

**CALL TO ORDER**

**PUBLIC HEARING REGARDING ZONING**

**CLOSE PUBLIC HEARING**

**CZ-18-2007:** Application of Sherry J. Wells (Danny R. Wells, Agent) from AG to C-2.

**CZO-3-2007:** Montgomery County, Tennessee Text Amendment – Relative to Floodplain Regulations.

**RESOLUTIONS**

**08-1-1:** Resolution of the Montgomery County Board of Commissioners Appropriating Funds for the Purchase of Land.

**08-1-2:** Resolution of the Montgomery County Board of Commissioners Establishing the Water Quality Buffer Regulations and the Illicit Discharge Detection and Elimination Regulations.

**08-1-3:** Resolution of the Montgomery County Board of Commissioners to Approve Land Exchange between Montgomery County and the United States of America.

**08-1-4:** Resolution of the Montgomery County Board of Commissioners Amending Montgomery County Personnel Policy Handbook (as Adopted November 1, 2007).

**08-1-5:** Resolution to Amend the Budgets of Various Funds, Departments, and Accounts for Second Quarter Fiscal Year 2007-2008.

**08-1-6:** Resolution to Appropriate Funds for Renovations to St. Bethlehem Little League Baseball Park.

**REPORTS**

1. Ruth Milliken, Chairman, Nominating Committee
2. Carolyn Bowers, County Mayor Nominations and Appointments

## **REPORTS FILED**

1. Minutes from December 10, 2007 meeting
2. Highway Department: **(All three lists need Commission's approval)**
  - a. County Road List from Oct. 1, 2007 thru Dec. 31, 2007
  - b. 2008 County Road List
  - c. County Road System List, January 1, 2008

## **CITIZENS TO ADDRESS THE COMMISSION**

1. Michael Harris and Doug Jackson – Big Brothers Big Sisters

## **ANNOUNCEMENTS**

## **ADJOURN**

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
SHERRY J. WELLS**

WHEREAS, an application for a zone change from AG Agricultural District to C-2 General Commercial District has been submitted by Sherry J. Wells and

WHEREAS, said property is identified as County Tax Map 134, parcel 012.01 (portion), containing 0.18 acres, situated in Civil District 13, located 640 feet +/- south of the intersection of Buck Smith Road & Budd Creek Road on the east side of Budds Creek Road; and

WHEREAS, said property is described as follows:

Beginning 820 feet +/- in a south direction from the intersection of Buck Smith Road and Budds Creek Road,  
Thence north 89 degrees 12 minutes 04 seconds 140 feet +/- to an iron pin,  
Thence south 0 degrees 47 minutes 56 seconds 95 feet +/- to a point,  
Thence south 65 feet +/- to a point,  
Thence east 70 feet +/- to a point,  
Thence south 75 feet +/- to a point,  
Thence west 0 degrees 47 minutes 56 seconds 25 feet +/- to the point of beginning.

Map 134 Parcel 012.01 Containing 0.18 acres

WHEREAS, the Planning Commission staff recommends DISAPPROVAL 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 14th day of January, 2008, that the zone classification of the property of Sherry J. Wells from AG to C-2 is hereby approved.

Duly passed and approved this 14th day of January, 2008.

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

County Mayor

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

**RESOLUTION AMENDING THE ZONING RESOLUTION OF  
MONTGOMERY COUNTY, TENNESSEE**

WHEREAS, an application for an amendment to text of the Montgomery County Zoning Resolution has been filed and

WHEREAS, said text amendment is described as follows:

SEE "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 Commissioners meeting in regular session on this 14th day of January, 2008, that the zone text amendment is hereby approved.

Duly passed and approved this 14th day of January, 2008.

Sponsor

*David A. Reagin*

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested: \_\_\_\_\_

County Clerk

## SECTION 17 – FLOODPLAIN REQUIREMENTS

### ARTICLE 1

#### STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

##### Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated, delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, Montgomery County, Tennessee, does resolve as follows:

##### Section B. Findings of Fact

1. Montgomery County **Board of County Commissioners** wishes to **maintain**/establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Montgomery County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

##### Section 17-1

(A) Purpose. It is the purpose of this Resolution to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including **County community** facilities, be protected against flood damage **at the time of initial construction**;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards **to other lands**.

(B) Application. This Article shall apply to all areas within the planning region of Montgomery County, Tennessee.

1. Basis for Establishing the Areas of Special Flood Hazard
2. The areas of special flood hazard identified on the Montgomery County, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - ~~Panel Numbers 470136-0190.~~
3. Effective Date: ~~March 18, 2008~~~~June 15, 1984~~ and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Resolution.
4. These areas shall be incorporated into the Montgomery County, Tennessee Regional Zoning Map.

(C) Objectives. The objectives of this Resolution are:

1. To protect human life, health **and property**;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding **and generally undertaken at the expense of the general public**;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas **in such a manner as to minimize damage in flood areas**;
7. To ensure that potential **home**buyers are notified that property is in a floodable area; and,
8. To establish/**maintain** eligibility for participation in the National Flood Insurance Program.

(D) Definitions. Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application **given its stated purpose and objectives.**

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical ~~and~~ heating equipment, **ductwork** shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing walls **is shall be considered** "new construction".

"Appeal" means a request for a review of the Building ~~Official's~~ **Commissioner and/or his designee** and/or County Highway Supervisor interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, **AR**, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade below ground level.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

"Building Permit" - Permit required under the Montgomery County, Tennessee, Building Code.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or **permanent** storage of equipment or materials.

"Development Permit" – Any written approval or decision by the local authority under its land development regulations that gives authorization to undertake some category of development, including, but not limited to a building permit, grading permit, subdivision plat, variance, appeal, **planned unit development** and site plan.

"Elevated Building" means a non-basement building:

(i) built to have the bottom of the lowest ~~horizontal structure member of the elevated~~ floor of the lowest enclosed area elevated above the ground level by means of pilings, fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, columns, posts and piers, or shear walls.

(ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood event. ~~In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.~~

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP) of this Resolution.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Resolution the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)

"Existing Structures" see "Existing Construction"

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator Building Commissioners and/or his designee and/or County Highway Supervisor of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A. where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.



"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. ~~The report contains evaluating flood hazards and containing~~ flood profiles and the water surface elevation of the base flood.

"Floodplain" - The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. Unless otherwise stated, the floodplain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-Related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-Related Erosion Area" or "Flood-Related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" ~~means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~ Means the portion of the stream channel and adjacent

floodplain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year flood discharge can be conveyed through the floodplain without materially increasing (less than one foot) the water surface elevation at any point and without producing hazardous velocities or conditions.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Grading Permit" - A permit issued to authorize excavation or fill to be performed under the provisions of the StormWater Management Resolution.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places **and determined as eligible by communities with historic preservation programs that have been certified either:**
  - i. By an approved state program as determined by the Secretary of the Interior, or
  - ii. Directly by the Secretary of the Interior ~~in states without approved programs.~~

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle", **unless such transportable structures are placed on a site for 180 consecutive days or longer.**

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Boundary and Floodway Map(FBFM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations (BFE) shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Resolution **or the effective date of the first floodplain management Resolution and** includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Resolution **or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.**

North American Vertical Datum (NAVD) – ~~A vertical control established in 1983 (1990 epoch) and used as a reference for establishing elevations associated with the County's GIS mapping,~~ as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-Year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projections;

3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include **initial** land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the **Building Official and/or his designee Administrator** to assist in the implementation of the National Flood Insurance Program in that state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any **repairs, reconstruction's, rehabilitation's, additions, alterations** or other improvement of a structure, **taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:**

1. **the appraised value of the structure prior to the start of the initial repair or improvement or;**

2. in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

For the purpose of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

~~market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".~~

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(E) Requirement for Development Permit. A development permit shall be required in conformity with The Official Code of Montgomery County, Tennessee, prior to the commencement of any development activity.

