

CALL TO ORDER

PUBLIC HEARING REGARDING ZONING

CZ-1-2009: Application of Larry E. Grice from C-5 to R-1

CZ-2-2009: Application of William B. & Rita B. Hays, Jr. from AG to R-1

RESOLUTIONS

09-2-1: Resolution of the Montgomery County Board of Commissioners to Amend Animal Control Resolution 05-3-6 (Resolution to Adopt Animal Control Regulations) (**Pulled by Director of Animal Control, David Selby**)

09-2-2: Resolution of the Montgomery County Board of Commissioners to Transfer Reserve Fund Monies for the Animal Control Department

09-2-3: Resolution Authorizing the Application of TCA §67-5-223 Exemptions for Community and Performing Arts

REPORTS

1. Ginger Miles, Chairman, Nominating Committee
2. Carolyn Bowers, County Mayor Appointments

REPORTS FILED

1. Minutes from January 12, 2009
2. Court Safety Program: Adult Driver Improvement Program, Juvenile Court Defensive Driving Course and Alive at 25 Defensive Driving Course Revenue and Attendees for October - December, 2008.
3. Highway Department's Quarterly Report – (October, November & December 2008)

CITIZENS TO ADDRESS THE COMMISSION

ANNOUNCEMENTS

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
LARRY E. GRICE**

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

WHEREAS, said property is identified as County Tax Map 053, parcel 090.00, containing 3.0 acres, situated in Civil District 13, located 953 +/- west of the centerline intersection of Dover Road and Woodlawn Road on the south side of Woodlawn Road.; and

WHEREAS, said property is described as follows:

Beginning at a point in the south right-of-way of Woodlawn Road, said point being 966+/- feet west of Woodlawn Road and Highway 79 intersection, said point also being the northwest corner of the Russell Austin property; thence with the west line of Austin in a southerly direction, 415+/- feet to a point in the north line of the George McWhorter property; thence with the north line of McWhorter in a westerly direction, 364+/- feet to a point being the southeast corner of the Charles Bogard property; thence with the east line of Bogard in a northerly direction, 427+/- feet to a point in the south right-of-way of Woodlawn Road; thence with the south right-of-way of Woodlawn Road in an easterly direction, 278+/- feet to the point of beginning; containing 3.0+/- acres. (Tax Map 053, Parcel 090.00)

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 9th day of February, 2009, that the zone classification of the property of Larry E. Grice from C-5 to R-1 is hereby approved.

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

Sponsor



Commissioner

Approved

Attested: _____

County Clerk

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
WILLIAM B. & RITA B. HAYS, JR.**

WHEREAS, an application for a zone change from AG Agricultural District to R-1 Single Family Residential District has been submitted by William B. & Rita B. Hays, Jr. and

WHEREAS, said property is identified as County Tax Map 039, parcel 008.00, containing 95 acres, situated in Civil District 13, located West of the centerline intersection of Buck Road and Kirkwood Road, on the west and north side of Kirkwood Road.; and

WHEREAS, said property is described as follows:

“EXHIBIT A”

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 9th day of February, 2009, that the zone classification of the property of William B. & Rita B. Hays, Jr. from AG to R-1is hereby approved.

Duly passed and approved this 9th day of February, 2009

Sponsor David A. Higgins
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

"EXHIBIT A"

