

CALL TO ORDER – Sheriff Norman Lewis

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

CERTIFICATES OF APPRECIATION

Lt. Dustin Haas; Terri Hightower; Danny Cotterell; Gerald Jones; and Susan Coghill

PROCLAMATION FOR AMERICAN DIABETES ASSOCIATION – Brittany Pettway

PROCLAMATION FOR AMERICAN RED CROSS – Linda McCoy

THERESA HARRINGTON – “Rivers & Spires”

APPROVAL OF FEBRUARY 9, 2009 MINUTES

VOTE ON ZONING RESOLUTIONS

CZ-4-2009: Application of Chawanda & Addison Reynolds from R-1 to C-1

CZ-5-2009: Application of DGTF Clark Enterprises, LLC c/o Gloria Dickson from AG to C-5

ELECTION PROCESS FOR DISTRICT 1 COMMISSIONER:

VOTE ON RULES PROCEDURE

ELECTION OF DISTRICT 1 COMMISSIONER

SWEAR-IN DISTRICT 1 COMMISSIONER - County Clerk

DISTRICT 1 COMMISSIONER TO TAKE SEAT

VOTE ON RESOLUTIONS:

- 09-3-1:** Resolution of the Montgomery County Board of Commissioners to Amend the Montgomery County Animal Control Regulations
- 09-3-2:** Resolution Requesting Passage of a Private Act by the Tennessee General Assembly Concerning Operation of School Buses
- 09-3-3:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds for Individual Capital Projects in Excess of \$250,000
- 09-3-4:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds for the Renovation of Montgomery Central High School
- 09-3-5:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds for the Schematic Design Phase of a New Elementary School
- 09-3-6:** Resolution to Declaring the Intent of Montgomery County, Tennessee to Reimburse Itself for Certain Expenditures Relating to Various Schools Capital Project(s) with the Proceeds of Bonds or Other Debt Obligations to be Issued by Montgomery County, Tennessee
- 09-3-7:** Resolution to Amend the Budgets of Various Funds for Fiscal Year 2009 in Certain Areas of Revenues and Expenditures

UNFINISHED BUSINESS

REPORTS

1. County Clerk's Report – **Requires approval from County Commission**

REPORTS FILED

1. Montgomery County Conservation Board Annual Report for 2008
2. February 2009 Permit Revenue and Adequate Facilities Tax Reports
3. Accounts & Budgets Year-to-Date Report
4. Accounts & Budgets FY2010 Budget Timeline
5. Projects and Facilities Report
6. School's System Quarterly Report
7. Trustee's Report

ANNOUNCEMENTS

1. March 17 - 4-H Chili Luncheon (flyer at your station)
2. March 19 – 10:00 a.m. - Groundbreaking ceremony for HSC at the Megasite on Jim Johnson Road off of Highway 79.

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
CHAWANDA & ADDISON REYNOLDS**

WHEREAS, an application for a zone change from R-1 Single Family Residential District to C-1 Neighborhood Commercial District has been submitted by Chawanda & Addison Reynolds and

WHEREAS, said property is identified as County Tax Map 053, parcel 115.00, containing 0.88 acres, situated in Civil District 13, located 610 feet +/- east of the centerline intersection of Liberty Church Road and Dover Road in the south margin of Dover Road; and

WHEREAS, said property is described as follows:

Beginning at the point of intersection of Liberty Church road and Dover road in the south margin of Dover Road for a distance of 615 +/- in a northeast direction to the point of intersection of the east boundary of the Montgomery County School System (Liberty Elementary School) and the northwest boundary of the Addison Reynolds property; thence along the east boundary of the Montgomery County School System (Liberty Elementary School) south for 395 feet +/- to a point; thence in a east direction for 110 feet +/- to a point being the southwest boundary of the Wayne D. Key property; thence in a north direction along the west boundary of said property for 391 feet +/- to a point in the south margin of Dover Road; thence in a west direction along the south margin of Dover Road for 80 feet +/- to the point of beginning. Containing 0.88 acres +/- Map 056 Parcel 115.00

WHEREAS, the Planning Commission staff recommends _____ 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 9th day of March, 2009, that the zone classification of the property of Chawanda & Addison Reynolds from R-1 to C-1 is hereby approved.

Duly passed and approved this 9th day of March, 2009.

Sponsor David A. Reggini
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
D G T F CLARK ENTERPRISES L L C C/O GLORIA DICKSON**

WHEREAS, an application for a zone change from AG Agricultural District to C-5 Highway & Arterial Commercial District has been submitted by D G T F Clark Enterprises L L C c/o Gloria Dickson and

WHEREAS, said property is identified as County Tax Map 016, parcel 013.00, containing 21.7 acres, situated in Civil District 13, located At the intersection of Spring Creek Village Road and Guthrie Highway in the south margin of Guthrie Highway and the west margin of Spring Creek Village Road; and

WHEREAS, said property is described as follows:

Beginning at the centerline intersection of Spring Creek Village Road and Guthrie Highway in northwest direction for 61 feet +/- to a point being the southeast corner of Dwight Dickson property boundary; thence along the west margins of Spring Creek Village Road for 610 feet +/- to a point; thence in a west direction 1644 feet +/- to a point also being the east boundary line of the First Baptist Church; thence in a south direction along the First Baptist Church east boundary line for 635 feet +/- to a point being in the north margin of Guthrie Highway; thence in a east direction for 1433 feet +/- to the point of beginning, containing 21.7 acres Map 016 Parcel 013.00

WHEREAS, the Planning Commission staff recommends _____ 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 9th day of March, 2009, that the zone classification of the property of D G T F Clark Enterprises L L C c/o Gloria Dickson from AG to C-5 is hereby approved.

Duly passed and approved this 9th day of March, 2009.

Sponsor David A. Peggins
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
PHILLIP & DENISE TRAYLOR**

WHEREAS, an application for a zone change from AG Agricultural District to C-5 Highway & Arterial Commercial District has been submitted by Phillip & Denise Traylor and

WHEREAS, said property is identified as County Tax Map 109, parcel 068.00 (portion), containing 5.71 acres, situated in Civil District 13, located At the centerline intersection of Old Clarksville Pike and Ashland City Road, in the north margin of Clarksville Pike Road and the east margin of Ashland City Road, and 270 feet +/- south of the intersection of Brakes Road and Ashland City Road in the west margin of Ashland City Road; and

WHEREAS, said property is described as follows:

“EXHIBIT A”

WHEREAS, the Planning Commission staff recommends _____ 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 9th day of March, 2009, that the zone classification of the property of Phillip & Denise Traylor from AG to C-5 is hereby approved.

Duly passed and approved this 9th day of March, 2009.

Sponsor David A. Roggins
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

"EXHIBIT A"

Tract One (1): Beginning at the centerline intersection of Old Clarksville Pike and Ashland City Road, in a northeast direction for 42 feet +/- to a point being in the north margin of Old Clarksville Pike and the southwest corner of the Phillip Traylor property; thence in a east direction along the north margin of Old Clarksville Pike for 160 feet +/- to a point also being the southwest corner boundary of the Scott A. Padgett property; thence along the west boundary of the Scott A. Padgett for 600 feet +/- to a point, also being the corner of the Montgomery County boundary; thence in a southwest direction along the south boundary of the Montgomery County property line for 436 feet +/- to a point also being in the east margin of Old Ashland City Road; thence in a south direction along the south margin of Ashland City Road for 174 feet +/- to the point of beginning. Containing 1.633 acres +/- Map 109 parcel 068.00 (p)

Tract Two(2): Beginning at the centerline intersection of Lock B Road and Old Ashland City Road in a south direction along the east margin of Old Ashland City Road for 221 feet +/- to the southwest corner of the south central bell boundary and the northwest corner of the Phillip Traylor Property boundary; thence along the east margin of Old Ashland City Road for 638 feet +/- to a point also being the northwest property boundary of Maurice J. Jarman; thence in a east direction along the north property boundary of Maurice J. Jarman for 200 feet +/- to a point also being the southwest property boundary of Samuel Brake; thence in a north direction along the Samuel Brake west priority boundary for 135 feet +/- to a point; thence in east direction along the north boundary of the Samuel Brake property for 163 feet +/- to a point, also being in the west margin of Ashland City Road; thence in a north direction along said margin for 363 feet +/- to the southeast corner of the Basil X Diamond property; thence in a west direction for 261 feet +/- along the south boundary of the Basil X Diamond property to a point, also being the northeast boundary of the south central bell property; thence in a south direction for 75 feet +/- along the east boundary of the south central bell property to a point; thence in a west direction along the south central bell south property line boundary to the point of beginning, Containing 4.08 acres +/- Map 109 parcel 068.00 (p)

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
BILL BLACKWELL**

WHEREAS, an application for a zone change from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District has been submitted by Bill Blackwell and

WHEREAS, said property is identified as County Tax Map 053, parcel 004.00, containing 2.01 acres, situated in Civil District 13, located Northwest of the centerline intersection of Freedom Drive and Dover Road, in the west margin of Freedom Drive and the north margin of Dover Road; and

WHEREAS, said property is described as follows:

“EXHIBIT A”

WHEREAS, the Planning Commission staff recommends _____ 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 9th day of March, 2009, that the zone classification of the property of Bill Blackwell from R-1to C-5 is hereby approved.

Duly passed and approved this 9th day of March, 2009.

Sponsor David A. Reggis
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

"EXHIBIT A"

Beginning at a point in the north right of way of said Highway 79, said point of beginning being further described as the southeast corner of the Florence Crockarell property, and the southeast corner of said lot 1; thence leaving said right of way along the east property line of said Crockarell property, North 02 degrees 18 minutes 07 seconds West for a distance of 250.67 feet to a point; thence leaving said east property line on a new zone line and the north line of said lot 1, North 61 degrees 06 minutes 48 seconds East for a distance of 220.76 feet to a point, said point lying in the west right of way of Freedom Drive; thence continuing on a new zone line along said right of way, South 28 degrees 53 minutes 12 seconds East for a distance of 81.45 feet to a point; thence continuing on a new zone line along said right of way, on a curve to the right having a radius of 125.00 feet, an arc length of 58.88 feet, a delta of 26 degrees 59 minutes 14 seconds, a tangent of 30.00 feet and a chord bearing of South 15 degrees 23 minutes 35 seconds East for a distance of 58.33 feet to a point; thence continuing on a new zone line along said right of way, South 01 degrees 53 minutes 58 seconds East for a distance of 141.98 feet to a point; thence continuing on a new zone line along said right of way, on a curve to the left having a radius of 147.00 feet, an arc length of 50.55 feet, a delta of 19 degrees 42 minutes 14 seconds, a tangent of 25.53 feet and a chord bearing of South 11 degrees 45 minutes 05 seconds East for a distance of 50.30 feet to a point; thence continuing on a new zone line along said right of way, South 21 degrees 36 minutes 12 seconds East for a distance of 66.50 feet to a point; thence continuing on a new zone line along said right of way, on a curve to the right having a radius of 115.00 feet, an arc length of 78.90 feet, a delta of 19 degrees 18 minutes 44 seconds, a tangent of 41.08 feet and a chord bearing of South 01 degrees 56 minutes 50 seconds East for a distance of 77.37 feet to a point, said point being the southeast corner of herein described tract; thence along said Highway 79 north right of way, North 63 degrees 42 minutes 00 seconds West for a distance of 152.11 feet to a point; thence continuing along said Highway 79 north right of way, North 76 degrees 56 minutes 13 seconds West for a distance of 147.57 feet to the point of beginning said tract containing 2.01 acres +/- Map 053 Parcel 004.00(p)

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS TO AMEND
ANIMAL CONTROL REGULATIONS**

WHEREAS, Tennessee Code Annotated (T.C.A.) §68-8-107 states that if any dog or cat is impounded and is wearing a vaccination tag or other identification, the owners shall have five (5) business days to reclaim their animal upon paying all associated fees. If any dog or cat is not wearing a vaccination tag or other identification when impounded, the owners shall have three (3) business days to reclaim their animal upon paying all associated fees. If the owner fails to meet these requirements the animal may be adopted or destroyed; and

WHEREAS, the Animal Control and Adoption Committee has determined that it would be beneficial to the inhabitants of Montgomery County to further promote spaying and neutering of companion pets; and

WHEREAS, the Animal Control and Adoption Committee recommends that the current *Montgomery County Animal Control Regulations* attached hereto which were adopted March 14, 2005 and incorporate the amendments adopted September 10, 2007 be amended to add the following paragraph on page 12 under the heading **Notice to Owner and Redemption:**

(d) Any owner failing to reclaim their animal under the provisions of T.C.A. §68-8-107 and subsequently reclaiming their animal shall be required to adopt said animal under the established policies and procedures of the Animal Control Department.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 9th day of March, 2009, that this amendment to the *Montgomery County Animal Control Regulations* is hereby adopted.

Duly passed and approved this 9th day of March, 2009.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

MONTGOMERY COUNTY ANIMAL CONTROL REGULATIONS

1. The purposes of these Regulations are to promote the public health, safety and general welfare of the citizens of Montgomery County, Tennessee in its unincorporated areas and to ensure the humane treatment of animals by regulating the care and control of animals within Montgomery County, Tennessee in its unincorporated areas.

2. 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:

(a) *Animal* means any live creature, both domestic and wild, except humans. “Animal” includes fowl, fish and reptiles.

(b) *Animal control officer* means an employee or agent of the County, designated by the County Mayor to administer and enforce the licensing, inspection and enforcement requirements contained within these Regulations.

(c) *Animal hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

(d) *Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

(e) *Animal shelter* means any facility operated by the County or humane society for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the County Mayor or his designee to impound, confine, detain, care for or destroy any animal.

(f) *At heel* means a dog is directly behind or next to a person and obedient to that person’s command.

(g) *At large* means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

(h) *Cruelty* means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” shall mean a failure to employ the most humane method reasonably available.

(i) *Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. “Disposition” includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

(j) *Domestic animal* includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

(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.

(l) *Exotic animal* means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

(m) *Guard or attack dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

(n) *Impoundment* means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

(o) *Kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for fee, or selling dogs or cats.

(p) *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(q) *Owner* means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by these Regulations. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

(r) *Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall include, but not be limited to:

(i) Any animal that is repeatedly found running at large;

(ii) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint or otherwise under the owner’s control;

(iii) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

(iv) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(v) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

(vi) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;

(vii) Any animal that chases motor vehicles in a public right-of-way;

(viii) Any animal that attacks domestic animals;

(ix) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(x) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

(s) *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

(t) *Sanitary* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(u) *Under restraint* means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(v) *Vicious or dangerous animal* means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be *prima facie* presumed vicious or dangerous.

(w) *Wild animal* means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, and any hybrid animal that is part wild and captive-bred species of common cage birds.

Nuisances:

It shall be unlawful for any person to keep any animal on any property located within the unincorporated areas of Montgomery County, Tennessee when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

Caring for Animals:

(a) It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily and unreasonably expose any such animal in hot, stormy, cold or inclement weather.

(b) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

(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:

(a) It shall be unlawful for any person to willfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away or defend against vicious or trespassing animals.

(b) No person shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this Section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(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.

Restraint and Confinement – Generally:

(a) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the County.