~~A development permit shall be required in conformity with this Article prior to the commencement of any development activity with the following exception: No development permit shall be required for any accessory structure, as defined in Section D, of a value less than five thousand dollars (\$5,000.00).~~

(F) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

(G) Abrogation and Greater Restrictions . This Resolution is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restriction. However, where this Resolution conflicts or overlaps with another **regulatory instrument**, whichever imposes the more stringent restrictions shall prevail.

(H) Interpretation. In the interpretation and application of this Resolution, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body, and;
- (c) deemed neither to limit nor repeal any other powers granted under state statutes.

(I) Warning and Disclaimer of Liability. The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Montgomery County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

(J) Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall ~~constitute a misdemeanor punishable as other misdemeanors~~ be punishable as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Montgomery County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

(K) Administration. Designation of Building Commissioner and/or his designee and/or County Highway Supervisor. The Building Commissioner ~~and/or his designee~~ and/or ~~County Highway Supervisor~~ are hereby appointed to administer and implement the provisions of this Resolution.

(L) Permit Procedures. Application for a development permit shall be made to the appropriate **County Agency** on forms furnished prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill **placement**, storage of materials or equipment, drainage facilities. Specifically, the following information is required to the appropriate agency:

- a. Application stage
  - i. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, **heating and cooling units and ductwork** of all buildings.
  - ii. Elevation in relation to mean-sea-level to which any non-residential building will be floodproofed, **or to the highest adjacent grade when applicable under this Resolution**.
  - iii. Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in **Subsection (L) where base flood elevation data is available**.

- iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - b. Construction Stage
- Within unnumbered A zones, where flood elevation data are not available, the Building Commissioner and/or his designee shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade.

~~USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.~~

~~Within all flood zones where base flood elevation data are utilized, the Building Commissioner shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Commissioner a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Commissioner shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.~~

For all new construction and substantial improvements, the permit holder shall provide to the Building Official and/or his designee and/or the County Highway Supervisor an as-built certificate of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Official and/or his designee and/or the County Highway Supervisor shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(M) Duties and Responsibilities of the Building Commissioner and/or County Highway Supervisor. Duties of the Building Commissioner and/or County Highway Supervisor shall include, but not be limited to:

1. Review of all development permits to assure that the **permit** requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal, state and or local permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits and or applications be provided and maintained on file with the appropriate development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. **For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.**
5. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor including basement, **heating and cooling units, and ductwork** of all new or substantially improved buildings, in accordance with **Subsection (L)**
6. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with **Subsection (L)**.
7. When floodproofing is utilized **for a structure**, the Building Commissioner **and/or his designee** shall obtain Certification of design criteria from a registered professional engineer or architect, in accordance with **Subsection (L)**.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the **Building Official and/or his designee and/or the County Highway Supervisor** shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in **Section F as provided in this Resolution**.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the **Building Official and/or his designee and/or County Highway Supervisor** shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Resolution. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building **Official and/or his designee and/or the County Highway Supervisor** shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section (D) of this Resolution). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in **Subsection (L)**.
10. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Building Commissioner and/or **County Highway Supervisor** and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.



~~10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.~~

(N) Provisions for flood hazard reduction. General Standards In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not extended.

(O) Specific Standards: These provisions shall apply to all areas of special flood hazard as provided herein: ~~In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Section B, 2., the following provisions are required:~~

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement **all heating and cooling units, and ductwork** elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section O,~~3~~.
2. **Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, heating and cooling units, and ductwork, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially**

**impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Commissioner as set forth in Section L, 2.**

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls. ~~New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.~~
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
    - i. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section O, of this Resolution.

(P) Standards for Manufactured Homes and Recreational Vehicles.

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - a. **When base flood elevations are available** the lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
  - b. **The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,**
  - c. Any ~~In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a~~ manufactured home has incurred “substantial damage” as the result of a

flood, any manufactured home placed or substantially improved must meet the standards of ~~Article 5, Section B, 4, b, I, and ii, above.~~ Subsection (P).

3. All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions, or
  - c. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of ~~Article 5 this section above if on the site for longer than 180 consecutive days, Section B, 4, a, or b, I, and ii, above.~~

(Q) In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of ~~Subsection (M).~~ ~~Article 4. Section C.8.~~ shall be utilized for all requirements relative to the base flood elevation or floodways.

(R) Standards for Areas of Special Flood Hazard Zones A1-30 and AE with Established Base Flood Elevation, but Without Floodways Designated. Located within the areas of special flood hazard established in ~~Article 3, Subsection B~~, where streams exist with base flood data provided but where no floodways have been ~~designated provided, (zones A1-30 and AE)~~ the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with ~~Article 5,~~ Subsection (O).

(S) Standards For Areas of Shallow Flooding (AO and AH Zones). Located within the areas of special flood hazard established in ~~Article 3,~~ Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement heating and cooling units, and ductwork, elevated to ~~the depth number~~ to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, heating and cooling units and ductwork, shall be elevated, at least ~~two (2)~~ three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Subsection (O) and "Elevated Buildings".
2. **All new construction and substantial improvements of nonresidential buildings shall may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with**

**structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, heating and cooling units, and ductwork, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards or practice such certification to the Building Official and/or his designee as set forth above and as required in Subsection (L).**

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Building Official and/or his designee shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(T) Standards For Areas Protected by Flood Protection System (A-99 Zones). Located within the areas of special flood hazard established in Article 3, Subsection (B). 2., are areas of the 100-year floodplain protected by a flood protection system ~~which is under construction~~ but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Subsection (K) and subsection (N) ~~Article 4, and Article 5, Section A, and H,~~ shall apply.

(U) Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated. Located within the areas of special flood hazard established in Subsection (B).2. ~~Article 3, Section B,~~ are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply: ~~where streams exist with base flood data and floodways provided, the following provisions apply:~~

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Subsection (N).

~~1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.~~

~~2. If Article 5, Section F, 1, above, is satisfied, new construction or substantial~~

~~improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article 5, Section B.~~

(V) Standards for Unmapped Streams. Located within Montgomery County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply: ~~planning region are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:~~

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, ~~along each side of the stream~~, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Subsection (K) through Subsection (M). ~~If a project is located in an unnumbered A zone, the applicant shall provide base flood elevation and floodway data documented in a Floodplain Report when the project is 50 or more lots or 5 or more acres. In addition, a Floodplain Report shall be required for areas when the stream has a tributary area of one square mile or greater.~~
3. ~~When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article 4, Section B, 2~~

(W) Standards for Subdivision Proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

(X) Conditions Attached to Permitted Approvals: Upon consideration of the flood hazards of a proposed development, structure, or use of land and its site, the agency required to review or make a final decision on building permits, special permits, subdivision approvals, site plan approvals, and amendments to this Section may recommend, if the reviewing authority, and may impose, if the final authority, conditions upon the granting of use permits and approvals to further the purposes of this Section, which conditions may include:

1. Requirements for waste collection and disposal facilities.
2. Requirements for water supply facilities.
3. Requirements for construction of dikes, levees, and other protective measures.

4. Flood proofing measures required for flood protection of nonresidential structures taking into consideration the elevation of a site compared to the flood base elevation and the elevation of adjacent sites, and the flood velocities, duration, rates of rise, hydrostatic and hydrodynamic forces, and any other relevant flood conditions on the site.
5. The flood proofing measures which may be required may include, without limitation:
  - a. Installation of watertight doors, bulkheads, shutters, or similar methods of construction.
  - b. Reinforcement of walls to resist water pressures.
  - c. Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - d. Addition of mass or weight to structures to resist flotation.
  - e. Installation of pumps to lower water levels in structures.
6. Installation of pumping facilities or comparable practices for subsurface drainage systems for structures to relieve external foundation wall and basement floor pressures.
7. Construction to resist rupture or collapse caused by water pressure or floating debris.
8. Installation of valves or controls on sanitary and storm drain which will permit the drains to be closed to prevent backup of sewage and storm waters into structures.
9. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding.

(Y) Variance Procedures. The provisions of this section shall apply exclusively to areas of special flood hazard within the Montgomery County Planning Region.

#### Board of Zoning Appeals

1. Creation and Appointment. The Montgomery County Regional Board of Zoning Appeals and/or the Storm Water Board of Appeals shall consist of three (3)/five (5) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Appeals shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer. ~~hear and decide appeals and requests for variances from the requirements of this Article depending on the type of appeal requested.~~
2. Procedure. Meetings of the Board of Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Appeals shall be set by the Legislative Body.
3. Appeals: How taken. An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Building Official and/or his designee based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee ?????? dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Building Official and/or his designee shall transmit to the Board of Appeals all papers constituting the record upon which the appeal action was taken. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than ??????? days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers. The Board of Appeals shall have the following powers:
- a. Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Official and/or his designee or other administrative official in the carrying out or enforcement of any provisions of this Resolution.
  - b. Variance Procedures. In the case of a request for a variance the following shall apply:
    - (1) The Montgomery County Storm Water Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
    - (2.) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
    - (3.) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
      - i. The danger that materials may be swept onto other property to the injury of others;
      - ii. The danger to life and property due to flooding or erosion;
      - iii. The susceptibility of the proposed facility and its contents to flood damage;
      - vi. The importance of the services provided by the proposed facility to the County community;
      - v. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
      - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
      - vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
      - viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
      - ix. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
      - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
    - (4.) Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Resoultion.
    - (5.) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(Z) Conditions for Variances.

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a

- determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon:
    - a. a showing of good and sufficient cause,
    - b. a determination that failure to grant the variance would result in exceptional hardship; and
    - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
  3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
  4. The Building **Official and/or his designee** shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (AA). Legal Status Provisions. Conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Montgomery County, Tennessee, the most restrictive shall in all cases apply.
- (BB). Validy. If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.



**RESOLUTION OF THE MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS APPROPRIATING  
FUNDS FOR THE PURCHASE OF LAND**

**WHEREAS**, growth data projections from the Regional Planning Commission indicate the need for a new elementary, middle and high school to be located between CMCSS zoning regions 1 and 2, and;

**WHEREAS**, growth data projections also indicate the need for a new elementary school to be located in CMCSS zoning region 4 , and;

**WHEREAS**, the Joint Land Acquisition Committee, having studied the current real estate market and historical property value trends, recommends purchasing land now in order to lessen the tax burden on future generations when these campuses are developed, and;

**WHEREAS**, the sellers of said land, Laurence G. Teeter (152.08 acres @ \$15,000/acre) located between zoning regions 1 and 2 and William Thompson Peck III, Kimberly Peck Abraham, Patricia Peck Bellar, Cheryl Peck Bagwell, and Melody Peck Noah (35 acres @ \$15,000/acre) located in zoning region 4 have agreed to a purchase price of \$2,281,200 and \$525,000 respectively, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of County Commissioners assembled in Regular Session on this 14th day of January, 2008 that the sum of \$2,806,200 be and the same is hereby appropriated to the School Capital Project Fund for the purchase of property from Laurence Teeter, William Peck III, Kimberly Abraham, Patricia Bellar, Cheryl Bagwell, and Melody Noah.

**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 14th day of January, 2008.

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_  
County Mayor

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

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS ESTABLISHING THE WATER QUALITY BUFFER REGULATIONS AND THE ILLICIT DISCHARGE DETECTION AND ELIMINATION REGULATIONS**

**WHEREAS**, on July 3, 2003, Tennessee Department of Environment & Conservation accepted Montgomery County’s Notice of Intent and issued a Notice of Coverage for Montgomery County under the State of Tennessee's National Pollutant Discharge Elimination System General Storm Water Discharge Permit for Small Municipal Separate Storm Sewer Systems; and

**WHEREAS**, the state National Pollutant Discharge Elimination System Phase II permit, dated February 26, 2003 and applicable to Montgomery County, states as one of its requirements that Montgomery County, Tennessee shall develop and implement a set of requirements to establish, protect and maintain water quality buffers in areas of new development and redevelopment; and

**WHEREAS**, the state National Pollutant Discharge Elimination System Phase II permit, dated February 26, 2003 and applicable to Montgomery County, states as one of its requirements that Montgomery County, Tennessee shall develop and implement a set of requirements to establish and implement a program to detect and eliminate illicit discharges to the Montgomery County Municipal Separate Storm Sewer System and to the waters of Montgomery County and the State of Tennessee.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14th day of January, 2008, that the included Water Quality Buffer Regulations shall take effect and be enforced as specified in section 8 of the Water Quality Buffer Regulations, and the Illicit Discharge Detection and Elimination Regulations shall take effect and be enforced as specified in section 7 of the Illicit Discharge Detection and Elimination Regulations, the public welfare requiring it.

**Duly passed and approved this 14<sup>th</sup> day of January, 2008.**

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Clerk

**Proposed**

**Water Quality Buffer**

**And**

**Illicit Discharge Detection and Elimination Program  
(With Included Community Outreach and Education Section)**

## Water Quality Buffers

- (1.) Applicability: Water quality buffer requirements apply to all new land development or re-development containing streams or other water bodies such as ponds, lakes and wetlands, and subject to regulation under the Montgomery County Storm Water Management and Control Regulation. Water quality buffers are required along streams, ponds and other water bodies. Water quality buffers must be established, maintained and protected. Buffers shall remain undisturbed for the length of the water feature. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established by the State and Federal Governments.
- (2.) Water buffers provide the following benefits:
  - (2.1) Storm Water Quality: Buffers provide storm water quality treatment. They reduce total suspended solids and nutrients in storm water runoff. Deep-rooted vegetation intercepts and utilizes nutrients in shallow groundwater flow.
  - (2.2) Habitat: Buffers provide wildlife habitat along water bodies, and contributes the organic matter (e.g., leaf litter, woody debris) that is a source of food and energy for the aquatic ecosystem
  - (2.3) Stream Protection: Deep-rooted vegetation in water quality buffers aid in stream bank stabilization, increased water quality, and reduced storm runoff velocities.
  - (2.4) Temperature: Water quality buffers including trees and other tall vegetation provide shade to the water body. Removing this cover increases the temperature of the water body, which can threaten fish species that require lower water temperatures. Increased temperatures also increase the possibility of algal blooms that increase eutrophication
  - (2.5) Flooding: Water Quality Buffers reduce flooding potential by temporarily storing excess storm water.
  - (2.6) Value: Water quality buffers provide scenic value and recreational opportunity.
- (3.) Buffer Widths and Zones: Buffer widths have been established separately for streams and other water bodies. Zones and/or buffer compositions differ for streams and other water bodies. Buffer zone requirements only apply to new development areas or new re-development areas.
  - (3.1) Rivers, Streams and Brooks: New land disturbing activities along or near streams shall establish, protect, and maintain perpetually a 60 foot water quality buffers adjacent to, and on each side of rivers, streams and brooks. The buffer shall be measured horizontally from the top of bank. Top of bank shall mean the highest elevation of land which confines water flowing in a stream to the channel.

(3.2) Stream buffers shall have two zones as follows:

(3.2.1) Zone 1 will begin at the top of bank and extend horizontally and perpendicular to the stream for 30 feet. It will consist of trees and deep-rooted vegetation and shall remain undisturbed except for uses provided in Section 6.

(3.2.2) Zone 2 will begin at the outer edge of Zone 1 and extend landward 30 feet, making the combined width of the zones 60 feet. It will minimally consist of a dense grass buffer, with the grass maintained between 2 to 6 inches in height. Grading and revegetating in Zone 2 is allowed provided that the health of Zone 1 is not compromised. Other allowable activities and uses are listed under paragraph (5.), Allowable Activities within a Water Quality Buffer.

(3.3) Ponds, Lakes, Other Water Bodies: All land development or re-development activity subject to this ordinance shall establish and maintain a 30 foot grass buffer along all ponds, lakes, and other water bodies. Where manmade ponds interrupt streams, Zone 1 of the stream buffer can stop at the pond and resume at the point of outflow of the pond into the stream.

(3.3.1) Ponds that do not discharge into streams, brooks, rivers, sinkholes, wells, wetlands, watersheds, or into bodies of water which do discharge into the natural watershed, or onto another property owner's lands are not required to maintain a water quality buffer zone. The pond owner is responsible for property damages resulting from the failure of pond water containment measures, or if water that is released as a result of that failure results in pollutant discharge to the environment exceeding the limits outlined under the terms of the NPDES act, TDEC regulations, or the Montgomery County Storm Water Resolution.

(3.4) Wetlands: All land development or re-development activity subject to this ordinance shall establish and maintain 50 foot wide undisturbed water quality buffer adjacent to all wetlands. The buffer width shall be measured around the outer edge of the identified wetland. Native vegetation shall be undisturbed in this buffer. For those wetlands where the designation or extent of the wetland is in dispute, Montgomery County will rely on wetland designation by the Corps of Engineers (COE) or TDEC.

(3.5) Sinkholes: All land development or re-development activity subject to this ordinance shall establish and maintain a 60 foot wide undisturbed water quality buffer adjacent to all sinkholes. The buffer width shall be measured around the outer edge of the identified sinkhole. No structures are to be build within this buffer zone.

- (3.6) Class 5 Injection Wells (Improved Sinkholes): All land development or re-development activity subject to this ordinance shall establish and maintain a 60 foot wide undisturbed water quality buffer adjacent to all Class 5 Injection Wells. The buffer width shall be measured around the outer edge of the structure. No structures are to be build within this buffer zone.
- (4.) Protection of Water Quality Buffers: During construction, water quality buffers around streams, wetlands, ponds, and other water bodies must be protected from disturbance and from sediment-laden runoff from the site. Prior to beginning land-disturbing activities at a site, water quality buffers must be identified and flagged in the field for protection. Temporary fencing or other suitable alternative must be placed at the outer edge of the buffer to prevent inadvertent disturbance. The method of buffer protection must be detailed in the Storm Water Quality plan and the Grading Drainage and Erosion Control plan. Water quality buffers cannot act as vegetated filters for sediment control.
- (5.) Allowable Activities within a Water Quality Buffer: Montgomery County considers the activities listed in Table 1: Allowable Water Quality Buffer Impacts as allowable buffer activities. All other activities that impact the buffer shall proceed through a variance process.
- (6.) Specifically Forbidden Activities within a Water Quality Buffer: In order for the water quality buffer zone to function properly, it is necessary for certain activities to be limited within the buffer. The following activities are specifically limited within buffers without prior permission from the Montgomery County Building Commissioner or a qualified designee.
- (6.1) Filling or dumping
  - (6.2) Using, storing, or applying pesticides, herbicides and fertilizers
  - (6.3) Removal of vegetation in Zone 1 water quality buffers
  - (6.4) Camp fires, burning of plant waste or trash
- (7.) Buffer Ownership and Maintenance: For private properties and subdivisions, buffers shall be located inside of individual lots or located within easements in common areas. Maintenance of the buffer shall remain with the property owner or with a homeowner's association. In the event of the homeowner's association dissolution, responsibility for Water Quality Buffer maintenance reverts to the property owner. Maintenance responsibilities shall be clearly indicated on plans submitted to the Building and Codes Department.
- (7.1) Maintenance shall be limited to removing dead or diseased plant material, repairing erosion problems internal to the buffer, clean up after a storm, or removal of invasive plants. Woody vegetation shall be removed by hand. Vegetative root

systems shall be left intact to maintain the integrity of soil. Stumps shall remain where trees are cut.

(7.2) It is permissible to remove individual trees from water quality zones if there is danger of the tree falling and causing damage to dwellings or other structures, or which would result in significant blockage of stream flow, with prior permission from the Montgomery County Building Commissioner or a qualified designee. The root wad or stump should be left in place to maintain soil stability.

**Table 1: Allowable Water Quality Buffer Impacts**

Allowable Activities	Stream Buffers	Wetland Buffers	Pond Buffers
Greenway and Trails	Zone 1: Hardened surfaces not allowed.	Allowable, width not to exceed 5 feet	Allowable, width not to exceed 5 feet
	Zone 2: Hardened surfaces allowable, width not to exceed 5 feet.		
Wildlife and Fisheries Management	Wildlife and Fishing as approved by TDEC, TWRA, and/or U.S. Fish and Wildlife		
Water Dependant Structures (Boat Docks, Piers, Marinas)	Allowable pending Tennessee Department of Environment, Tennessee Wildlife Resources Agency, and/or US Corps of Engineers permit and licensing requirements. Builder must minimize environment disturbance and stabilize disturbed areas as soon as possible		
Driveway Crossings	Less than 3000 square feet of buffer impact is allowable (based on 30 foot wide disturbance) perpendicular to the stream.	Not Allowable	Allowable
Road Crossings	2 crossings per 1000 linear feet of stream are allowable. Crossings shall be perpendicular to the stream	Not Allowable	Allowable
Underground Utility Lines	Zone 1: Not allowable Zone 2: Allowable	Not Allowable	Allowable
	Stream crossings shall be perpendicular to the stream flow and shall impact no more than 30 feet width perpendicular to the flow.		
Overhead Utility Lines	Allowable: Stream crossings shall be perpendicular to the stream flow and shall impact no more than 30 feet width perpendicular to the flow.	Allowable	Allowable

(8.) Implementation: If passed, these Water Quality Buffer regulations will take effect at midnight on 02/29/08. All developments or re-developments that have had the Grading, Drainage and Erosion Control plans approved before this date and time are exempt from these regulations. All developments or re-developments that have Grading, Drainage and Erosion Control plans approved after this date and time must follow these regulations.

### **Illicit Discharge Detection and Elimination Program (With Included Community Outreach and Education Section)**

(1.) All non-storm water discharges into Montgomery County waters, into the waters of the state of Tennessee, or into the Montgomery County Municipal Separate Storm Sewer System are prohibited and are declared to be unlawful except as noted in paragraph (3.) Allowable Discharges.

(2.) Definitions

(2.1) **Montgomery County Municipal Separate Storm Sewer System:** means a conveyance, or system of conveyances designed or used for collecting or conveying storm water. Sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

(2.2) **Montgomery County Waters:** means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetland, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Montgomery County, Tennessee.

(2.3) **Waters of the State of Tennessee (also, Waters of the State):** means any water, surface or underground, lying within or forming a part of the boundaries of Montgomery County, over which the Tennessee Department of Environment and Conservation exercises primary control with respect to storm water permits.