Tract 1

Beginning at a new iron pin in the west margin of Kirkwood Road, said iron pin being South 09 degrees 14 minutes 18 seconds West 2431.20 feet from the centerline intersection of Kirkwood Road and Buck Road; thence leaving said road with the Corbin property North 82 degrees 18 minutes 53 seconds West, 1659.62 feet to a new iron pin at a fence post; thence with the Hickory Wild LLC. Property and the Fust property North 08 degrees 33 minutes 21 seconds East 2289.67 feet to a new iron pin at fence post; thence with the Fust property South 81 degrees 52 minutes 22 seconds East, 940.46 feet to a new iron pin at a fence post; thence North 08 degrees 40 minutes 02 seconds East, 555.01 feet to anew iron pin; thence South 81 degrees 11 minutes 38 seconds East, 36.56 feet to a new iron pin in the west margin of Kirkwood Road; thence with Kirkwood Road on a curve to the left with a chord of South 60 degrees 40 minutes 25 seconds East, 101.69 feet and a radius of 151.00 feet and an arc length of 103.72 feet to a new iron pin; thence South 80 degrees 21 minutes 02 seconds East, 292.16 feet to a new iron pin; thence with a curve to the right with a chord of South 52 degrees 10 minutes 19 seconds East 198.33 feet and a radius of 210.00 feet and an arc length of 206.56 feet to a new iron pin; thence on another curve to the right with a chord of South 19 degrees 50 minutes 32 seconds East 213.52 feet and a radius of 1475.00 feet and an arc length of 213.70 feet to a new iron pin; thence on another curve to the right with a chord of South 03 degrees 25 minutes 51 seconds East, 148.65 feet and a radius of 350.00 feet and an arc length of 149.79 feet to a new iron pin; thence South 08 degrees 49 minutes 48 seconds West, 2354.51 feet to the point of beginning, containing 95.13 acres (Tax Map 039, Parcel 00.800)

Tract 2

Beginning at a point in the east right-of-way of Kirkwood Road, said point being 75+/- feet north of Buck Road and Kirkwood Road intersection, said point also being the southwest corner of the Thomas Pressler property; thence with the east right-of-way of Kirkwood Road the following three calls: North 14 degrees 03 minutes 42 seconds West, 27.28 feet; thence along a curve to the left having a radius of 1525.00 feet, an arc length of 220.95 feet, a chord length of 220.76 feet, chord bearing of North 19 degrees 50 minutes 32 seconds West, and a delta angle of 08 degrees 18 minutes 05 seconds to a point, thence continuing along a curve to the left having a radius of 260.00 feet, an arc length of 186.94 feet, a chord length of 182.94 feet, chord bearing of North 44 degrees 35 minutes 29 seconds West, and a delta angle of 41 degrees 11 minutes 48 seconds to a point in the south property line of the Helen Pressler property; thence with the south line of Pressler South 81 degrees 11 minutes 38 seconds East, 261.87 feet to a point being the northwest corner of the Thomas Pressler property; thence with the west line of Pressler South 08 degrees 33 minutes 20 seconds West, 327.95 feet to the point of beginning; containing 0.70 acres. (Tax Map 039, Parcel 00.800)

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS TO TRANSFER RESERVE FUND MONIES
FOR THE ANIMAL CONTROL DEPARTMENT**

WHEREAS, a monetary donation of One Hundred Thousand Dollars (\$100,000) was given anonymously to the Animal Control Department; and

WHEREAS, the Montgomery County Board of Commissioners approved in resolution 08-11-1 to place said funds in the department’s reserve fund, 101-55120-00000-55, object code 34461; and

WHEREAS, the Animal Control Department requests forty thousand dollars (\$40,000) of the reserve funds be transferred to the department’s operational funds for departmental operations and purchases; and

WHEREAS, the transferred funds be distributed in to the following object codes as listed below and described in the attached schedule;

101-55120-00000-55-54150 **\$16,000.00**

101-55120-00000-55-54340 **\$7,200.00**

101-55120-00000-55-54990 **\$16,800.00**

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 9th day of February, 2009, that forty thousand dollars (\$40,000) be transferred from Animal Control Department Reserve Fund and placed in the Animal Control Department operational budget and be available for the department’s use through procedures established by the 1957 Purchasing Act.

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

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

Explanation of Reserve Fund Usage for Animal Control;

101-55120-00000-55-54150 Electricity \$16,000.00

Monies to offset deficit in allocated budget due to not having sufficient time to budget for new facility costs.

101-55120-00000-55-54340 Natural Gas \$7,200.00

Monies to offset deficit in allocated budget due to not having sufficient time to budget for new facility costs.