(b) Any dog, while on a street, sidewalk, public way or in any park, Public Square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

(c) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

(d) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Restraint of Guard Dogs:

(a) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure.

(b) The areas of confinement shall have all gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

(c) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

Dangerous Dog Determination

1. Definitions

For purposes of this section, the term:

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

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

(2) 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:

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

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

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

(4) 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 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. 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 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 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. 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 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. If someone wins an appeal, they will be refunded the difference between the normal redemption fee and dangerous dog fee.

(c) A decision by the committee overturning the Animal Control Director determination shall not affect the Animal Control Director 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:

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

(2) 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

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

(c) The dog was:

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

(2) 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 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 may establish.

(b) If the Animal Control Director 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 may establish.

(c) The Animal Control Director 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 shall determine if the owner of a potentially dangerous dog has established to the satisfaction of the Animal Control Authority that:

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

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

(3) 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;

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

(5) 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 shall determine if the owner of a dangerous dog has established to the satisfaction of the Animal Control Authority that:

(1) 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;

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

(3) 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 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 or 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 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 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 may have established pursuant to the finding that the dog was potentially dangerous or dangerous.

Property Owners May Impound:

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Department of Animal Control. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

Disposition of Large Animals:

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or other shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the County to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter.

Impoundment:

(a) In addition to any other remedies provided in these Regulations, an animal control officer or a law enforcement officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (i) Any animal at large;
- (ii) Any animal constituting a public nuisance or considered a danger to the public;
- (iii) Any animal that is in violation of any quarantine or confinement order;
- (iv) Any unattended animal that is ill, injured or otherwise in need of care;
- (v) Any animal that is reasonably believed to have been abused or neglected;
- (vi) Any animal that is reasonably suspected of having rabies;
- (vii) Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer or a law enforcement officer determines that there is a threat to public health and safety;
- (viii) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (ix) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(b) An animal control officer or law enforcement officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil monetary penalty of Twenty-Five (\$25.00) Dollars for the first offense and Fifty (\$50.00) Dollars for the second offense. The civil monetary penalties may, at the discretion of the animal owner, be paid to the Animal Control Department within ten (10) days in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, the Animal Control Department shall have the right to proceed to collect unpaid civil monetary penalty as provided in the **Violations and Penalties** section of these Regulations. The third and subsequent offenses shall be prosecuted by misdemeanor citation when appropriate under state law.

Fee Schedule

(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.

(c) Animal control and protection fee schedule.

Redemption's

Dogs and cats under six months.....	\$ 25.00
Altered dogs and cats.....	\$ 25.00
Unaltered dogs and cats.....	\$ 50.00
Quarantined dogs and cats.....	\$ 40.00
Dangerous Dog.....	\$ 100.00 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

Notice to Owner and Redemption:

(a) Upon impoundment of an animal, the Department of Animal Control shall immediately attempt to notify the owner by telephone or certified mail. Any notice to the owner shall also include the location of the shelter of hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

(b) An owner reclaiming an impounded animal shall pay a fee of Twenty-Five (\$25.00) Dollars plus boarding fees in addition to any civil monetary penalty owing. The reclaim fee shall be Fifty (\$50.00) Dollars for animals that have not been spayed or neutered. Rabies fees and County registration fees shall also be collected unless current status can be verified. The daily rate charged for any subsequent impoundment occurring within twelve (12) months shall be double that which was charged for each day of confinement during the first impoundment.

(c) Any animal not wearing a rabies tag and not reclaimed by its owner within three (3) business days shall become the property of the County and shall be placed for adoption in a suitable home or euthanized in a humane manner. If an animal is wearing a rabies tag, the owner shall be notified by a postcard sent to the owner’s last known address to appear within five (5) days and redeem the animal by paying all required fees.

Enforcement:

Animal control officers or other designees of the County Mayor shall be the primary enforcement officials for these Regulations. These officials, along with law enforcement officers, shall have the authority to act on behalf of the County in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required enforcing the provisions of these Regulations. It shall be a violation of these Regulations to interfere with any animal control officer or other enforcement official in the performance of his duties.

Violations and Penalties:

- (a) It shall be a violation of these Regulations to:
 - (i) Fail to comply with any provision of these Regulations;
 - (ii) Fail to comply with any lawful order of an animal control officer, or law enforcement officer unless such order is lawfully stayed or reversed; or,

(b) A violation of these Regulations shall result in a civil monetary penalty of Twenty-five (\$25.00) Dollars per violation for the first offense and Fifty (\$50.00) Dollars for the second offense with third and subsequent violations to be handled by misdemeanor citation when appropriate under state law.

(c) Each day that one or more violations of these Regulations exists or continues to exist shall constitute a separate violation.

(d) If civil monetary penalties remain unpaid more than ten (10) days after notice of violation, the County Attorney is authorized to take appropriate action through the General Sessions Court pursuant to Tenn. Code Ann. § 5-1-123.

Conflicting Regulations:

All other Regulations of Montgomery County, Tennessee that are in conflict with these Regulations are hereby repealed to the extent of such conflict. Notwithstanding anything in these Regulations to the contrary, nothing contained herein shall be construed to prohibit animal control officers or law enforcement officers of Montgomery County, Tennessee to take action consistent with these Regulations or any similar municipal ordinance or state law within the corporate limits of any incorporated municipality in Montgomery County, Tennessee if requested to do so by an appropriate representative of said municipality. Nor shall anything contained herein be construed as a limitation on the authority of any law enforcement officer to enforce the criminal laws of Tennessee regarding the care, treatment and responsibility for animals.

Severability:

The provisions of these Regulations are declared to be severable. If any section, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of these Regulations, but they shall remain in effect; it being the legislative intent that these Regulations shall remain in effect notwithstanding the validity of any part.

These regulations were adopted March 14, 2005 and incorporate the amendments adopted September 10, 2007.

**RESOLUTION REQUESTING PASSAGE OF A PRIVATE ACT BY THE TENNESSEE
GENERAL ASSEMBLY CONCERNING OPERATION OF SCHOOL BUSES**

WHEREAS, the State Board of Education is directed to formulate rules and regulations governing school transportation pursuant to T.C.A. §49-6-2102.

WHEREAS, pursuant to T.C.A. §49-6-2109 and Chapter 0520-1-5 (Pupil Transportation) of the Rules of the State Board of Education, the State Board of Education permits use of conventional school buses for a period of twelve (12) years of service and transit school buses for a period of fifteen (15) years of service. After such time the owner of the conventional school bus may apply for a waiver on a year-to-year basis not to exceed fifteen (15) years of use and the owner of the transit school bus may apply for a waiver on a year-to-year basis not to exceed seventeen (17) years of service.

WHEREAS, the State Board of Education pursuant to T.C.A. §49-6-2102 has promulgated under Chapter 0520-1-5 (Pupil Transportation) of the Rules of the State Board of Education that a school bus may continue to operate regardless of odometer reading during its initial (12 or 15 year) service life but that no bus will be eligible for an extended use waiver and authorized to be utilized for transportation of students after exceeding 150,000 miles of usage.

WHEREAS, with a documented history of careful and timely preventative, scheduled, and unscheduled maintenance services, proper school bus driver training, and a wholly owned and fully staffed vehicle maintenance department that is capable of performing a full array of school bus maintenance services all of which will ensure that the extended use school bus is capable of passing the state mandated annual inspection, it is the opinion of this Board of County Commissioners that the Clarksville-Montgomery County School System can operate buses reliably and safely beyond the current mandated bus mileage retirement standards.

WHEREAS, it is the opinion of the Board of County Commissioners that given the current climate of fiscal restraint, local communities need to have flexibility to meet the pressures of these spending restraints and to save tax dollars.

WHEREAS, this Board of County Commissioners desires that the current mileage restraint of 150,000 miles be extended to 225,000 miles for Conventional and Transit type school buses used to transport pupils of Montgomery County, Tennessee and respectfully requests that the General Assembly of the State of Tennessee pass a Private Act to such effect.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Board of Commissioners assembled in regular session on the 9th day of March, 2009, expresses its intentions and respectfully requests the General Assembly of the State of Tennessee to pass a Private Act extending the current mileage limitation of 150,000 miles to 225,000 miles of service for the transport of pupils of Montgomery County, Tennessee.

Duly passed and approved this 9th day of March, 2009.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS APPROPRIATING FUNDS
FOR INDIVIDUAL CAPITAL PROJECTS IN EXCESS OF \$250,000**

WHEREAS, capital projects submitted during the FY 2008-09 budget process were restricted to those needs estimated to cost \$250,000 or less, with the understanding that critical projects of a higher dollar value would be submitted in a separate resolution to the County Commission once the school district was prepared to address these much needed projects; and,

WHEREAS, three roofing projects to include the replacement of the roof over the "B" Wing at Ringgold Elementary (\$380,000), the replacement of the roof over the original building and the 1993 classroom addition at Richview Middle School (\$1,560,000), and the partial reroofing of Greenwood Alternative School (\$295,000) are now at a critical juncture; and,

WHEREAS, the roofs of these projects have all exceeded their useful life by seven plus years and the roofing problems have escalated beyond normal maintenance repair as water continuously enters the buildings every time it rains or snows; and,

WHEREAS, failure to remedy these problems causes a potentially unsafe condition for students during inclement weather along with internal air quality issues (IAQ), and further damage to the surrounding structure and more costly repairs to the roof and the building are resulting; and,

WHEREAS, Northeast High School is in need of replacing its 34 original (1980) rooftop HVAC units (\$326,000) that are well past their useful life cycle; and,

WHEREAS, repairs are becoming more frequent and costly and there is an increased energy cost associated with running the old units versus the more energy efficient new units, and;

WHEREAS, a partial replacement of units presents logistical challenges and possible failure of individual units will result in a portion of the building being without heat or air conditioning for a much longer period of time, and;

WHEREAS, there is also the need for the construction of a vehicle maintenance/fueling station (\$450,000) at the West Creek complex site which would generate approximate savings of over \$100,000 annually from fuel consumption, compensation for additional drive time, and maintenance of vehicles from additional travel; and,

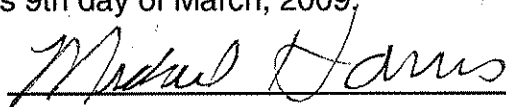
WHEREAS, continued consumption of resources associated with maintenance, travel/fuel, and compensation, related to the upkeep of our bus fleet are contributing to the projected budget shortfall in the Transportation Fund for FY 2009-10 estimated to be well in excess of one million dollars.