(3.) **Allowable Discharges:** Unless identified by the Montgomery County Building Commissioner or Qualified Designee as a source of pollution, the following non-storm water discharges into public or private storm water drainage systems are permitted:

- (3.1) Water line flushing
- (3.2) Landscape irrigation
- (3.3) Diverted stream flows permitted by the State of Tennessee
- (3.4) Rising ground waters
- (3.5) Uncontaminated ground water infiltration as defined at 40 CFR 35.2005(20)
- (3.6) Uncontaminated pumped ground water
- (3.7) Discharges from potable water sources
- (3.8) Foundation drains
- (3.9) Irrigation water
- (3.10) Springs



- (3.11) Water from crawl space pumps
- (3.12) Footing drains
- (3.13) Lawn watering
- (3.14) Individual residential car washing
- (3.15) Approved non-profit organization car washing for charitable purposes
- (3.16) Flows from riparian habitats and wetlands
- (3.17) Dechlorinated swimming pool discharges
- (3.18) Street wash waters resulting from normal street cleaning operations
- (3.19) Discharges or flows from emergency fire fighting activities
- (3.20) Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee
- (3.21) Other discharges as determined by the Montgomery County Building Commissioner or Qualified Designee and/or documented in the **Tennessee Erosion and Sediment Control Handbook** or its appendices

(4.) It shall be illegal for any person, business, or organization to intentionally dump liquids or solids that are considered priority pollutants by the EPA onto the ground, parking lots, vehicle storage and maintenance lots, vehicle wash areas, or any other uncontained area where there is a potential for exposure to rain or storm water runoff and potential for the pollutant to reach public or private storm water drainage systems (including the Montgomery County Municipal Separate Storm Sewer System), Montgomery County waters, or waters of the state of Tennessee.

(5.) As permitted by state law TCA 68-221-1106, violation of this section shall subject the violator to a civil penalty of not less than fifty dollars nor more than five thousand dollars per day for each day of violation. Each day of violation may constitute a separate violation.

(6.) The County Building Commissioner or Qualified Designee shall have authority to limit non-storm water discharges by implementing appropriate regulations, policies and procedures. Such regulations, policy and procedures may include, but are not limited to, provisions for:

- (6.1) Determination of points of origin of known or suspected non-permitted discharges;
- (6.2) Implementation of a mapping program to accurately locate and map storm water control structures, including all outflows to Montgomery County waters or waters of the state
- (6.3) Implementation of education programs and discharge reduction programs for Montgomery County employees and departments designed to minimize polluting discharges
- (6.4) Implementation of a community education and outreach program to inform the public of the Storm Water regulations, of procedures to report illicit discharges, and to understand their rights and duties under the Storm Water Resolution
- (6.5) Implementation of community programs to allow individual and organizations to engage in programs to promote public awareness of illicit discharge, to rehabilitate riparian areas to natural condition, and to keep riparian areas free of trash and debris

(7.) Implementation: If passed, these Illicit Discharge Detection and Elimination Program (With Included Community Outreach and Education Section) regulations will take effect at midnight on 02/29/08.

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS TO APPROVE LAND CONVEYANCE FROM MONTGOMERY COUNTY TO THE UNITED STATES OF AMERICA**

**WHEREAS**, pursuant to Public Law 108-375, Section 2842, the United States Congress authorized an exchange of real property for the purpose of permitting Bi-County Solid Waste Management System (“Bi-County”) to expand its landfill facility; and

**WHEREAS**, the United States of America is the current fee simple owner of certain real estate more particularly described in Exhibit “A” attached hereto and incorporated by reference; and

**WHEREAS**, Montgomery County is the current fee simple owner of certain real estate more particularly described in Exhibit “B” attached hereto and incorporated by reference, acquired on behalf of Bi-County as partial fulfillment of the terms set out in Public Law 108-375.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14th day of January, 2008, that the real estate conveyance from Montgomery County to the United States of America is hereby approved and that County Mayor Carolyn Bowers is hereby authorized and empowered to sign all necessary documents to consummate said transaction.

**Duly passed and approved this 14<sup>th</sup> day of January, 2008.**

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Clerk

EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

**Exhibit A**

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

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LAND DESCRIPTION

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Situate in the State of Tennessee, County of Montgomery, about 2 miles northeast of Oakwood, and as shown on a plat prepared by David B. Smith Engineering, Inc. (Job No. SH90550), and being more particularly described as follows:

Commencing at the intersection of the centerline of U.S. Highway 79 (Dover Road) and the centerline of Woodlawn Market Road; thence

North 02 degrees 48 minutes 13 seconds East 714.8 feet to the Point of Beginning being an iron pin having a coordinate value N 807,478.238, E 1,518,425.616, also being the northeast corner of lands now or formerly owned by Montgomery County (ORV. 413, Page 2424); thence with the north boundary of said Montgomery County lands

North 89 degrees 40 minutes 09 seconds West 6,260.31 feet, passing an iron pin at 29.65 feet, to an iron pin having a coordinate value N 807,514.379, E 1,512,165.414, being the northwest corner of said Montgomery County lands; thence with the west boundary of said Montgomery County lands

South 00 degrees 20 minutes 47 seconds West 2,025.31 feet to an iron pin having coordinate value N 805,489.107, E 1,512,153.166, being the north proposed right-of-way line of said U.S. Highway 79; thence with said north right-of-way line the following four (4) courses:

South 76 degrees 56 minutes 03 seconds West 419.61 feet

North 01 degrees 57 minutes 32 seconds West 62.72 feet

South 69 degrees 45 minutes 22 seconds West 329.89 feet

North 81 degrees 41 minutes 50 seconds West 87.76 feet to a point in the centerline of an unnamed creek; thence severing the lands of the United States of America (Fort Campbell Military Reservation), with the meanders of the centerline of said creek the following seventy-eight (78) courses:

North 26 degrees 06 minutes 02 seconds West 37.75 feet

North 75 degrees 13 minutes 09 seconds East 19.32 feet

North 00 degrees 19 minutes 42 seconds East 299.25 feet

North 09 degrees 33 minutes 56 seconds West 194.93 feet

North 18 degrees 18 minutes 22 seconds West 276.04 feet

North 08 degrees 59 minutes 28 seconds East 128.48 feet

EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

LAND DESCRIPTION (cont'd)

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North 02 degrees 01 minutes 49 seconds East 284.22 feet  
North 14 degrees 46 minutes 07 seconds East 299.84 feet  
North 04 degrees 46 minutes 54 seconds West 139.85 feet  
North 48 degrees 45 minutes 35 seconds West 51.23 feet  
North 02 degrees 52 minutes 01 seconds West 265.70 feet  
North 10 degrees 04 minutes 50 seconds West 153.84 feet  
North 29 degrees 22 minutes 42 seconds West 65.88 feet  
North 32 degrees 40 minutes 47 seconds West 253.53 feet  
North 10 degrees 58 minutes 50 seconds East 60.39 feet  
North 36 degrees 54 minutes 49 seconds East 243.31 feet  
North 14 degrees 29 minutes 06 seconds East 80.42 feet  
South 50 degrees 11 minutes 59 seconds East 168.26 feet  
North 68 degrees 32 minutes 18 seconds East 229.52 feet  
North 49 degrees 54 minutes 59 seconds East 137.81 feet  
North 84 degrees 58 minutes 30 seconds East 298.48 feet  
North 56 degrees 26 minutes 00 seconds East 237.52 feet  
North 66 degrees 16 minutes 10 seconds East 357.25 feet  
North 02 degrees 19 minutes 08 seconds East 295.95 feet  
North 06 degrees 54 minutes 59 seconds East 139.42 feet  
North 42 degrees 44 minutes 35 seconds East 171.16 feet  
North 73 degrees 14 minutes 51 seconds East 186.01 feet  
South 79 degrees 56 minutes 46 seconds East 162.97 feet  
North 35 degrees 38 minutes 40 seconds East 101.26 feet  
North 18 degrees 05 minutes 52 seconds West 65.23 feet

EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

LAND DESCRIPTION (cont'd)

