

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

APPROVAL OF OCTOBER 14, 2013 MINUTES

PRESENT PROCLAMATIONS

Corporal Edgar Harrell - United States Marine Corp
Viola Daniels – Celebrating her 100th birthday

VOTE ON ZONING RESOLUTIONS

CZ-10-2013: Application of Robert Mackens from AG to E-1

CZ-11-2013: Application of Powers & Atkins L L C from AG to E-1

CZ-13-2013: Application of Maude Powers from AG to R-1A

VOTE ON OTHER RESOLUTIONS

13-11-1: Resolution to Proclaim Montgomery County, Tennessee, a “Purple Heart County”

13-11-2: Resolution Amending the Budget of the Montgomery County Trustee

13-11-3: Resolution to Set Board of Commissioner Pay for Non-Voting and Regular Sessions; to Establish the Rate Paid to Committee Members; and Appropriate Funds to Correctly Compensate Committee Members from July 2006 Through June 2013

13-11-4: Resolution Authorizing the Transfer of Funds from the Sheriff’s Data Processing Reserve Account and the Acceptance of Donations to Purchase Ballistic Vests for Canines

13-11-5: Resolution to Accept Federal Grant Funds from the Bureau of Justice Assistance State Criminal Alien Assistance Program

13-11-6: **Resolution Declaring the Intent of Montgomery County to Reimburse Itself for Certain Expenditures Relating to Public Improvement Projects with the Proceeds of Bonds or Other Debt Obligations to be Issued by Montgomery County, Tennessee in an Approximate Amount of \$500,000**

UNFINISHED BUSINESS

REPORTS

1. Betty Burchett – Reappraisal Update
2. County Clerk’s Report – **(requires approval by Commission)**

REPORTS FILED

1. Adequate Facilities Tax Report and Permit Revenue Report for October, 2013
2. **Accounts & Budgets Monthly Report**
3. **Highway Department – Quarterly Report – July thru September, 2013**
4. **Court Safety Program: Adult Driver Improvement Program; Juvenile Court Defensive Driving Course-4; Juvenile Court Defensive Driving Course-6/8; Safety Belt Class; Anti-Theft Class; Alive at 25 Defensive Driving Course Revenue and Attendees for July - September, 2013**

COUNTY MAYOR NOMINATIONS – Mayor Bowers

ANNOUNCEMENTS

1. Montgomery County had such a successful food drive last year that we have decided to do it again. This year’s drive will benefit Loaves and Fishes. All county offices will be collecting non-perishable food items through Friday, November 22, which will be collected and distributed to Loaves and Fishes for local families that need assistance. Help us give families a great Thanksgiving by putting food on their table.
2. The Christmas Parade/Christmas at the Courthouse will be held on Saturday, December 7 with the parade beginning at 5:00 p.m. We will once again have a float in the parade, so please let Debbie Gentry or Elizabeth Black know if you would like to ride!!
3. Mark your calendars for the Mayor’s Christmas Breakfast to be held on Wednesday, December 11 from 7:00 a.m. to 9:00 a.m. at the Civic Hall. **(Note the time change)**
4. You are urged to attend the Legislative Reception which will be held on Tuesday, December 10, at 5:00 p.m. in the large conference room of the Historic Courthouse.
5. If you are interested in ringing the Salvation Army bell during the holidays, Montgomery County will be participating on Monday, November 18th from 9:00 to 5:00 and on Tuesday, December 17th from 9:00 to 5:00 at the Madison Street Kroger. Please contact Elizabeth Black to sign up for a slot.

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
ROBERT MACKENS**

WHEREAS, an application for a zone change from AG Agricultural District to E-1 Single-Family Estate District has been submitted by Robert Mackens and

WHEREAS, said property is identified as County Tax Map 114, parcel 004.00, containing 2.4 acres, situated in Civil District 13, located fronting on the north ROW of Palmyra Rd. 540 +/- feet west of the Sharp Top Rd. & Palmyra Rd. intersection.; and

WHEREAS, said property is described as follows:

Beginning at a point in the north margin of the right of way of Palmyra Road, said point of beginning being 20 feet from the centerline of said road 46 1/2 poles to Swifts S.W. corner; thence S 66 degrees 48 minutes W 120 feet along the north right of way of said Palmyra Road to a point and continuing S 49 degrees 10 minutes W 183.1 feet along said right of way to a point; thence N 3 degrees 12 minutes 13 seconds W 561.23 feet to a point; thence S 78 degrees 20 minutes 00 seconds E 320.32 feet to a point in a fence line; thence S 5 degrees 40 minutes 9 seconds W 320.16 feet with said fence line to the point of beginning. containing 2.4 +/- acres (Tax Map 114 Parcel 004.00)

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 County Commissioners assembled in regular session on this 12th day of November, 2013, that the zone classification of the property of Robert Mackens from AG to E-1 is hereby approved.

Duly passed and approved this 12th day of November, 2013.

Sponsor *David D. Ripple*
Commissioner *Mark G. ...*
Approved _____
County Mayor

Attested: _____
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
POWERS & ATKINS L L C**

WHEREAS, an application for a zone change from AG Agricultural District to E-1 Single-Family Estate District has been submitted by Powers & Atkins L L C and

WHEREAS, said property is identified as County Tax Map 119, parcel 038.03, containing 2.12 acres, situated in Civil District 13, located southeast of Highway 149 & northwest of Killebrew Rd. at the intersection of Highway 149 and Killebrew Rd.; and

WHEREAS, said property is described as follows:

Beginning at a concrete monument located at the intersection of the South margin of Highway 149 with the East margin of Killebrew Lane; thence from the point of beginning and with the South margin of Highway 149; North 56 degrees 30 minutes 21 seconds East 470.56 feet to the Southwest corner of Suitor; thence, with the South line of Suitor South 85 degrees 40 minutes 23 seconds East 157.22 feet to a metal fence post located in the West margin of Killebrew Lane; thence, with the margin of Killebrew Lane, the following calls: South 32 degrees 32 minutes 58 seconds West 274.23 feet; South 48 degrees 26 minutes 11 seconds West 84.00 feet; South 70 degrees 12 minutes 14 seconds West 112.43 feet; North 85 degrees 44 minutes 36 seconds West 184.39 feet; North 37 degrees 44 minutes 58 seconds West 80.26 feet to the point of beginning, containing 2.12 +/- acres (Tax Map 119 Parcel 038.03)

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 County Commissioners assembled in regular session on this 12th day of November, 2013, that the zone classification of the property of Powers & Atkins L L C from AG to E-1 is hereby approved.

Duly passed and approved this 12th day of November, 2013.

Sponsor David D. Kippell
Commissioner Michael E. ...
Approved _____
County Mayor

Attested: _____
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
MAUDE POWERS**

WHEREAS, an application for a zone change from AG Agricultural District to R-1A Single-Family Residential District has been submitted by Maude Powers and

WHEREAS, said property is identified as County Tax Map 063, parcel 067.01, containing 4.92 acres, situated in Civil District 13, located north of Interstate 24, south of Highway 76, west of Woodson Rd. and east of Superior Ln.; and


WHEREAS, said property is described as follows:

Beginning at point in the southeast property corner of lot 249 of Clover Hills Section 3A as recorded in PB E, Page 1098 ROMCT, lying South 52 degrees 49 minutes 31 seconds West for 278.76 feet from the centerline intersection of Superior Lane and Clover Hills Drive; thence along the south boundary line of Section 3A, South 83 degrees 08 minutes 47 seconds East for 20.82 feet to the northeast corner of herein described parcel; thence leaving Section 3A on a new severance line, South 07 degrees 12 minutes 18 seconds West for 521.19 feet; thence continuing on a new severance line, South 57 degrees 28 minutes 27 seconds West for 40.01 feet; thence continuing on a new severance line, South 56 degrees 22 minutes 17 seconds West for 155.00 feet to south corner of herein described parcel; thence continuing on a new severance line, North 33 degrees 37 minutes 43 seconds West for 382.04 feet; thence continuing on a new severance line, North 08 degrees 19 minutes 10 seconds East for 376.47 feet to the northwest corner of herein described parcel; thence continuing on a new severance line, South 81 degrees 33 minutes 46 seconds East for 160.56 feet; thence continuing on a new severance line, South 70 degrees 50 minutes 07 seconds East for 51.11 feet; thence continuing on a new severance line, South 81 degrees 33 minutes 46 seconds East for 159.22 feet to the point of beginning, said parcel containing 4.92 acres, more or less. (Tax Map 063 Parcel 067.01)

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 County Commissioners assembled in regular session on this 12th day of November, 2013, that the zone classification of the property of Maude Powers from AG to R-1A is hereby approved.

Duly passed and approved this 12th day of November, 2013.

Sponsor 
Commissioner 
Approved _____
County Mayor

Attested: _____
County Clerk

**RESOLUTION TO PROCLAIM MONTGOMERY COUNTY,
TENNESSEE, A “PURPLE HEART COUNTY”**

WHEREAS, the “Purple Heart County” designation is a nationwide effort spearheaded by the Military Order of the Purple Heart to honor veterans; and

WHEREAS, with the influence of Fort Campbell, Montgomery County has one of the highest veteran populations in the state; and

WHEREAS, the local chapter #457 of the Military Order of the Purple Heart was founded in Montgomery County on June 8, 1982. Today this chapter is made up of over 165 members. These members represent World War II, the Korean War, the Vietnam War, Operation Enduring Freedom and Operation Iraqi Freedom; and

WHEREAS, Montgomery County is already home to the Purple Heart Monument located in Patriots Park and serves as the official trail head of the Purple Heart Trail that continues into Kentucky, boasting more miles of the Purple Heart Trail through our county than any other county in Tennessee; and

WHEREAS, this Board of County Commissioners deems the designation of Montgomery County, Tennessee, as a “Purple Heart County” to be an effective tool to recognize the distinguished veterans of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of November, 2013, that Montgomery County, Tennessee, is proclaimed a “Purple Heart County.”

Duly passed and approved this 12th day of November, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attest _____

County Clerk

**RESOLUTION AMENDING THE BUDGET OF THE
MONTGOMERY COUNTY TRUSTEE**

WHEREAS, Montgomery County is one of the fastest growing communities in Tennessee, and the Montgomery County Trustee and the Montgomery County Commission want to meet the needs of the citizens; and

WHEREAS, the Montgomery County Trustee's Office has incurred additional expenses and work load due to this growth and office transition; and

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

WHEREAS, the Montgomery County Trustee's Office would like to request an additional full time position which would accommodate the additional work being performed presently in the Trustee's Office; and

WHEREAS, a recent desk audit performed by an independent consultant (Mr. Larry Russell) concurred with the need of the additional full time position, stating that "due to the large number of tax relief and tax freeze residents and the collection of delinquent taxes for Montgomery County and the City of Clarksville, it would be appropriate to make the part-time position a full-time position for a total of seven full-time positions and maintain the part-time budget;" and

WHEREAS, beginning in 2012, the City of Clarksville began paying the Trustee's Office a 2% commission for collecting their delinquent taxes, which will offset a portion of the additional salary expense; and

WHEREAS, the Trustee's office has implemented a new tax billing software, eGov, which is requiring the use of overtime for manual verification of various information related to tax billing. This cost for overtime is not expected to be a recurring expenditure.

NOW, THEREFORE BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of November, 2013, that the Montgomery County Trustee's Fiscal Year 2013 – 2014 operating budget is hereby amended to be funded from County General Unappropriated Fund Balance as follows:

101-52400-51060	Deputy Clerk	\$14,520.00
101-52400-51870	Overtime	\$ 4,635.00
101-52400-52010	Social Security	\$ 1,187.61
101-52400-52120	Medicare	\$ 277.75
101-52400-52040	TCRS	\$ 2,744.92
101-52400-52070	Medical Insurance	\$ 8,687.10
101-52400-52060	Life Insurance	<u>\$ 18.00</u>
Total		\$32,070.38

Duly passed and approved this 12th day of November, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

RESOLUTION TO SET BOARD OF COMMISSIONER PAY FOR NON-VOTING AND REGULAR SESSIONS, TO ESTABLISH THE RATE PAID TO COMMITTEE MEMBERS, AND APPROPRIATE FUNDS TO CORRECTLY COMPENSATE COMMITTEE MEMBERS FROM JULY 2006 THROUGH JUNE 2013

WHEREAS, this resolution establishes Commissioner pay for attendance at the Non-Voting (Informal) Session to be \$200 per meeting as of July 2013, and Regular (Formal) Session pay at \$150 (in effect as of July 2006), and applicable committee meetings at \$75 per General Provisions; and

WHEREAS, the General Provisions applicable to all committees, boards, and commissioners, section (8) (a) Compensation of Members states that "...members of county committees, boards, and commissions shall be entitled to compensation in an amount equal to one-half the amount of the per diem compensation paid to county commissioners for their attendance at regular Board of County Commission meetings, for attending and participating in a committee meeting..."; and

WHEREAS, the per diem rate paid to Montgomery County Board of Commissioners for attendance at the regular session was increased from \$100 to \$150 per meeting in the fiscal year 2006-2007 budget; and

WHEREAS, the amount paid to the committee members for attending committee meetings was not adjusted commensurate to the per diem paid for attendance at regular sessions as required by the General Provisions; and

WHEREAS, committee members were not accurately compensated from July 2006 through June 2013 according to local rules, and are owed back pay for all applicable meetings attended from July 2006 through June 2013 as detailed below.

NOW, THEREFORE BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of November, 2013, that the Non-Voting Session pay is set at \$200 per meeting attended, effective July 2013.

BE IT FURTHER RESOLVED, that the budget is amended to correct committee member pay as detailed below to be funded from the County General Unappropriated Fund Balance:

101-51100-51910	Board and Committee Fees	\$64,475.00
101-51100-52010	Social Security	\$3,997.46
101-51100-52120	Medicare	\$934.91
101-51220-51910	Board and Committee Fees	\$5237.50
101-51220-52010	Social Security	\$324.73
101-51220-52120	Medicare	\$75.94
101-51240-51910	Board and Committee Fees	\$7,200.00
101-51240-52010	Social Security	\$446.40
101-51240-52120	Medicare	\$104.40
101-51910-51910	Board and Committee Fees	\$1,125.00
101-51910-52010	Social Security	\$69.75
101-51910-52120	Medicare	\$16.31
101-52400-51910	Board and Committee Fees	\$650.00
101-52400-52010	Social Security	\$40.30
101-52400-52120	Medicare	\$9.43
101-53100-51910-P0219	Board and Committee Fees	\$50.00
101-53100-52010-P0219	Social Security	\$3.10
101-53100-52120-P0219	Medicare	\$1.00
101-54210-51910	Board and Committee Fees	\$6,012.50
101-54210-52010	Social Security	\$372.78
101-54210-52120	Medicare	\$87.18
101-54310-51910	Board and Committee Fees	\$7,487.50
101-54310-52010	Social Security	\$464.23
101-54310-52120	Medicare	\$108.57
101-55120-51910	Board and Committee Fees	\$2,875.00
101-55120-52010	Social Security	\$178.25
101-55120-52120	Medicare	\$41.69
101-55130-51910	Board and Committee Fees	\$9,100.00
101-55130-52010	Social Security	\$564.20

101-55130-52120	Medicare	\$131.95
101-57100-51910	Board and Committee Fees	\$2,750.00
101-57100-52010	Social Security	\$170.50
101-57100-52120	Medicare	\$39.88
101-58300-51910	Board and Committee Fees	\$4,412.50
101-58300-52010	Social Security	\$273.58
101-58300-52120	Medicare	\$63.98
TOTAL		\$119,895.52

Duly passed and approved this 12th day of November, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE SHERIFF'S
DATA PROCESSING RESERVE ACCOUNT AND THE ACCEPTANCE OF
DONATIONS TO PURCHASE BALLISTIC VESTS FOR CANINES**

WHEREAS, the revenue from the \$2.00 processing fee levied by T.C.A. 8-21-901, subdivision (a)(5)(A), “. . . shall be allocated by the sheriff's county for computerization, information systems and electronic records management costs of the sheriff's office. Such funds shall remain earmarked within the general fund and shall be reserved for the purposes authorized in this subdivision (a)(5)(B) at the end of each fiscal year;” and

WHEREAS, revenues from these fees currently are held in reserve, within the general fund and are at a balance of \$131,492.83, and the Montgomery County Sheriff's Office has identified a need of utilizing \$48,000.00; and

WHEREAS, the Montgomery County Sheriff's Office has identified a need to appropriate a portion of these funds and is entitled to amend its budget as outlined in T.C.A. 5-9-407 during the fiscal year; and

WHEREAS, the Montgomery County Sheriff's Office has identified a need of ballistic vests for its canines pursuant to T.C.A. 5-8-101(b) and may accept donations restricted for the purposes of canine vests with a majority vote of the county legislation.

NOW THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular business session on this 12th day of November, 2013 that \$48,000.00 from reserve account 101-54110-00000-54-34465, be transferred to Operating Transfer Account in County General and increase the Data Processing Equipment expenditure account 101-54110-00000-54-57090 for the purpose of computerization for Jail Digital Migration, Telephone Switch equipment, and a programmable database for fleet maintenance and the impound lot within the Montgomery County Sheriff's Office.

BE IT FURTHER RESOLVED that a \$7,000.00 dollar donation be accepted into the Donations revenue account, 101-54110-00000-54-48610 from “Gary Matthews Motors” for the restricted use of Canine Ballistic Vests in Law Enforcement Equipment account, 101-54110-00000-54-57160.

Duly passed and approved this 12th day of November, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attest _____

County Clerk

**RESOLUTION TO ACCEPT FEDERAL GRANT FUNDS FROM THE
BUREAU OF JUSTICE ASSISTANCE STATE CRIMINAL
ALIEN ASSISTANCE PROGRAM**

WHEREAS, the Montgomery County Jail entered into a four-year agreement with Justice Benefits Inc. for professional services to assist in collecting federal monies for the State Criminal Alien Assistance Program to be used for the needs of inmates housed in the Montgomery County Jail. Montgomery County’s financial agreement requires payment to Justice Benefits Inc. of twenty-two percent (22%) of total monies paid to Montgomery County; and

WHEREAS, after payment of the 22% to Justice Benefits, Inc., it is necessary for the remaining amount of \$26,458.38 be transferred to the Jail expenditure budget to be used for the needs of inmates; and

WHEREAS, there is no required match and no requirement that these projects and expenditures be continued after the agreement expires.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular business session on this 12th day of November, 2013, that the federal monies be deposited and dispersed for the inmate’s needs as described below:

101-54210-00000-54-47990-G1480	Other Direct Federal Revenue	\$33,921.00
101-54210-00000-54-53990-G1480	Other Contracted Services	\$ 7,462.62
101-54210-00000-54-54990-G1480	Other Supplies & Materials	\$26,458.38

Duly passed and approved this the 12th day of November, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

RESOLUTION DECLARING THE INTENT OF MONTGOMERY COUNTY TO REIMBURSE ITSELF FOR CERTAIN EXPENDITURES RELATING TO PUBLIC IMPROVEMENT PROJECTS WITH THE PROCEEDS OF BONDS OR OTHER DEBT OBLIGATIONS TO BE ISSUED BY MONTGOMERY COUNTY, TENNESSEE IN AN APPROXIMATE AMOUNT OF \$500,000

WHEREAS, on June 10, 2013, the Board of County Commissioners (the “Governing Body”) of Montgomery County, Tennessee (the “County”) authorized the issuance of general obligation bonds, which were issued on August 29, 2013, proceeds of which a portion thereof would be used to finance, in whole or in part, the acquisition of land and site development for and the design, redevelopment, construction, renovation, repair, improvement and equipping of public buildings including, but not limited to, the Veteran’s Plaza (the “Veteran’s Plaza”); and

WHEREAS, the project contingency fund has been depleted due to existing soil conditions. This required the removal of an unforeseen amount of soil, as well as the replacement of the existing fire protection waterline. The waterline would have been at an elevated risk for future failures due to the brittle nature of Asbestos Cement had it not been replaced with newer PVC material; and

WHEREAS, it is the intention of the Board of County Commissioners (the “Governing Body”) of Montgomery County, Tennessee (the “County”) to provide funds for the (i) completion of the Veterans Plaza improvements; and (ii) payment of legal, fiscal, administrative, architectural and engineering costs incident thereto (the “Project”); and

WHEREAS, it is the intention of the Governing Body to pay all or a portion of the costs of the Project by the sale of general obligation bonds (the “Bonds”) or other debt obligations of the County; and

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

WHEREAS, the Governing Body wishes to state its intentions with respect to reimbursements for said expenditures in accordance with the requirements of final regulations applicable thereto promulgated by the United States Department of the Treasury.

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

Section 1. It is reasonably expected that the County will reimburse itself for certain expenditures in an approximate amount of \$500,000 made by the County in connection with the Project. The County intends to reimburse all such expenditures through issuance of the Bonds or other debt obligations of the County. The expenditures made prior to the issuance of the Bonds or other debt obligations of the County are expected to be paid from the County's Debt Service Fund and reimbursement shall be made to said fund. Debt service on the Bonds or other debt obligations issued for the purposes herein is expected to be paid from unlimited ad valorem taxes to be levied on all taxable property within the County.

Section 2. The approximate principal amount of the Bonds, or other debt obligations of the County, are expected to be issued to finance the Project is \$500,000.

Section 3. This resolution shall be placed in the minutes of the Governing Body 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 for the Project, or a portion thereof, from the proceeds of the Bonds or other debt obligations of the County.

Section 5. This resolution constitutes a declaration of official intent under 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.

Duly passed and approved this 12th day of November, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk