Separate Storm Sewer Systems; and

WHEREAS, the state National Pollutant Discharge Elimination System Phase II permit, dated February 26, 2003 and applicable to Montgomery County, states as one of its requirements that Montgomery County, Tennessee shall develop and implement a set of requirements to establish, protect and maintain water quality buffers in areas of new development and redevelopment; and

WHEREAS, the Montgomery County Board of Commissioners, assembled in Regular Session on the 14th day of January, 2008, passed and approved Resolution 08-1-2: The Montgomery County, Tennessee Water Quality Buffer And Illicit Discharge Detection And Elimination Program (With Included Community Outreach and Education Section), attached hereto; and

WHEREAS, Section 3.5 of Resolution 08-1-2 has been found to be too restrictive.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 8th day of February, 2010, that the current language of Section 3.5 of Resolution 08-1-2: The Montgomery County, Tennessee Water Quality Buffer and Illicit Discharge Detection And Elimination Program (With Included Community Outreach And Education Section) be deleted in its entirety and replaced by the language as specified in the included document identified as Montgomery County TN Building and Codes Department, Storm Water Section - **Exhibit A**, which language shall take effect and be enforced upon passage by Montgomery County Board of Commissioners, the public welfare requiring it.

Duly passed and approved this 8th day of February, 2010.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

**Montgomery County TN. Building and Codes Department, Storm Water
Section - Exhibit "A":**

3.5) Sinkholes: All land development or re-development activity subject to this resolution shall establish and maintain a 60 foot wide undisturbed buffer around any structure associated with a sinkhole that allows water to be discharged into a subsurface formation. Sinkhole structures allowing subsurface discharge may include, but are not limited to, open throats, cave openings, solution channels, swallets, swallow holes, standpipes or sinks.

No structures or land disturbing activities are allowed within the area surrounding a sinkhole that is delineated by the 100 year flood zone contour line (hachure), determined assuming plugged conditions (zero cubic feet per second discharge) for the sinkhole structure.

Subsurface Sewage Disposal System secondary disposal fields (duplicate area disposal fields) may be allowed within the 100 year flood zone contour line (hachure) based on approval by the Tennessee Department of Environment and Conservation.

Storm water flowing into a sinkhole from a construction or development site must be treated to prevent pollutant introduction into the sinkhole.

08-1-2

RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS ESTABLISHING THE WATER QUALITY BUFFER REGULATIONS AND THE ILLICIT DISCHARGE DETECTION AND ELIMINATION REGULATIONS

WHEREAS, on July 3, 2003, Tennessee Department of Environment & Conservation accepted Montgomery County's Notice of Intent and issued a Notice of Coverage for Montgomery County under the State of Tennessee's National Pollutant Discharge Elimination System General Storm Water Discharge Permit for Small Municipal Separate Storm Sewer Systems; and

WHEREAS, the state National Pollutant Discharge Elimination System Phase II permit, dated February 26, 2003 and applicable to Montgomery County, states as one of its requirements that Montgomery County, Tennessee shall develop and implement a set of requirements to establish, protect and maintain water quality buffers in areas of new development and redevelopment; and

WHEREAS, the state National Pollutant Discharge Elimination System Phase II permit, dated February 26, 2003 and applicable to Montgomery County, states as one of its requirements that Montgomery County, Tennessee shall develop and implement a set of requirements to establish and implement a program to detect and eliminate illicit discharges to the Montgomery County Municipal Separate Storm Sewer System and to the waters of Montgomery County and the State of Tennessee.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 14th day of January, 2008, that the included Water Quality Buffer Regulations shall take effect and be enforced as specified in section 8 of the Water Quality Buffer Regulations, and the Illicit Discharge Detection and Elimination Regulations shall take effect and be enforced as specified in section 7 of the Illicit Discharge Detection and Elimination Regulations, the public welfare requiring it.

Duly passed and approved this 14th day of January, 2008.