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North 20 degrees 54 minutes 47 seconds East 76.27 feet  
North 38 degrees 42 minutes 12 seconds East 272.78 feet  
North 57 degrees 32 minutes 21 seconds East 112.98 feet  
North 89 degrees 28 minutes 10 seconds East 187.76 feet  
North 66 degrees 16 minutes 54 seconds East 84.57 feet  
North 66 degrees 54 minutes 16 seconds East 139.89 feet  
North 67 degrees 19 minutes 42 seconds East 111.63 feet  
North 82 degrees 20 minutes 18 seconds East 226.08 feet  
South 49 degrees 08 minutes 10 seconds East 162.79 feet  
South 80 degrees 21 minutes 28 seconds East 104.96 feet  
South 67 degrees 51 minutes 32 seconds East 119.27 feet  
South 33 degrees 16 minutes 38 seconds West 31.61 feet  
South 87 degrees 01 minutes 00 seconds East 138.64 feet  
North 49 degrees 47 minutes 55 seconds West 54.11 feet  
North 52 degrees 44 minutes 08 seconds East 71.94 feet  
North 88 degrees 22 minutes 06 seconds East 61.13 feet  
North 85 degrees 57 minutes 22 seconds East 127.25 feet  
North 49 degrees 20 minutes 32 seconds East 248.54 feet  
North 78 degrees 54 minutes 41 seconds East 316.76 feet  
South 75 degrees 03 minutes 29 seconds East 147.08 feet  
South 58 degrees 25 minutes 36 seconds East 266.40 feet  
North 67 degrees 00 minutes 47 seconds East 249.64 feet  
South 84 degrees 52 minutes 44 seconds East 191.63 feet  
North 70 degrees 55 minutes 42 seconds East 169.46 feet

EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

LAND DESCRIPTION (cont'd)

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North 46 degrees 12 minutes 08 seconds East 175.19 feet  
North 86 degrees 19 minutes 36 seconds East 276.53 feet  
South 51 degrees 53 minutes 32 seconds East 76.37 feet  
North 88 degrees 04 minutes 05 seconds East 94.69 feet  
North 77 degrees 06 minutes 43 seconds East 130.53 feet  
North 37 degrees 27 minutes 10 seconds East 63.14 feet  
North 62 degrees 19 minutes 00 seconds East 267.51 feet  
South 86 degrees 48 minutes 36 seconds East 315.23 feet  
South 69 degrees 28 minutes 24 seconds East 87.55 feet  
South 30 degrees 40 minutes 01 seconds East 54.28 feet  
South 27 degrees 25 minutes 41 seconds East 112.27 feet  
South 61 degrees 11 minutes 04 seconds East 54.17 feet  
North 82 degrees 04 minutes 27 seconds East 149.27 feet  
North 25 degrees 53 minutes 44 seconds East 110.57 feet  
South 81 degrees 34 minutes 29 seconds East 63.02 feet  
South 49 degrees 25 minutes 09 seconds East 122.04 feet  
South 78 degrees 55 minutes 57 seconds East 209.80 feet  
North 72 degrees 14 minutes 47 seconds East 180.56 feet  
South 75 degrees 18 minutes 17 seconds East 78.52 feet  
South 47 degrees 55 minutes 40 seconds East 149.79 feet  
South 11 degrees 40 minutes 21 seconds East 111.05 feet  
South 37 degrees 52 minutes 20 seconds East 44.77 feet  
South 43 degrees 37 minutes 02 seconds East 159.57 feet

EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

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LAND DESCRIPTION (cont'd)

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South 33 degrees 34 minutes 12 seconds East 161.44 feet to a point on the west side of said Woodlawn Market Road, having coordinate value N 809,322.610, E 1,518,822.401; thence with said right-of-way line the following four (4) courses:

South 31 degrees 30 minutes 41 seconds West 350.21 feet; thence with a curve to the left having a radius of 809.94 feet and a chord bearing South 18 degrees 05 minutes 23 seconds West a distance of 376.00 feet

Southwesterly 379.46 feet

South 04 degrees 48 minutes 37 seconds West 765.76 feet

South 04 degrees 24 minutes 25 seconds West 426.59 feet to the Point of Beginning, containing 358.55 acres, more or less.

01 September 2005, JEM



EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

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LAND DESCRIPTION (cont'd)

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The above-described lands were acquired in fee by the United States of America as follows:

10M-8: By Declaration of Taking in condemnation proceedings entitled United States of America v. 62,225.10 acres of land, more or less, situate in Montgomery and Stewart Counties, Tennessee, H.C. Beazley, et al, Civil Action No. 285 in the United States District Court for the Middle District of Tennessee, Nashville Division, judgment made 11 July 1942.

10M-10B: By Declaration of Taking in condemnation proceedings entitled United States of America v. 62,225.10 acres of land, more or less, situate in Montgomery and Stewart Counties, Tennessee, H.C. Beazley, et al, Civil Action No. 285 in the United States District Court for the Middle District of Tennessee, Nashville Division, judgment made 30 June 1942.

10M-11: By Declaration of Taking in condemnation proceedings entitled United States of America v. 62,225.10 acres of land, more or less, situate in Montgomery and Stewart Counties, Tennessee, H.C. Beazley, et al, Civil Action No. 285 in the United States District Court for the Middle District of Tennessee, Nashville Division, judgment made 12 May 1944.

10M-12: By Declaration of Taking in condemnation proceedings entitled United States of America v. 62,225.10 acres of land, more or less, situate in Montgomery and Stewart Counties, Tennessee, H.C. Beazley, et al, Civil Action No. 285 in the United States District Court for the Middle District of Tennessee, Nashville Division, judgment made 12 May 1944.

10M-15: By deed from H.E. Norfleet, dated and recorded 05 June 1942, recorded in Deed Book 89, Page 175 in the records of Montgomery County, Clarksville, Tennessee.

10M-16: By Declaration of Taking in condemnation proceedings entitled United States of America v. 62,225.10 acres of land, more or less, situate in Montgomery and Stewart Counties, Tennessee, H.C. Beazley, et al, Civil Action No. 285 in the United States District Court for the Middle District of Tennessee, Nashville Division, judgment made 14 May 1942.

10M-17: By deed from Charles B. Hildreth, dated and recorded 18 March 1942, recorded in Deed Book 89, Page 19 in the records of Montgomery County, Clarksville, Tennessee.

10M-19: By deed from D.S. Caudle, dated and recorded 17 March 1942, recorded in Deed Book 89, Page 12 in the records of Montgomery County, Clarksville, Tennessee.

EXCESS AREA:  
ALL OF TRACT 10M-8 AND A  
PORTION OF TRACTS 10M-10B, 10M-11,  
10M-12, 10M-15, 10M-16, 10M-17,  
10M-19, AND 10M-20

FORT CAMPBELL  
MILITARY RESERVATION  
MONTGOMERY COUNTY, TN

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LAND DESCRIPTION (cont'd)

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10M-20: By deed from Tennessee Farm Corporation, dated and recorded 17 March 1942, recorded in Deed Book 89, Page 14 in the records of Montgomery County, Clarksville, Tennessee.

01 September 2005, JEM

TRACT NO. 2700

**Exhibit B**

FORT CAMPBELL  
MILITARY RESERVATION  
TRIGG COUNTY, KY  
STEWART COUNTY, TN

LAND DESCRIPTION

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Situate in the Commonwealth of Kentucky, County of Trigg, and a portion lying in the State of Tennessee, County of Stewart, approximately 3.3 miles north-northeast of Bumpus Mills, Tennessee, and being more particularly described as follows:

Beginning at an iron pin on the east right-of-way line of Kentucky Highway 139 (60' R.O.W.), approximately 800 feet north of the intersection of South Road, said point being on the common boundary of lands now or formerly owned by Pamela H. Allison (Deed Book 178, Page 569); thence with said common boundary the following eighteen (18) courses:

South 05 degrees 52 minutes 29 seconds West 111.96 feet

South 18 degrees 35 minutes 08 seconds East 119.76 feet

North 83 degrees 42 minutes 46 seconds East 32.44 feet

South 19 degrees 41 minutes 08 seconds East 217.04 feet to a point in the center of Scotts Branch; thence with said branch

North 50 degrees 46 minutes 21 seconds East 284.64 feet

North 52 degrees 50 minutes 53 seconds East 236.77 feet

North 67 degrees 41 minutes 55 seconds East 52.75 feet

North 88 degrees 01 minutes 52 seconds East 45.55 feet

North 46 degrees 16 minutes 39 seconds East 84.52 feet; thence leaving said branch

South 55 degrees 17 minutes 22 seconds East 124.53 feet (passing an iron pin at 38.65 feet) to an iron pin

North 86 degrees 21 minutes 26 seconds East 179.97 feet to an iron pin

South 77 degrees 37 minutes 07 seconds East 521.50 feet to an iron pin

South 76 degrees 50 minutes 18 seconds East 505.42 feet to an iron pin

South 61 degrees 28 minutes 59 seconds East 103.40 feet to an iron pin

TRACT NO. 2700

FORT CAMPBELL  
MILITARY RESERVATION  
TRIGG COUNTY, KY  
STEWART COUNTY, TN

LAND DESCRIPTION (Cont'd)

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South 45 degrees 59 minutes 41 seconds East 206.85 feet to an iron pin

South 33 degrees 57 minutes 51 seconds East 282.60 feet to an iron pin

South 47 degrees 58 minutes 17 seconds East 49.63 feet to an iron pin; thence

North 04 degrees 51 minutes 44 seconds East 1,250.49 feet to a point on the common boundary of lands now or formerly owned by Rebecca Howell Dulley (Deed Book 178, Page 577); thence with said common boundary

North 04 degrees 51 minutes 44 seconds East 1,390.45 feet to an iron pin on the common boundary of lands now or formerly owned by Frank Gibbs (Deed Book 140, Page 67); thence with said common boundary the following eight (8) courses:

North 88 degrees 17 minutes 40 seconds East 128.92 feet to an iron pin

South 89 degrees 32 minutes 32 seconds East 340.00 feet to an iron pin

North 88 degrees 58 minutes 28 seconds East 144.50 feet to an iron pin

South 71 degrees 47 minutes 32 seconds East 126.50 feet to an iron pin

South 75 degrees 07 minutes 32 seconds East 248.90 feet to an iron pin

South 72 degrees 56 minutes 25 seconds East 229.87 feet to an iron pin

North 15 degrees 29 minutes 13 seconds East 134.99 feet to an iron pin

South 71 degrees 37 minutes 59 seconds East 277.90 feet to a concrete monument on the common boundary of lands of the United States of America (Fort Campbell Military Reservation); thence with said common boundary

TRACT NO. 2700

FORT CAMPBELL  
MILITARY RESERVATION  
TRIGG COUNTY, KY  
STEWART COUNTY, TN

LAND DESCRIPTION (Cont'd)

---

South 71 degrees 41 minutes 39 seconds East 892.31 feet to a concrete monument on the common boundary of lands now or formerly owned by the Pugh Flatt Church; thence with said common boundary the following three (3) courses:

South 72 degrees 50 minutes 08 seconds East 169.41 feet to a 24-inch oak

South 75 degrees 41 minutes 31 seconds East 487.51 feet to a ½-inch iron pin with cap stamped "1837", hereinafter referred to as "iron pin with cap"

North 16 degrees 47 minutes 45 seconds East 28.84 feet to a concrete monument on said common boundary of the United States of America; thence with said common boundary the following twelve (12) courses:

South 70 degrees 02 minutes 37 seconds East 609.49 feet to a concrete monument

South 19 degrees 01 minutes 05 seconds West 542.12 feet to a concrete monument

South 42 degrees 25 minutes 22 seconds East 498.65 feet to a concrete monument

South 02 degrees 47 minutes 30 seconds West 616.35 feet to a concrete monument

South 40 degrees 11 minutes 06 seconds West 1,350.31 feet to an "iron pin"

South 12 degrees 18 minutes 31 seconds West 218.23 feet to a concrete monument

South 01 degrees 51 minutes 21 seconds West 2,614.68 feet to a concrete monument

South 16 degrees 33 minutes 30 seconds East 561.00 feet to a concrete monument

South 87 degrees 55 minutes 05 seconds West 177.54 feet to a concrete monument

South 37 degrees 21 minutes 54 seconds East 1,673.35 feet, more or less, to a concrete monument on the Kentucky-Tennessee State Line

TRACT NO. 2700

FORT CAMPBELL  
MILITARY RESERVATION  
TRIGG COUNTY, KY  
STEWART COUNTY, TN

LAND DESCRIPTION (Cont'd)

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South 25 degrees 54 minutes 20 seconds East 162.42 feet to an "iron pin with cap"

South 72 degrees 26 minutes 37 seconds West 1,039.30 feet to a concrete monument on the common boundary of lands now or formerly owned by James & Deanna Turner (Deed Book 294, Page 189); thence with said common boundary the following four (4) courses:

South 81 degrees 10 minutes 21 seconds West 203.88 feet to an 18-inch oak

North 30 degrees 11 minutes 57 seconds West 384.82 feet to a metal fence post

North 59 degrees 16 minutes 13 seconds West 285.60 feet to an 18-inch walnut

South 88 degrees 23 minutes 30 seconds West 673.84 feet to an iron pipe on the common boundary of lands now or formerly owned by Clara Scott Turner (Deed Book 276, Page 628); thence with said common boundary

South 88 degrees 45 minutes 07 seconds West 1,336.23 feet to a metal fence post on the common boundary of lands now or formerly owned by Elizabeth G. Mathis (Deed Book 191, Page 658); thence with said common boundary

North 06 degrees 22 minutes 15 seconds East 814.21 feet to an axle

North 06 degrees 31 minutes 13 seconds East 679.54 feet to a metal fence post on the common boundary to lands now or formerly owned by R.R. Gillum (Deed Book 60, Page 293); thence with said common boundary

North 01 degrees 08 minutes 09 seconds West 1,611.23 feet

North 81 degrees 46 minutes 26 seconds West 776.74 feet to an "iron pin with cap" on the common boundary to lands now or formerly owned by Thomas Brown (Deed Book 178, Page 460); thence with said common boundary the following three (3) courses:

North 08 degrees 40 minutes 40 seconds West 49.50 feet to an "iron pin with cap"

TRACT NO. 2700

FORT CAMPBELL  
MILITARY RESERVATION  
TRIGG COUNTY, KY  
STEWART COUNTY, TN

LAND DESCRIPTION (Cont'd)

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North 81 degrees 40 minutes 40 seconds West 387.75 feet to an "iron pin with cap"

North 00 degrees 24 minutes 27 seconds West 607.41 feet, more or less, to a point on the common boundary of lands now or formerly owned by William Wallace (Deed Book 83, Page 218); thence with said common boundary

North 00 degrees 24 minutes 27 seconds West 607.40 feet, more or less, to an "iron pin with cap"; thence continuing with said common boundary

North 81 degrees 48 minutes 51 seconds West 2,143.65 feet, more or less, to an "iron pin with cap" on the common boundary of lands now or formerly owned by Charles Hunter (Deed Book 66, Page 81); thence with said common boundary

North 81 degrees 48 minutes 51 seconds West 269.80 feet, more or less to an "iron pin with cap" in the center of a branch on said east right-of-way line of Kentucky Highway 139; thence with said east right-of-way line

North 27 degrees 05 minutes 52 seconds East 1,475.04 feet to the Point of Beginning, containing 667.20 acres, more or less, of which 656.53 acres lie in Kentucky and 10.67 acres lie in Tennessee, more or less.

