

CALL TO ORDER

PUBLIC HEARING REGARDING ZONING

CZ-3-2007: Application of Kellie W. Tipton (Sharon T. Grimes, Agent) from R-1 to C-5.

CLOSE PUBLIC HEARING

RESOLUTIONS

- 07-3-1:** Resolution to Enact a 300-Foot from a Residential Dwelling Distance Rule for the Sale of Beer. **(Deferred from February)**
- 07-3-2:** Resolution to Enact an 800-Foot from a School, Church or Other Place of Public Gathering Distance Rule for the Sale of Beer. **(Deferred from February)**
- (Rev. Kim Allen; Pastor Scott Evans and Pastor Ted Denny wish to speak regarding this resolution – Requests for each attached)**
- 07-3-3:** Resolution Adopting Policies for a Drug-Free Workplace in Montgomery County Government.
- 07-3-4:** Resolution Authorizing the Montgomery County Highway Department to Enter into a Lease Agreement with Air-Gas Mid-America in the General Road Fund.
- 07-3-5:** Resolution Approving Amendment Four to Grant Z-05-020597-00 between the State Board of Probation and Parole and Montgomery/Robertson County Community Corrections.
- 07-3-6:** Resolution Ratifying Rod Streeter as Building Commissioner for the Building & Codes Department by the County Mayor.
- 07-3-7:** Resolution to Adopt a Code of Ethics for Officials and Employees of Montgomery County Government.

REPORTS

1. Carolyn Bowers – County Mayor Appointments

REPORTS FILED

1. Minutes from January 16, 2007 meeting. (To be approved at formal meeting).
2. February 2007 Permit Revenue and Adequate Facilities Tax Reports
3. Humane Society – 2006 Annual Report

CITIZENS TO ADDRESS THE COMMISSION

1. Freda & Donald O’Neal – Housing condition of inmates

ANNOUNCEMENTS

Representative Phillip Johnson has provided information from the Education Needs Index (ENI).

ADJOURN

**RESOLUTION AMENDING THE ZONE CLASSIFICATION
OF THE PROPERTY OF KELLIE W. TIPTON**

WHEREAS, an application for a zone change from R-1 Single Family Residential District to C-5 Highway and Arterial Commercial District has been submitted by Kellie W. Tipton and

WHEREAS, said property is identified as County Tax Map 044, parcel 017.01, containing 2.5 acres, situated in Civil District 13, located 665 feet +/- east of the intersection of Walnut Grove Road and Lafayette Road on the south side of Lafayette Road.; and

WHEREAS, said is property is described as follows:

Beginning at the iron pin in the south right-of way margin of Lafayette Road, said iron pin being 667.93 feet east of the center line of Walnut Grove Road as measured along said margin: thence with said margin north 75 degrees 43 minutes east 237.83 feet to an iron pin: thence south 1 degree 52 minutes 16 seconds east 502.86 feet to an iron pin; thence south 88 degrees 58 minutes 10 seconds west 225.40 feet to an iron pin: thence north 2 degrees 45 minutes 7 seconds west 448.49 feet to an iron pin, the point of beginning, and containing 2.5 acres +/- . (Tax Map 044. Parcel 017.01)

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 Commissioners meeting in regular session on this 12th day of March, 2007, that the zone classification of the property of Kellie W. Tipton from R-1 to C-5 is hereby approved.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

RESOLUTION TO ENACT A 300-FOOT FROM A RESIDENTIAL DWELLING DISTANCE RULE FOR THE SALE OF BEER

WHEREAS, Tennessee Code Annotated, Section 57-5-105, authorizes county legislative bodies to enact rules restricting the sale of beer within 300 feet of a residential dwelling, measured from building to building, provided, the owner of the residential dwelling appears, in person, before the beer board and objects to the issuance of the permit; and

WHEREAS, it is in the best interest of the county that the Montgomery County Board of Commissioners enact a 300 foot distance rule from residential dwellings for the sale of beer; and

WHEREAS, this rule does not apply to locations where a beer permit has been issued prior to the adoption of this rule, or to applications for a change in the permittee at such locations.