Sponsor

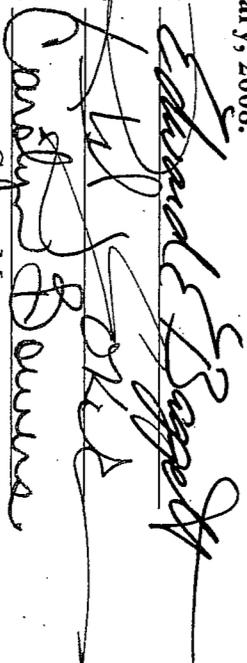
Commissioner

Approved

County Mayor

Attested

County Clerk



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Water Quality Buffers

- (1.) **Applicability:** Water quality buffer requirements apply to all new land development or re-development containing streams or other water bodies such as ponds, lakes and wetlands, and subject to regulation under the Montgomery County Storm Water Management and Control Regulation. Water quality buffers are required along streams, ponds and other water bodies. Water quality buffers must be established, maintained and protected. Buffers shall remain undisturbed for the length of the water feature. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established by the State and Federal Governments.
- (2.) Water buffers provide the following benefits:
 - (2.1) **Storm Water Quality:** Buffers provide storm water quality treatment. They reduce total suspended solids and nutrients in storm water runoff. Deep-rooted vegetation intercepts and utilizes nutrients in shallow groundwater flow.
 - (2.2) **Habitat:** Buffers provide wildlife habitat along water bodies, and contributes the organic matter (e.g., leaf litter, woody debris) that is a source of food and energy for the aquatic ecosystem
 - (2.3) **Stream Protection:** Deep-rooted vegetation in water quality buffers aid in stream bank stabilization, increased water quality, and reduced storm runoff velocities.
 - (2.4) **Temperature:** Water quality buffers including trees and other tall vegetation provide shade to the water body. Removing this cover increases the temperature of the water body, which can threaten fish species that require lower water temperatures. Increased temperatures also increase the possibility of algal blooms that increase eutrophication
 - (2.5) **Flooding:** Water Quality Buffers reduce flooding potential by temporarily storing excess storm water.
 - (2.6) **Value:** Water quality buffers provide scenic value and recreational opportunity.
- (3.) **Buffer Widths and Zones:** Buffer widths have been established separately for streams and other water bodies. Zones and/or buffer compositions differ for streams and other water bodies. Buffer zone requirements only apply to new development areas or new re-development areas.
 - (3.1) **Rivers, Streams and Brooks:** New land disturbing activities along or near streams shall establish, protect, and maintain perpetually a 60 foot water quality buffers adjacent to, and on each side of rivers, streams and brooks. The buffer shall be measured horizontally from the top of bank. Top of bank shall mean the highest elevation of land which confines water flowing in a stream to the channel.

(3.2) Stream buffers shall have two zones as follows:

(3.2.1) Zone 1 will begin at the top of bank and extend horizontally and perpendicular to the stream for 30 feet. It will consist of trees and deep-rooted vegetation and shall remain undisturbed except for uses provided in Section 6.

(3.2.2) Zone 2 will begin at the outer edge of Zone 1 and extend landward 30 feet, making the combined width of the zones 60 feet. It will minimally consist of a dense grass buffer, with the grass maintained between 2 to 6 inches in height. Grading and revegetating in Zone 2 is allowed provided that the health of Zone 1 is not compromised. Other allowable activities and uses are listed under paragraph (5.), Allowable Activities within a Water Quality Buffer.

(3.3) Ponds, Lakes, Other Water Bodies: All land development or re-development activity subject to this ordinance shall establish and maintain a 30 foot grass buffer along all ponds, lakes, and other water bodies. Where manmade ponds interrupt streams, Zone 1 of the stream buffer can stop at the pond and resume at the point of outflow of the pond into the stream.

(3.3.1) Ponds that do not discharge into streams, brooks, rivers, sinkholes, wells, wetlands, watersheds, or into bodies of water which do discharge into the natural watershed, or onto another property owner's lands are not required to maintain a water quality buffer zone. The pond owner is responsible for property damages resulting from the failure of pond water containment measures, or if water that is released as a result of that failure results in pollutant discharge to the environment exceeding the limits outlined under the terms of the NPDES act, TDEC regulations, or the Montgomery County Storm Water Resolution.

(3.4) Wetlands: All land development or re-development activity subject to this ordinance shall establish and maintain 50 foot wide undisturbed water quality buffer adjacent to all wetlands. The buffer width shall be measured around the outer edge of the identified wetland. Native vegetation shall be undisturbed in this buffer. For those wetlands where the designation or extent of the wetland is in dispute, Montgomery County will rely on wetland designation by the Corps of Engineers (COE) or TDEC.

(3.5) Sinkholes: All land development or re-development activity subject to this ordinance shall establish and maintain a 60 foot wide undisturbed water quality buffer adjacent to all sinkholes. The buffer width shall be measured around the outer edge of the identified sinkhole. No structures are to be build within this buffer zone.

- (3.6) Class 5 Injection Wells (Improved Sinkholes): All land development or re-development activity subject to this ordinance shall establish and maintain a 60 foot wide undisturbed water quality buffer adjacent to all Class 5 Injection Wells. The buffer width shall be measured around the outer edge of the structure. No structures are to be build within this buffer zone.
- (4.) Protection of Water Quality Buffers: During construction, water quality buffers around streams, wetlands, ponds, and other water bodies must be protected from disturbance and from sediment-laden runoff from the site. Prior to beginning land-disturbing activities at a site, water quality buffers must be identified and flagged in the field for protection. Temporary fencing or other suitable alternative must be placed at the outer edge of the buffer to prevent inadvertent disturbance. The method of buffer protection must be detailed in the Storm Water Quality plan and the Grading Drainage and Erosion Control plan. Water quality buffers cannot act as vegetated filters for sediment control.
- (5.) Allowable Activities within a Water Quality Buffer: Montgomery County considers the activities listed in Table 1: Allowable Water Quality Buffer Impacts as allowable buffer activities. All other activities that impact the buffer shall proceed through a variance process.
- (6.) Specifically Forbidden Activities within a Water Quality Buffer: In order for the water quality buffer zone to function properly, it is necessary for certain activities to be limited within the buffer. The following activities are specifically limited within buffers without prior permission from the Montgomery County Building Commissioner or a qualified designee.
- (6.1) Filling or dumping
- (6.2) Using, storing, or applying pesticides, herbicides and fertilizers
- (6.3) Removal of vegetation in Zone 1 water quality buffers
- (6.4) Camp fires, burning of plant waste or trash
- (7.) Buffer Ownership and Maintenance: For private properties and subdivisions, buffers shall be located inside of individual lots or located within easements in common areas. Maintenance of the buffer shall remain with the property owner or with a homeowner's association. In the event of the homeowner's association dissolution, responsibility for Water Quality Buffer maintenance reverts to the property owner. Maintenance responsibilities shall be clearly indicated on plans submitted to the Building and Codes Department.
- (7.1) Maintenance shall be limited to removing dead or diseased plant material, repairing erosion problems internal to the buffer, clean up after a storm, or removal of invasive plants. Woody vegetation shall be removed by hand. Vegetative root

systems shall be left intact to maintain the integrity of soil. Stumps shall remain where trees are cut.

(7.2) It is permissible to remove individual trees from water quality zones if there is danger of the tree falling and causing damage to dwellings or other structures, or which would result in significant blockage of stream flow, with prior permission from the Montgomery County Building Commissioner or a qualified designee. The root wad or stump should be left in place to maintain soil stability.

Table 1: Allowable Water Quality Buffer Impacts

Allowable Activities	Stream Buffers	Wetland Buffers	Pond Buffers
Greenway and Trails	Zone 1: Hardened surfaces not allowed.	Allowable, width not to exceed 5 feet	Allowable, width not to exceed 5 feet
	Zone 2: Hardened surfaces allowable, width not to exceed 5 feet.		
Wildlife and Fisheries Management	Wildlife and Fishing as approved by TDEC, TWRA, and/or U.S. Fish and Wildlife		
Water Dependant Structures (Boat Docks, Piers, Marinas)	Allowable pending Tennessee Department of Environment, Tennessee Wildlife Resources Agency, and/or US Corps of Engineers permit and licensing requirements. Builder must minimize environment disturbance and stabilize disturbed areas as soon as possible		
Driveway Crossings	Less than 3000 square feet of buffer impact is allowable (based on 30 foot wide disturbance) perpendicular to the stream.	Not Allowable	Allowable
Road Crossings	2 crossings per 1000 linear feet of stream are allowable. Crossings shall be perpendicular to the stream	Not Allowable	Allowable
Underground Utility Lines	Zone 1: Not allowable	Not Allowable	Allowable
	Zone 2: Allowable		
Overhead Utility Lines	Stream crossings shall be perpendicular to the stream flow and shall impact no more than 30 feet width perpendicular to the flow.	Allowable	Allowable
	Allowable: Stream crossings shall be perpendicular to the stream flow and shall impact no more than 30 feet width perpendicular to the flow.		

(8.) Implementation: If passed, these Water Quality Buffer regulations will take effect at midnight on 02/29/08. All developments or re-developments that have had the Grading, Drainage and Erosion Control plans approved before this date and time are exempt from these regulations. All developments or re-developments that have Grading, Drainage and Erosion Control plans approved after this date and time must follow these regulations.

Illicit Discharge Detection and Elimination Program (With Included Community Outreach and Education Section)

(1.) All non-storm water discharges into Montgomery County waters, into the waters of the state of Tennessee, or into the Montgomery County Municipal Separate Storm Sewer System are prohibited and are declared to be unlawful except as noted in paragraph (3.) Allowable Discharges.

(2.) Definitions

(2.1) Montgomery County Municipal Separate Storm Sewer System: means a conveyance, or system of conveyances designed or used for collecting or conveying storm water. Sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

(2.2) Montgomery County Waters: means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetland, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Montgomery County, Tennessee.

(2.3) Waters of the State of Tennessee (also, Waters of the State): means any water, surface or underground, lying within or forming a part of the boundaries of Montgomery County, over which the Tennessee Department of Environment and Conservation exercises primary control with respect to storm water permits.

(3.) Allowable Discharges: Unless identified by the Montgomery County Building Commissioner or Qualified Designee as a source of pollution, the following non-storm water discharges into public or private storm water drainage systems are permitted:

- (3.1) Water line flushing
- (3.2) Landscape irrigation
- (3.3) Diverted stream flows permitted by the State of Tennessee
- (3.4) Rising ground waters
- (3.5) Uncontaminated ground water infiltration as defined at 40 CFR 35.2005(20)
- (3.6) Uncontaminated pumped ground water
- (3.7) Discharges from potable water sources
- (3.8) Foundation drains
- (3.9) Irrigation water
- (3.10) Springs

- (3.11) Water from crawl space pumps
- (3.12) Footing drains
- (3.13) Lawn watering
- (3.14) Individual residential car washing
- (3.15) Approved non-profit organization car washing for charitable purposes
- (3.16) Flows from riparian habitats and wetlands
- (3.17) Dechlorinated swimming pool discharges
- (3.18) Street wash waters resulting from normal street cleaning operations
- (3.19) Discharges or flows from emergency fire fighting activities
- (3.20) Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee

(3.21) Other discharges as determined by the Montgomery County Building Commissioner or Qualified Designee and/or documented in the Tennessee Erosion and Sediment Control Handbook or its appendices

(4.) It shall be illegal for any person, business, or organization to intentionally dump liquids or solids that are considered priority pollutants by the EPA onto the ground, parking lots, vehicle storage and maintenance lots, vehicle wash areas, or any other uncontained area where there is a potential for exposure to rain or storm water runoff and potential for the pollutant to reach public or private storm water drainage systems (including the Montgomery County Municipal Separate Storm Sewer System), Montgomery County waters, or waters of the state of Tennessee.

(5.) As permitted by state law TCA 68-221-1106, violation of this section shall subject the violator to a civil penalty of not less than fifty dollars nor more than five thousand dollars per day for each day of violation. Each day of violation may constitute a separate violation.

(6.) The County Building Commissioner or Qualified Designee shall have authority to limit non-storm water discharges by implementing appropriate regulations, policies and procedures. Such regulations, policy and procedures may include, but are not limited to, provisions for:

- (6.1) Determination of points of origin of known or suspected non-permitted discharges;
- (6.2) Implementation of a mapping program to accurately locate and map storm water control structures, including all outflows to Montgomery County waters or waters of the state
- (6.3) Implementation of education programs and discharge reduction programs for Montgomery County employees and departments designed to minimize polluting discharges
- (6.4) Implementation of a community education and outreach program to inform the public of the Storm Water regulations, of procedures to report illicit discharges, and to understand their rights and duties under the Storm Water Resolution
- (6.5) Implementation of community programs to allow individual and organizations to engage in programs to promote public awareness of illicit discharge, to rehabilitate riparian areas to natural condition, and to keep riparian areas free of trash and debris

(7.) Implementation: If passed, these Illicit Discharge Detection and Elimination Program (With Included Community Outreach and Education Section) regulations will take effect at midnight on 02/29/08.

**RESOLUTION IN SUPPORT OF AN APPLICATION FOR
ECONOMIC DEVELOPMENT AGENCY PROGRAM FUNDS
AND FOR THE CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL AIRPORT IMPROVEMENT PROJECT**

WHEREAS, funds are available from the U.S. Department of Commerce, Economic Development Agency to provide matching grants to local governments for improvements which will support the location and expansion of the industry and the creation of new jobs in the region; and

WHEREAS, the Clarksville-Montgomery County Regional Airport Authority wishes to construct a new airport terminal/business center along with improvements which will support the location and expansion of business/industry and the creation of new jobs, at an estimated cost of \$5,045,000; and

WHEREAS, the Clarksville-Montgomery County Regional Airport Authority is applying for Economic Development funds and other TDOT grants in the amount of \$2,000,000 to provide for the construction of the new airport terminal/business center; and

WHEREAS, grant money has already been awarded in the amount of \$570,500 for airport improvements (see attached chart); and

WHEREAS, the City of Clarksville and Montgomery County have previously allocated \$500,000 each for the construction of the new airport terminal at Outlaw Field; and

WHEREAS, the City of Clarksville and Montgomery County will provide the required matching funds of \$625,000 each for a total of \$1,250,000 which will complete the full grant match.

NOW, THEREFORE, BE IT RESOLVED, by the Montgomery County Board of Commissioners that an application be filed by the Clarksville-Montgomery County Regional Airport Authority for federal funds in the amount of \$2,000,000 for the construction of a new airport terminal/business terminal and that additional funds in the amount of \$1,000,000 or \$500,000 from each funding agency, be provided to complete the 50% grant match, and that the County Mayor be authorized to sign the application and all necessary assurances and agreements necessary to consummate the application and implement the project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Montgomery County Board of Commissioners that an additional \$250,000 or \$125,000 from each funding agency be provided for permitting fees and improvements to the airport runway (see attached chart).

Duly passed and approved this 8th day of February, 2010.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

Clarksville/Montgomery County Airport Project

As of: 1/22/2010

PROJECT FUNDING

Grant Name	Grant Funding Source	Gross Amount	Match % Source/Local	From Grants	Local Match	From City	From County	Previous or Current Local Committed or Budgeted
Drainage Improvements Security	TDOT-Aero	\$190,000	90/10	\$171,000	\$19,000	\$9,500	\$9,500	\$19,000
	TDOT-Aero	\$55,000	90/10	\$49,500	\$5,500	\$2,750	\$2,750	\$5,500
Terminal Construction	TDOT-Aero	\$700,000	50/50	\$350,000	\$350,000	\$175,000	\$175,000	\$200,000
Grooving Runway	Local	\$100,000	0/100	\$0	\$0	\$0	\$0	\$0
Terminal Construction	GNRC/EDC	\$4,000,000	50/50	\$2,000,000	\$2,000,000	\$1,000,000	\$1,000,000	\$1,000,000
TOTALS		\$5,045,000		\$2,570,500	\$2,374,500	\$1,187,250	\$1,187,250	\$1,224,500

Related to this new grant only:

From Presentation

		Revised	
Construction Cost	\$3,615,250	\$3,615,250	
Furniture / Fixtures / Equipment	\$100,000	\$100,000	
Interest/Demolition	\$77,305	\$77,305	Changed from Interest to Demolition
HSC Requests	\$788,500	\$780,000	Added access road and increase Fire station move
Contingency - +/- 5%	\$218,945	\$227,445	Balance difference added to contingency
Total Anticipated Cost	\$4,800,000	\$4,800,000	

Items

- Apron
- Parking Lot
- Demolition
- Light Control Relocation
- Utilities
- Building Construction
- Relocate Emergency Siren
- Site Fencing and Security
- Driveway Relocation and Drive
- General Site Work
- Emergency Generator
- Landscaping
- Signage
- FFE
- Temporary Facilities

New Funds (Required)	New City Funds to Budget	New County Funds to Budget	Remarks
\$0	\$0	\$0	In this years budget - no new funds
\$0	\$0	\$0	In this years budget - no new funds
(\$150,000)	\$75,000	\$75,000	Committed - Fees funded of \$200,000 in budget
(\$100,000)	\$50,000	\$50,000	This must be funded locally to avoid \$1,000,000 in RW upgrades
(\$1,000,000)	\$500,000	\$500,000	New Commitment of \$1,000,000 total
(\$1,250,000)	\$625,000	\$625,000	Total all New Commitments from each