25 January 2006, JEM

TRACT NO. 2700

FORT CAMPBELL

OWNER: MONTGOMERY COUNTY, TENNESSEE

MILITARY RESERVATION  
TRIGG COUNTY, KY  
STEWART COUNTY, TN

LAND DESCRIPTION (Cont'd)

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It being the intent of the foregoing description to include all of the same lands as that described in a deed from Neil Griffy to Montgomery County, Tennessee, a political subdivision of the State of Tennessee, dated 01 June 2002, recorded in Deed Book 209, Page 83, and all of the same lands as that described in a deed from Neil Griffy to Montgomery County, Tennessee, a political subdivision of the State of Tennessee, dated 30 August 2002, recorded in Deed Book 209, Page 91, all in the records of Trigg County, Cadiz, Kentucky.

25 January 2006, JEM



**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS  
AMENDING MONTGOMERY COUNTY PERSONNEL POLICY HANDBOOK  
(AS ADOPTED NOVEMBER 1, 2007)**

**WHEREAS**, the current Montgomery County Personnel Policy Handbook was last revised in 1997, and was in need of revision; and

**WHEREAS**, the Montgomery County Personnel Policy Handbook has been revised by the Director of Human Resources, opened to Department Heads, Elected Officials and the Commission for comments, and reviewed by the Personnel Advisory Committee; and

**WHEREAS**, the opportunity for comments, suggestions, etc. has closed; and

**WHEREAS**, comments and/or suggestions have been duly noted and applied to the revisions as appropriate; and

**WHEREAS**, the revision in this final form is being presented to the Commission for adoption.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14th day of January, 2008, that the revised edition of the Montgomery County Personnel Policy Handbook be accepted and ratified.

**Duly passed and approved this 14th day of January, 2008.**

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Clerk

**RESOLUTION TO AMEND THE BUDGETS OF VARIOUS FUNDS, DEPARTMENTS, AND ACCOUNTS FOR SECOND QUARTER FISCAL YEAR 2007-2008**

**WHEREAS**, the Director of Accounts and Budgets has performed continuing reviews of the status of current and planned expenditures, and the receipts of revenues anticipated in support of the various budgets; and

**WHEREAS**, the County Commission desires to appropriate funding to these expenditure accounts from various sources including revenues, designated fund balances, and/or other sources within the funds in which those accounts operate.

**NOW, THEREFORE BE IT RESOLVED**, by the Montgomery County Board of Commissioners assembled in regular business session this the 14th day of January 2008, that the budgets for the various funds for Fiscal Year 2008 be amended as to revenues, expenditures, and appropriation of fund balances according to the schedule in Attachment A.

Sponsor: \_\_\_\_\_

Commissioner: \_\_\_\_\_

Approved: \_\_\_\_\_

Attested: \_\_\_\_\_

Department	Account	Type	Amount	Effect on Fund Balance
Veterans Transport	56901-44570	Revenue	\$ 22,282.00	\$ 22,282.00
Veterans Transport	56901-57180	Expenditure	\$ 22,282.00	\$ (22,828.00)
Adult Probation	53910-48610	Revenue	\$ 750.00	\$ 750.00
Adult Probation	53910-54990	Expenditure	\$ 750.00	\$ (750.00)
Circuit Court	53100-51060	Expenditure	\$ 32,165.75	\$ (32,165.75)
Circuit Court	53100-57090	Expenditure	\$ 11,500.00	\$ (11,500.00)
GIS	51760-44170	Revenue	\$ 2,000.00	\$ 2,000.00
Trustee	52400-40140	Revenue	\$ 117,861.00	\$ (117,861.00)
County General	00000-40140	Revenue	\$ 117,861.00	\$ 117,861.00
E911	51903-53100	Expenditure	\$ 6,108.43	\$ (6,108.43)
Day Treatment Grant	53902-46110-05233	Revenue	\$ 562,776.00	\$ 562,776.00
At-Risk Grant	54240-46110-05234	Revenue	\$ 562,776.00	\$ (562,776.00)
Day Treatment Grant	53902-53120-05233	Expenditure	\$ 562,776.00	\$ (562,776.00)
Day Treatment Grant	53902-53120	Expenditure	\$ 562,776.00	\$ 562,776.00
Human Resources	51310-	Expenditure	\$ 57,999.00	\$ 57,999.00
<b>Total County General</b>				<b>\$ 9,678.82</b>
OJI	266-51920	Expenditure	\$ 57,999.00	\$ (57,999.00)
<b>Total OJI</b>				<b>\$ (57,999.00)</b>
Highway Capital	131-68000-57050	Expenditure	\$ 50,000.00	\$ (50,000.00)
Highway Capital	131-68000-57070	Expenditure	\$ 32,500.00	\$ (32,500.00)
Highway Capital	131-68000-57080	Expenditure	\$ 1,000.00	\$ (1,000.00)
Highway Capital	131-68000-57090	Expenditure	\$ 1,500.00	\$ (1,500.00)
Highway Capital	131-68000-57110	Expenditure	\$ 1,000.00	\$ (1,000.00)
Highway Capital	131-68000-57120	Expenditure	\$ 2,000.00	\$ (2,000.00)
Highway Capital	131-68000-57190	Expenditure	\$ 1,000.00	\$ (1,000.00)
Highway Capital	131-68000-57230	Expenditure	\$ 10,000.00	\$ (10,000.00)
Highway Capital	131-68000-57900	Expenditure	\$ 5,000.00	\$ (5,000.00)
<b>Total Highway</b>				<b>\$ (104,000.00)</b>
Debt Service	151-44990	Revenue	\$ 112.00	\$ 112.00
Debt Service	151-49800-00076	Revenue	\$ 408,356.00	\$ 408,356.00
<b>Total Debt Service</b>				<b>\$ 408,468.00</b>

**Reason**

Accept funds to purchase van  
Expend funds received on van  
Accept donation to Drug Court  
Expend donation for Drug Court students  
Timing of turnover affected calculations at budget process  
Omitted at budget process  
Accept funds from surrounding counties to share GIS expenditure  
Funds budgeted in incorrect major category  
Funds budgeted in incorrect major category  
Dispatch contract with E911  
Funds budgeted in incorrect major category  
Funds budgeted in incorrect major category  
Funds budgeted in incorrect major category  
Funds budgeted in incorrect major category  
Funds budgeted in incorrect Fund/Department

Funds budgeted in incorrect Fund/Department

Omitted at budget process  
Omitted at budget process  
Omitted at budget process  
Omitted at budget process  
Omitted at budget process  
Omitted at budget process  
Omitted at budget process  
Omitted at budget process  
Omitted at budget process

Omitted at budget process

Omitted at budget process

**RESOLUTION TO APPROPRIATE FUNDS FOR RENOVATIONS TO  
ST. BETHLEHEM LITTLE LEAGUE BASEBALL PARK**

**WHEREAS**, the St. Bethlehem Little League ball park is being developed into a four field complex system referred to as a “quad”; and

**WHEREAS**, necessary funds are required to provide safe and approved seating and lighting for two ball fields; and

**WHEREAS**, a sewer connection and handicap accessible bathrooms must be developed for the park; and

**WHEREAS**, the Montgomery County Commission previously appropriated \$75,000.00 for the purchase of land in the Montgomery Central area for a little league baseball park, however, it has been determined that the land is inappropriate for the purpose of a ball park.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 14<sup>th</sup> day of January, 2008, that \$75,000.00 be reappropriated for the purpose of renovating the St. Bethlehem ball park in order to have it ready for the 2008 season to begin.

**Duly passed and approved this 14<sup>th</sup> day of January, 2008.**

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Clerk