

**CALL TO ORDER** – Sheriff Norman Lewis

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Chaplain Joe Creek

**ROLL CALL**

**PROCLAMATION BY MAYOR BOWERS**

Monica House, Trainer/Recruiter at Youth Villages for Foster Care Awareness Month

**APPROVAL OF APRIL 12, 2008 MINUTES**

**VOTE ON ZONING RESOLUTIONS**

**CZ-4-2008:** Application of Jay and Wendy Rutherford from AG to C-2.

**VOTE ON OTHER RESOLUTIONS**

**08-5-1:** Resolution to Purchase Commerce Park (TVA Certified Mega Site).

**08-5-2:** Resolution of the Montgomery County Board of Commissioners to Amend the Montgomery County Highway Department's Budget in the General Road Fund.

**08-5-3:** Resolution to Ratify Private Chapter No. 81 House Bill No. 4234, Private Acts of 2008 of the 105<sup>th</sup> General Assembly of the State of Tennessee.

**08-5-4:** Resolution to Approve the Execution and Delivery on One or More Loan Agreements for the Purpose of Providing Funds for Financing Consisting of the Acquisition, Construction and Equipping of Schools Within Montgomery County, Tennessee.

**UNFINISHED BUSINESS**

## **REPORTS**

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

## **REPORTS FILED**

1. School System's Quarterly Report (mailed to all Commissioners 4/25/08)
2. April 2008 Adequate Facilities Tax and Permit Revenue Reports
3. Highway Department's Quarterly Report (January, February and March 2008)
4. **Projects & Facilities Report**
5. **Accounts & Budgets Year-to-Date Report**
6. **Trustee's Report**

**NOMINATIONS BY NOMINATING COMMITTEE** – Ginger Miles, Chairman

**NOMINATIONS AND APPOINTMENTS BY COUNTY MAYOR**

**ANNOUNCEMENTS**

**ADJOURN**

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
JAY AND WENDY RUTHERFORD**

WHEREAS, an application for a zone change from AG Agricultural District to C-2 General Commercial District has been submitted by Jay and Wendy Rutherford and

WHEREAS, said property is identified as County Tax Map 039, parcel 032.00 (portion), containing 1.00 acres, situated in Civil District 13, located 1854 feet +/- northeast of the intersection of Killebrew Road and Rossview Road on the south side of Rossview Road; and

WHEREAS, said property is described as follows:

Beginning at the centerline intersection of Rossview Road and Killebrew Road, thence in a east direction for 1834 feet +/- to a point the south right of way of Rossview Road. Thence in a south direction for 110 feet +/- to a point, thence in a south direction for 210 feet +/- to a point thence in a east direction for 210 feet +/- to a point , thence in a north direction for 210 feet +/- to a point, thence in a west direction 210 feet +/- to the point of beginning. Containing 1 acre +/- . Being map 039 parcel 032.00

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

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Couny Commissioners assembled in regular session on this 12th day of May, 2008, that the zone classification of the property of Jay and Wendy Rutherford from AG to C-2 is hereby approved.

Duly passed and approved this 12th day of May, 2008.

Sponsor David A. Higgins  
Commissioner \_\_\_\_\_  
Approved \_\_\_\_\_

County Mayor

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

**RESOLUTION TO PURCHASE  
COMMERCE PARK  
(TVA CERTIFIED MEGA SITE)**

**WHEREAS**, the Montgomery County Industrial Development Board is an agency of Montgomery County Government, promoting industrial growth and development; and

**WHEREAS**, the Industrial Development Board owns, or holds options to purchase, certain land which, in the aggregate, comprises a total of 1,521 acres of land, 1,215 acres of which comprises the TVA Certified “Mega Site” known and identified as “Commerce Park,” located in the Northeast area of Montgomery County, near U.S. Highway 79; and

**WHEREAS**, the option being held on the property for “Commerce Park” expires September of 2008; and

**WHEREAS**, the recent certification of Commerce Park, as a Mega Site by TVA, will have the potential for this site to attract a variety of major industrial, business and commercial enterprises, which will have the potential to create new jobs, to invest capital dollars and to increase the industrial/commercial tax base for Montgomery County; and

**WHEREAS**, the projected total cost for acquisition of the necessary land is estimated to be approximately \$20,000,000.00; and

**WHEREAS**, the Industrial Development Board and Montgomery County may be eligible for state and/or federal grants that can be applied to the cost of providing necessary infrastructure; and

**WHEREAS**, it is vital in today’s competitive industrial recruitment environment to have such property that will attract manufacturing and related commercial prospects; and

**WHEREAS**, the development of Commerce Park will be contingent upon receipt of a “Certificate of Public Purpose and Necessity” from the Building Finance Committee of the State Department of Economic and Community Development.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of County Commissioners assembled in Regular Session on this 12th day of May, 2008, that this Commission favors the acquisition of said land for the establishment of Commerce Park and hereby approves the issuance General Obligation Bonds and/or Capital Outlay Notes, not to exceed \$20,000,000.00, to fund the acquisition of land for said Park.

Duly passed and approved this 12th day of May, 2008.

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

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

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

**County Mayor**

**Attest** \_\_\_\_\_

**County Clerk**

**RESOLUTION OF THE MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS TO AMEND THE MONTGOMERY  
COUNTY HIGHWAY DEPARTMENT'S BUDGET IN THE  
GENERAL ROAD FUND**

**WHEREAS**, the Montgomery County Highway Department has a need to transfer budgeted funds from one account to another due to rising cost and unexpected overtime; and

**WHEREAS**, transfers would occur from the following accounts into the appropriate accounts as follows;

To Account	Amount	From Account
131-61000-00000-62-51030	\$6,000.00	131-62000-00000-62-51680
131-61000-00000-61-51870	\$200.00	131-62000-00000-62-51680
131-61000-00000-61-53310	\$4,175.00	131-62000-00000-62-51680
131-61000-00000-61-54990	\$1,000.00	131-62000-00000-62-51680
131-62000-00000-62-51870	\$30,000.00	131-62000-00000-62-51680
131-63100-00000-63-51420	\$2,000.00	131-62000-00000-62-51680
131-63100-00000-63-51870	\$2,000.00	131-62000-00000-62-51680
131-63600-00000-63-51870	\$2,000.00	131-62000-00000-62-51680
131-63600-00000-63-53990	\$4,000.00	131-62000-00000-62-51680
131-68000-00000-68-57050	\$27,980.33	131-62000-00000-62-51680
131-68000-00000-68-57050	\$21,000.00	131-65000-00000-65-55060
131-68000-00000-68-57050	\$20,000.00	131-65000-00000-65-53120

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 12<sup>th</sup> day of May, 2008 that \$79,355.33 will be transferred from 131-62000-00000-62-51680 Temporay Full-time; and \$21,000.00 will be transferred from 131-65000-00000-65-55060 Liability Insurance; and \$20,000.00 will be transferred from 131-65000-00000-65-53120 Contracts with Private Agencies. Funds will be transferred into various General Roads accounts:

131-61000-00000-61-51030.....Assistant.....	\$ 6,000.00
131-61000-00000-61-51870.....Overtime.....	\$ 200.00
131-61000-00000-61-53310.....Legal Services.....	\$ 4,175.00
131-61000-00000-61-54990.....Other Supplieis & Materials....	<u>\$ 1,000.00</u>

Total funds transferred into Administratiønn	<b>\$11,375.00</b>
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131-62000-00000-62-51870.....Overtime.....	<u>\$30,000.00</u>
Total funds transferred into Highway Bridge Maintenance.....	<b>\$30,000.00</b>
131-63100-00000-63-51420.....Mechanics.....	\$ 2,000.00
131-63100-00000-63-51870.....Overtime.....	<u>\$ 2,000.00</u>
Total funds transferred into Operation/Maintenance of Equipment	<b>\$ 4,000.00</b>
131-63600-00000-63-51870....Overtime.....	\$2,000.00
131-63600-00000-63-53990....Other Contracted Ser.....	<u>\$4,000.00</u>
Total funds transferred into Traffic Control	<b>\$6,000.00</b>
131-68000-00000-68-57050....Bridge Construction.....	<u>\$68,980.33</u>
Total funds transferred into Capital Outlay	<b>\$68,980.33</b>

**Duly passed and approved this the 12<sup>th</sup> day of May, 2008.**

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Clerk

**RESOLUTION TO RATIFY PRIVATE CHAPTER NO. 81  
HOUSE BILL NO. 4234, PRIVATE ACTS OF 2008 OF THE  
105<sup>th</sup> GENERAL ASSEMBLY OF THE STATE OF TENNESSEE**

**WHEREAS**, Private Chapter 81, House Bill No. 4234, was passed by the 105<sup>th</sup> General Assembly on March 27, 2008 and certified by the Secretary of State of the State of Tennessee on April 15, 2008; and

**WHEREAS**, said act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Montgomery County and certified by the presiding officer of the county legislative body to the secretary of state.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners meeting in regular session on the 12<sup>th</sup> day of May, 2008, that Private Chapter No. 81, House Bill 4234, Private Acts of 2008 of the 105<sup>th</sup> General Assembly of the State of Tennessee is hereby ratified by said board.

**BE IT FURTHER RESOLVED** that said provisions of this act be effective as of September 1, 2004 as previously adopted by this legislative body.

**Duly passed and approved this 12<sup>th</sup> day of May, 2008.**

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

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

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

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



**RESOLUTION TO APPROVE THE EXECUTION AND DELIVERY OF ONE  
OR MORE LOAN AGREEMENTS FOR THE PURPOSE OF PROVIDING  
FUNDS FOR FINANCING CONSISTING OF THE ACQUISITION,  
CONSTRUCTION AND EQUIPPING OF SCHOOLS WITHIN  
MONTGOMERY COUNTY, TENNESSEE**

WHEREAS, the Board of Commissioners (the "Board") of Montgomery County, Tennessee (the "County"), has determined that it is necessary to finance the costs of "public works projects", as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, such public works projects to consist of the acquisition, construction, and equipping of schools for the County, including the acquisition of land, the acquisition of all property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto, reimbursement for expenditures related to the foregoing projects, and to pay costs incident to the financing thereof (collectively, the "Project"), and as set forth in an Indenture of Trust (the "Indenture"), between The Public Building Authority of the County of Montgomery, Tennessee or The Public Building Authority of the City of Clarksville, Tennessee (the "Issuer") and The Bank of New York Trust Company, N.A. (the "Trustee"), as permitted under Title 12, Chapter 10, Tennessee Code Annotated, as from time to time amended and supplemented, and as described in the form of one or more Loan Agreements (collectively, the "Loan Agreement"), between the County, as borrower, and the Issuer, the costs of such Project not to exceed \$20,140,987; and,

WHEREAS, the Board has taken the necessary steps to arrange for the acquisition, construction, and equipping of the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, TENNESSEE:**

Section 1. Approval of the Loan Agreement. The terms of the Loan Agreement presented at this meeting are in the best interest of the County and are hereby approved and the Board hereby authorizes the County Mayor and the County Clerk of the County to execute and deliver one or more Loan Agreements, each to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the County Mayor and County Clerk to evidence their approval of any and all changes to such Loan

Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Section 2. Fulfillment of Obligations. The Board of the County is authorized and directed to fulfill all obligations under the terms of the Loan Agreement.

Section 3. Payment of Indebtedness Under Loan Agreement; Tax Levy. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the County legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County are irrevocably pledged. The indebtedness evidenced by the Loan Agreement includes the amounts payable under the Loan Agreement, as and when they become due, and any expenses of maintaining and operating the Project required to be paid by the County under the terms and provisions of the Loan Agreement.

Section 4. Consent to Assignment. The County hereby acknowledges that the provisions of the Indenture assign to the Trustee, among other things, all of the interest of the Issuer in and to the Loan Agreement (other than the rights of the Issuer under Section 7.03 and Section 7.04 of the Loan Agreement, which are reserved to the Issuer) and the County agrees to pay directly to the Trustee any amounts required to be paid by the County to the Issuer pursuant to the Loan Agreement.

Section 5. Reimbursement Provisions. The County may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Issuer under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The County reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the Issuer made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 6. Miscellaneous Acts. The County Mayor, the County Clerk, the County Attorney, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 7. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 8. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent

jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 9.    Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10.    Effective Date. This Resolution shall take effect upon its adoption, the welfare of the County requiring it.

**Duly passed and approved this 12<sup>th</sup> day of May, 2008.**

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

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

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

**County Mayor**

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

**County Clerk**

STATE OF TENNESSEE)  
COUNTY OF MONTGOMERY)

I, Kellie Jackson, hereby certify that I am the duly qualified and acting County Clerk of Montgomery County, Tennessee (the "County"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said County held on May \_\_\_\_, 2008; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$17,119,839 by said County; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said County this \_\_\_\_ day of May, 2008.

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County Clerk

(SEAL)