101-55120-00000-55-54990 Other Supplies & Materials \$16,800.00

21 each Wall Mounted Absorber (WMA), kennel noise issue, \$5,613.25

45 each PVC Hanging Baffles, kennel noise issue, \$1,880.00

2 each Super Talon Animal Control Kit, net gun, \$3002.82

State law now requires on staff/on premise veterinarian in order to utilize chemical capture

Pending: (\$6,303.93)

Fencing for animal exercise area

Freezer replacement

Officer equipment replacement

Building security cameras

**RESOLUTION AUTHORIZING THE APPLICATION OF TCA 67-5-223 EXEMPTIONS
FOR COMMUNITY AND PERFORMING ARTS**

WHEREAS, the Tennessee State Legislative body passed Tennessee Code Annotated (TCA) § 67-5-223 allowing property tax exemptions for community nonprofit and performing arts organizations after meeting certain requirements; and

WHEREAS, the law requires the County Legislative Body to approve application of this law by two-thirds vote.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 9th day of February, 2008, that TCA §67-5-223, attached to this resolution as exhibit A, be approved by two-thirds vote.

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

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

C

West's Tennessee Code Annotated Currentness
Title 67. Taxes and Licenses (Refs & Annos)
Chapter 5. Property Taxes
Part 2. Exemptions

§ 67-5-223. Community and performing arts

(a) Subject to the application requirements of § 67-5-212, property owned by nonprofit community and performing arts organizations and used by them or other nonprofit community and performing arts organizations is eligible for property tax exemption as a charitable or educational use of property upon compliance with the provisions of this section. Real property owned by such organizations is eligible for exemption to the extent that it is used by nonprofit community and performing arts organizations for public museums, art galleries, performing arts auditoriums and theaters, and any uses necessary and incidental to the foregoing. Personal property owned by such organizations is eligible for exemption to the extent it is used by the organization to equip and operate real property pursuant to this subsection (a). Other personal property, regardless of its location, is eligible for exemption to the extent it is used for business or office operations of the organization or used in shows, exhibits or productions of the organization.

(b) The organization seeking exemption shall meet the following requirements:

(1) The property must be owned and used by a public benefit nonprofit organization established as either a nonprofit corporation or an unincorporated entity operating as an association, a trust or a foundation pursuant to written articles of governance;

(2) The organization must be operated and governed by a board of directors of not less than ten (10) members, all of whom are natural persons, and all powers and affairs of the organization shall be exercised under the authority of the board of directors;

(3) Not more than three (3) members of the organization or its board of directors may be employees of the organization;

(4) Other than as an employee, no member, officer or director shall be compensated for service as such;

(5) Other than for services as an employee, no member, director or officer of the organization, directly or indirectly, may sell or provide, for monetary remuneration, any goods or services to the organization. "Indirectly" means through a business organization of which the employee, member, director or officer of the organization or a spouse, child or parent owns more than a three percent (3%) interest in the business;

(6) No member, director or officer of the organization may lend money to the organization, if the loan is secured by the organization's property;

(7) Other than for services as an employee, no member, director or officer of the organization may profit from shows, exhibits or productions of the organization or have any monetary interest in shows, exhibits or productions of the organization;

(8) In the event the organization sells any of its property that has been exempt from taxation, it must notify the attorney general and reporter of its intent to sell the property at least twenty-one (21) but not more than sixty (60) days before the date of sale;

(9) The articles of governance of any unincorporated organization shall include the provisions set out in this subsection (b) or be specifically incorporated by reference;

(10) The articles of governance of the organization, whether incorporated or not, and all amendments thereto shall be filed with the assessor of property in the county in which the organization owns exempt property. This requirement shall not be construed to override any other existing law as to filing of organizational documents; and

(11) The organization shall annually supply the assessor of property with a report that includes a listing of activities and uses of the property, current statements of financial condition, and such further information as the assessor may require.

(c) This section shall apply only to those counties that approve applicability by two-thirds (2/3) vote of the county governing body, which may impose a requirement of periodic local review or renewal of exemption. The assessor of property shall maintain with the records for the property an estimate of the market value of the property as of the date of the last county-wide reappraisal.

CREDIT(S)

1998 Pub.Acts, c. 855, § 1, eff. May 1, 1998; 2000 Pub.Acts, c. 887, §§ 1, 2, eff. June 13, 2000; 2007 Pub.Acts, c. 66, § 1, eff. April 30, 2007.

Current through end of 2008 Reg. Sess.

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