NOW, THEREFORE, BE IT RESOLVED BY the Montgomery County Board of County Commissioners assembled in Regular Session on this 9th day of March, 2009 that this Commission expresses its intent to fund the critically needed renovations and that the sum of \$3,011,000.00 be and the same is hereby appropriated to the School Capital Project Fund.

BE IT FURTHER RESOLVED THAT this appropriation be funded by issuing Bond Anticipation Notes subsequently to be retired by the issuance of School Bonds, all pursuant to and in accordance with all pertinent provisions contained in Section 49-3-1001 through 49-3-1007 inclusive of Tennessee Code Annotated.

Duly passed and approved this 9th day of March, 2009.

Sponsor



Commissioner

Approved

County Mayor

Attested

County Court Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS APPROPRIATING FUNDS
FOR THE RENOVATION OF MONTGOMERY CENTRAL HIGH SCHOOL**

WHEREAS, the original MCHS building was constructed in 1968. The building is now 40 years old and in need of a general renovation to ensure it remains an adequate educational facility and to ensure equitable distribution of educational facilities to all students in Montgomery County; and,

WHEREAS, the original architecture of the MCHS incorporated the "Open" concept that was effective in the 1960's. The open concept is no longer ideal because of current teaching and learning styles and more importantly because of current security requirements that cannot be achieved without considerable modifications to the building to create a single controlled entrance point; and,

WHEREAS, by increasing the current BEP capacity of the MCHS building from its current 1058 students to 1313 students the District can maximize the use of this campus and postpone building another high school in zoning region five (all areas south of the Cumberland River) until approximately 2020 based on current student growth trends; and,

WHEREAS, the original MCHS building does not comply with the ADA (door width, elevators, ramps, & grades) or with current building codes (sprinkler). The building is in need of these upgrades to ensure accessibility, safety, and equitable distribution of educational facilities; and,

WHEREAS, the electrical capacity of the MCHS building does not allow for the electrical demands to power the technology that is required in today's classroom; and,

WHEREAS, the current core capacity and flow of the existing MCHS does not lend itself to the current or potential BEP capacity of the building. Therefore additional core (restrooms, cooking kitchen, & auxiliary gym) and educational space (13 classrooms) are required to bring the building to appropriate capacity.

NOW, THEREFORE, BE IT RESOLVED BY the Montgomery County Board of County Commissioners assembled in Regular Session on this 9th day of March, 2009 that this Commission expresses its intent to fund the renovation of MCHS and that the sum of \$165,000.00 be and the same is hereby appropriated to the School Capital Project Fund for the employment of an architect through the schematic design phase.

BE IT FURTHER RESOLVED THAT this appropriation be funded from the Montgomery County Debt Service Fund Balance subsequently to be reimbursed through a resolution with the issuance of School Bonds, all pursuant to and in accordance with all pertinent provisions contained in Section 49-3-1001 through 49-3-1007 inclusive of Tennessee Code Annotated.

Duly passed and approved this 9th day of March, 2009.

Sponsor Michael Harris

Commissioner _____

Approved _____

County Mayor

Attested _____

County Court Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS APPROPRIATING FUNDS
FOR THE SCHEMATIC DESIGN PHASE OF A NEW ELEMENTARY SCHOOL**

WHEREAS, student enrollment and growth data indicates the Clarksville-Montgomery County School System will reach elementary capacity in zoning region 4 in August of 2011, and;

WHEREAS, the Joint Land Acquisition Committee, having studied the real estate market and historical growth trends, purchased the land for future school construction (840 BEP capacity) in this area, and;

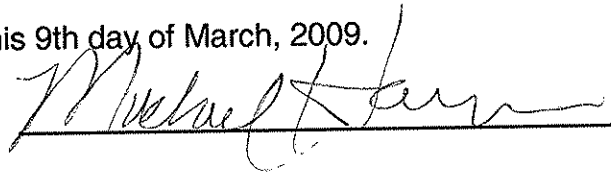
WHEREAS, the timeline necessary to insure the appropriate planning, design, and review time of the floor plan, compliance with the County's Resolution Procedures under Rule IV, and the completion of the construction project for a successful fall 2011 opening requires the employment of an architect through the schematic design phase.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Session on this 9th day of March, 2009 that this Commission expresses its intent to fund the construction of a new elementary school and that the sum of \$ 79,700.00 be and the same is hereby appropriated to the School Capital Project Fund for the employment of an architect through the schematic design phase.

BE IT FURTHER RESOLVED that this appropriation be funded from the General Purpose School Fund Balance subsequently to be reimbursed through a resolution with the issuance of School Bonds, all pursuant to and in accordance with all pertinent provisions contained in Section 49-3-1001 through 49-3-1007 inclusive of Tennessee Code Annotated.

Duly passed and approved this 9th day of March, 2009.

Sponsor



Commissioner

Approved

County Mayor

Attested

County Court Clerk

Elementary School

	<u>Estimate (Jan. 2009)</u>
Architect Fees	\$ 590,996
Engineering Services	50,000
Building Construction	15,030,360
Technology, Furniture, Equipment	<u>1,886,103</u>
Total Costs	17,557,459
Alt. 1 – Geothermal HVAC System	1,000,000
Alt. 2 – Photovoltaic Solar System	<u>2,500,000</u>
Total Cost w/Alternates	\$ 21,057,459

A RESOLUTION DECLARING THE INTENT OF MONTGOMERY COUNTY,
TENNESSEE TO REIMBURSE ITSELF FOR CERTAIN EXPENDITURES
RELATING TO VARIOUS SCHOOLS CAPITAL PROJECT(S) WITH
THE PROCEEDS OF BONDS OR OTHER DEBT OBLIGATIONS
TO BE ISSUED BY MONTGOMERY COUNTY, TENNESSEE.

WHEREAS, it is the intention of the Board of Montgomery County Commissioners, Tennessee (the "County") to provide funds for the payment of architectural costs incident to the construction, improving, repairing, renovating and equipping school buildings and facilities, specifically related to Montgomery Central High School and the new Sango-area Elementary School presently under consideration, and

WHEREAS, the schematic plan created by the architect for the renovation of Montgomery Central High School is not to exceed \$165,000 and have a shelf life of at least two years; and the first phase of architectural costs for the new Sango-area Elementary school is not to exceed \$79,700; and

WHEREAS, the funds for the Montgomery Central High School schematic plan will be transferred to the School Capital Projects Fund from the Montgomery County Debt Service fund balance, and the funds for the Sango-area Elementary School architectural costs will be transferred to the School Capital Projects Fund from the General Purpose School Fund; and

WHEREAS, it is the intention of the Board of Montgomery County Commissioners to pay all or a portion of the costs associated with said activities by the sale of bonds or other debt obligations of the County; and

WHEREAS, it is anticipated that it will be necessary to make expenditures in payment of said costs prior to the issuance of said bonds or debt obligations; and

WHEREAS, the Board of Montgomery County Commissioners wish to state their intentions with respect to reimbursements for said expenditures in accordance with the requirements of final regulations applicable thereto and promulgated by the United States Department of the Treasury.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Montgomery County, Tennessee, as follows:

Section 1. It is reasonably expected that the County will reimburse itself for certain expenditures made by the County Board of Education in connection with the activities hereinabove described. The County intends to reimburse all such expenditures by issuing its general obligation bonds or other debt obligations. The expenditures made prior to the issuance of said bonds or other debt obligations are expected to be paid from the Capital Projects School Fund of the County and reimbursement shall be made to the Capital Projects School Fund. Debt service on the bonds or other debt obligations is expected to be paid from unlimited ad valorem taxes to be levied on all taxable property within the limits of the County.

Section 2. Based on current estimates and information, the maximum principal amount of bonds or other debt obligations expected to be issued to finance the activities hereinabove described is \$ \$42,000,000.

Section 3. This resolution shall be placed in the minutes of the Board of Montgomery County Commissioners and shall be made available for inspection by the general public at the office of the County Clerk.

Section 4. It is the County's reasonable expectation that it will reimburse the original expenditures from the proceeds of bonds or other debt obligations.

Section 5. This resolution constitutes a declaration of official intent under United States Treas. Reg. §1.150-2.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 9th day of March 2009.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

**RESOLUTION TO AMEND THE BUDGETS
OF VARIOUS FUNDS FOR FISCAL YEAR 2009
IN CERTAIN AREAS OF REVENUES AND EXPENDITURES**

WHEREAS, the director of Accounts and Budgets has performed continuing reviews of the status of funding needs and the receipts of revenues anticipated in support of the various budgets; and

WHEREAS, current year expenditures in certain accounts will permit decreases in budgetary appropriation for such accounts and these may be applied to the funding needs of other accounts; and

WHEREAS, contracts for various State grants were not received in time to be included in the annual budget appropriation process and are therefore included for appropriation in this resolution and detailed in the attached schedule.

NOW THEREFORE BE IT RESOLVED, by the Montgomery County Board of Commissioners, assembled in regular business session this 9th day of March 2009, that the budgets for various funds for FY09 be amended as to revenues and expenditures, according to the attached Account Schedule.

Duly passed and approved this 9th day of March, 2009.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

Account Schedule

Account	Department	Description	Current Budget	Amendment	Amended Budget	Description
101-55190-46980-05225	WIC	Other State Grants	\$ 1,850,700.00	\$ 59,500.00	\$ 1,910,200.00	Grant Revenue
101-54110-05019	Mobile Data Grant	Other State Grants	\$ 34,737.00	\$ (12,267.00)	\$ 22,470.00	Grant Revenue
101-54230-05156	Community Corrections	Other State Grants	\$ 473,439.57	\$ (23,550.57)	\$ 449,889.00	Grant Revenue
101-54110-48610	Sheriffs Department	Revenue	\$ 250.00	\$ 850.00	\$ 1,100.00	Junior Deputy Program
101-54110	Sheriffs Department	Revenue	\$ -	\$ 689.99	\$ 689.99	Transportation Reimbursement
101-54110	Sheriffs Department	Revenue	\$ 710.00	\$ 111.16	\$ 821.16	Insurance Recovery
101-55120	Animal Shelter	Revenue	\$ -	\$ 1,196.00	\$ 1,196.00	Warranty Reimbursement
101-55130	EMS	Revenue	\$ -	\$ 2,514.07	\$ 2,514.07	Dive Training Grant
101-54110-08030	CITI 3	Other State Grants	\$ -	\$ 7,916.32	\$ 7,916.32	Grant Revenue
101-64000	Litter Grant	Litter Program Revenue	\$ 59,483.00	\$ 17,211.00	\$ 76,694.00	Grant Revenue
101-54210-09040	Jail	SCAAP funding	\$ -	\$ 30,514.38	\$ 30,514.38	Grant Revenue
101-54490-07040	Homeland Security Grant	Revenue	\$ 67,898.69	\$ 1,905.00	\$ 69,803.69	Grant Revenue
101-53900-05233	Day Treatment Grant	Juvenile Services Program	\$ -	\$ 422,082.00	\$ 422,082.00	Grant Revenue
101-55190-05225	WIC	Salaries	\$ 1,266,500.00	\$ 42,500.00	\$ 1,309,000.00	Offset of Grant Revenue
101-55190-05225	WIC	Benefits	\$ 506,600.00	\$ 17,000.00	\$ 523,600.00	Offset of Grant Revenue
101-53900-05233	Day Treatment Grant	Contracts	\$ -	\$ 422,082.00	\$ 422,082.00	Offset of Grant Revenue
101-54130	Traffic Control	Other Contracted Services	\$ -	\$ 1,701.80	\$ 1,701.80	Traffic Signal
101-54130	Traffic Control	Supplies & Materials	\$ -	\$ 5,801.94	\$ 5,801.94	Traffic Signal
101-54110	Mobile Data Grant	Other Contracted Services	\$ 21,085.00	\$ 1,385.00	\$ 22,470.00	Offset of Grant Revenue
101-54110	Mobile Data Grant	Capital Outlay	\$ 13,652.00	\$ (13,652.00)	\$ -	Offset of Grant Revenue
101-54230-05156	Community Corrections	Salaries	\$ 280,601.57	\$ (4,064.57)	\$ 276,537.00	Offset of Grant Revenue
101-54230-05156	Community Corrections	Benefits	\$ 89,015.00	\$ (1,889.00)	\$ 87,126.00	Offset of Grant Revenue
101-54230-05156	Community Corrections	Other Contracted Services	\$ 84,104.00	\$ (2,150.00)	\$ 81,954.00	Offset of Grant Revenue
101-54230-05156	Community Corrections	Supplies & Materials	\$ 17,819.00	\$ (5,827.00)	\$ 11,992.00	Offset of Grant Revenue
101-54230-05156	Community Corrections	Other Charges	\$ 4,000.00	\$ 4,680.00	\$ 8,680.00	Offset of Grant Revenue
101-54230-05156	Community Corrections	Capital Outlay	\$ 16,000.00	\$ (13,500.00)	\$ 2,500.00	Offset of Grant Revenue
101-54110	Sheriffs Department	Supplies & Materials	\$ 30,500.00	\$ 1,539.99	\$ 32,039.99	Offset of Revenue
101-54110-08030	CITI 3	Salaries	\$ -	\$ 1,095.45	\$ 1,095.45	Offset of Grant Revenue
101-54110-08030	CITI 3	Benefits	\$ -	\$ 2,013.87	\$ 2,013.87	Offset of Grant Revenue
101-54110-08030	CITI 3	Other Contracted Services	\$ -	\$ 7.00	\$ 7.00	Offset of Grant Revenue
101-54110-08030	CITI 3	Supplies & Materials	\$ -	\$ 602.75	\$ 602.75	Offset of Grant Revenue
101-54210-09040	Jail	Supplies and Materials	\$ -	\$ 5,000.00	\$ 5,000.00	Offset of Grant Revenue
101-54210-09040	Jail	Capital Outlay	\$ -	\$ 25,514.38	\$ 25,514.38	Offset of Grant Revenue
101-54490-07040	Homeland Security Grant	Other Contracted Services	\$ -	\$ 188.00	\$ 188.00	Offset of Grant Revenue
101-54490-07040	Homeland Security Grant	Supplies & Materials	\$ -	\$ 1,717.00	\$ 1,717.00	Offset of Grant Revenue
101-55120-53380	Animal Shelter	Supplies & Materials	\$ 2,000.00	\$ 1,196.00	\$ 3,196.00	Offset to warranty reimbursement
Total Increase in County General Fund Balance				\$ 15,729.74		
131-62000-00000-62-54040	Highway Department	Supplies & Materials	\$ 1,331,013.67	\$ (1,425.00)	\$ 1,329,588.67	Transfer to Other Charges
131-82220-00000-82-56040	Highway Department	Other Charges	\$ -	\$ 1,425.00	\$ 1,425.00	Interest Expense
Total Increase/Decrease in Highway Fund Balance				\$ -		