NOW, THEREFORE BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session on the 12th day of March, 2007, that there is hereby enacted a 300 foot rule from residential dwellings for the sale of beer in Montgomery County, provided, the owner of the residential dwelling appears, in person, before the county beer board and objects to the issuance of the permit.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION TO ENACT A 800-FOOT OF A SCHOOL, CHURCH
OR OTHER PLACE OF PUBLIC GATHERING DISTANCE
RULE FOR THE SALE OF BEER**

WHEREAS, Tennessee Code Annotated, Section 57-5-105, authorizes county legislative bodies to enact rules restricting the sale of beer within 2,000 feet of schools, churches or other places of public gathering; and

WHEREAS, the court systems of the State of Tennessee at all levels have interpreted Tennessee Code Annotated, Section 57-5-105, as authorizing county legislative bodies to enact distance rules with a radius of less than the 2000-foot rule.

WHEREAS, it is in the best interest of the county that the legislative body enact a 800-foot distance rule from schools, churches or other places of public gathering for the sale of beer.

WHEREAS, this rule does not apply to locations where a beer permit has been issued prior to the adoption of this rule, or to applications for a change in the permittee at such locations.

NOW, THEREFORE BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session on the 12th day of March, 2007, that there is hereby enacted a 800-foot rule from schools, churches or other places of public gathering for the sale of beer in Montgomery County. Provided however, this rule will not apply to places of business located in the terminal or main building at public airports serviced by commercial airlines with regularly scheduled flights.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS TO ADOPT A CODE OF ETHICS FOR
OFFICIALS AND EMPLOYEES OF MONTGOMERY COUNTY GOVERNMENT**

WHEREAS, Section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Sess.), (the “Ethics Reform Act”) requires county legislative bodies to adopt certain ethical standards by resolution on or before June 30, 2007; and

WHEREAS, the County Technical Assistance Service (CTAS) is directed to prepare and disseminate a model of ethical standards which may be adopted by counties in compliance with the Ethics Reform Act; and

WHEREAS, Montgomery County desires to adopt the CTAS model of ethical standards, as amended, as the Code of Ethics for Montgomery County.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Session on this 12th day of March, 2007, that:

SECTION 1. The model of ethical standards developed by CTAS, as amended, and attached to this resolution is hereby adopted as the Code of Ethics for Montgomery County.

SECTION 2. Upon approval of this resolution, the County Clerk is directed to:

- (a) Mail a copy of this resolution to the State Ethics Commission; and
- (b) Mail a copy of this resolution and the attached Code of Ethics to each county office governed thereby, including all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county; and
- (c) Post a copy of the Code of Ethics on each public bulletin board in the county courthouse.

SECTION 3. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION APPROVING AMENDMENT FOUR TO GRANT
Z-05-020597-00 BETWEEN THE STATE OF TENNESSEE
BOARD OF PROBATION AND PAROLE AND
MONTGOMERY/ROBERTSON COUNTY
COMMUNITY CORRECTIONS**

WHEREAS, the attached proposed grant amendment reflects the most recent revision to the 2006/2007 Budget 101-50230-00000-54-05156 of the Montgomery/Robertson County Community Corrections; and

WHEREAS, the proposed grant amendment sets out a revision in the Maximum Liability section of the annual liability of the State of Tennessee.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Board of County Commissioners assembled in regular session on the 12th day of March, 2007, approve the attached Amendment to Grant Z-05-020597-00 between the State of Tennessee Board of Probation and Parole and Montgomery/Robertson County Community Corrections.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION ADOPTING POLICIES FOR A DRUG-FREE
WORKPLACE IN MONTGOMERY COUNTY GOVERNMENT**

WHEREAS, Montgomery County Government desires to maintain a work place environment for all employees that is safe and free of illegal drugs and in compliance with the Drug-Free Workplace Act of 1988; and

WHEREAS, Montgomery County Government recognizes that drug dependency is an illness and that it is recognized as a major health problem; and further, that drug abuse is a potential health, safety, and security problem; and

WHEREAS, Montgomery County Government encourages any employee needing assistance as a result of dealing with drug dependency and/or drug abuse problems to contact the State of Tennessee Employee Assistance Program, a public or private regional treatment center, a personal physician, or one of the national drug assistance telephone numbers.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Board of Commissioners assembled in regular session on the 12th day of March, 2007, adopts the following policies to ensure a drug-free workplace, in keeping with the provisions of the Drug-Free Workplace Act of 1988:

1. Montgomery County Government explicitly prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance while on premises or while conducting business. (Controlled substances, as defined in the United States Code Annotated, Vol. 21, Sec., 812, include such drugs as opium, opium derivatives, hallucinogens, such as Marijuana, mescaline, pyote, LSD, psilocybin, cocaine, amphetamines, codeine, heroin, and morphine). The definition does not include lawfully prescribed drugs which are taken under a physicians care unless such prescription or prescriptions are being improperly used for an enhanced effect or are being used by someone other than the person for whom it was prescribed.
2. Any employee found to be in violation of the drug-free policy will be required to participate in a rehabilitation program and may be reprimanded, suspended or dismissed.
3. Employees must report any drug convictions resulting from violations occurring in the workplace or while conducting business. Employees must report such convictions to the Human Resources Department of Montgomery County Government within five (5) business days after the conviction. A conviction includes a finding of guilt, a plea of nolo contendere (no contest), or a sentence imposed by any state or federal judicial body. (This requirement is mandated by the Drug-Free Workplace Act of 1988).

4. Every employee will receive and sign a copy of the policy described above. By their signature, the employee acknowledges that as a condition of employment the employee will:
 - (a) abide by the terms of the policy; and
 - (b) notify Montgomery County of any criminal drug statute conviction for a violation occurring while in the office or while conducting Montgomery County Government business no later than five days after such a conviction.

5. Within thirty (30) days after receiving notice under item 4(b) above, Montgomery County will:
 - (a) proceed with the appropriate personnel action for the identified employee, commensurate to the violation, including dismissal, and/or
 - (b) require the employee to participate until satisfactorily released from a drug assistance or rehabilitation program that is approved or certified for such purposes by a Federal, State, or local health, law enforcement or other appropriate governing agency.

6. As required by the Drug-Free Workplace Act of 1988 under paragraph 13.1(d)(2), Montgomery County will notify the Economic Development Administration and the THDA within ten (10) days after receiving notice of such conviction from the employee or otherwise receiving annual notice of such conviction. Montgomery County Government, as the employer of a convicted employee must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has a designated a central point for the recipient of such notices. Notice shall include the identification number(s) of each affected grant.

7. Employees needing assistance in dealing with these problems are encouraged to contact the Montgomery County Employee Assistance Program, if available, one of the public or private regional treatment centers, their personal physician, or one of the national drug assistance telephone networks. Information on many of these will be available from the fiscal officer. Conscientious efforts to seek such help may not jeopardize any employee's job and the request for information related to seeking assistance will not be noted in their personnel record.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION AUTHORIZING THE MONTGOMERY COUNTY HIGHWAY
DEPARTMENT TO ENTER INTO A LEASE AGREEMENT WITH
AIR-GAS MID AMERICA IN THE GENERAL ROAD FUND**

WHEREAS, the Montgomery County Highway Department is currently renting thirty-one acetylene and oxygen cylinders for use in the Highway Department shop and service trucks; and

WHEREAS, the amount of the rentals for the acetylene and oxygen cylinders is approximately \$520.33 per month; and

WHEREAS, the Montgomery County Highway Department now has the opportunity to enter into a lease with Air-Gas Mid America, whereby the Highway Department would receive credit for returning nine cylinders to Air-Gas Mid America and in turn lease twenty-two cylinders at \$40.00 each or \$880.00 annually, resulting in a significant savings to the department; and

WHEREAS, Montgomery County Highway Department has sufficient funds included in the General Roads Budget to allow for the timely payments required with this lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session on this 12th day of March, 2007, that a lease agreement between the Montgomery County Highway Department and Air-Gas Mid America for the lease of twenty-two cylinders at \$40.00 each or \$880.00 annually is hereby approved.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION RATIFYING THE APPOINTMENT OF RODNEY C. STREETER
AS BUILDING COMMISSIONER FOR THE MONTGOMERY
COUNTY BUILDING AND CODES DEPARTMENT**

WHEREAS, Section 13-7-110, Tennessee Code Annotated, provides that the county mayor shall appoint, with the approval of the county legislative body, a county building commissioner who shall be responsible for performing the duties of County Building Commissioner in a proficient manner by providing for the enforcement of Montgomery County zoning regulations by means of the withholding of building permits, unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning regulations then in effect; and

WHEREAS, the County Mayor has elected to appoint Rodney C. Streeter as Montgomery County Building Commissioner, effective February 9, 2007, for the purposes of assuming the duties of the position of Montgomery County Building Commissioner; and

WHEREAS, Rodney C. Streeter possesses the educational credentials and unique certification required to perform these duties in this official position.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session on this 12th day of March, 2007, that the appointment of Rodney C. Streeter to the position of Montgomery County Building Commissioner is hereby approved.

Duly passed and approved this 12th day of March, 2007.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk